

# BARZANÒ & ZANARDO

## STUDIO LEGALE

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**Subject: Oxeon/Angeloni - TeXtreme® Newsletter #4 2016**

Esteemed Sirs,

We are writing on behalf of G. Angeloni S.r.l. (“Angeloni”), We are an IP Law Firm specialised on the trademark and patents protection, and, with reference to the issue at object we would like to deliver the following clarifications.

Back in 2011, there has been a judicial proceeding between Oxeon and G. Angeloni S.r.l. (“Angeloni”); the said trial involved only some products manufactured and sold by Angeloni at that time and, namely, only those distinguished by the following codes:

DYNANOTEX DYF 25-160 T ALU, DYF 25-160 P, DYF 25- 160 P ALU, DYF 25-160 T, DYF 15-160 P e DYF 15-160 T

In particular, Oxeon being licensee of the German portion of the European Patent EP1838909 enforced its patent right which is directed to a woven material (and not to a weaving process) identified as follows:

*“A woven material comprising tape-like warps and wefts, wherein at least one warp and/or weft tape is a partially stabilized fibrous tape where the fibers are discontinuously connected by a binding agent in such a way that only some fibers across the tape width are held while leaving some others free, wherein the partially stabilized fibrous tape is partially stabilized before being woven”.*

In other words, Oxeon alleged that the fabrics used and made by Angeloni in the above mentioned products were reproducing their patented woven material and therefore these products were in violation of Oxeon patent rights.

In light of the foregoing we would like to clarify that:

- i. the items that Angeloni will manufacture and commercialize in the future **will not be made of any material/fabric that could anyhow infringe Oxeon patent EP 1 838 909 B1;**
- ii. the judgment to which Oxeon referred in their last communication **has been issued in a trial that took place in Germany** and it only took into account the German portion of the European Patent EP1838909; therefore the Judgment is binding and can be enforced **only within the German territory;**
- iii. the Judgment exclusively refers **to a very limited numbers of G. Angeloni woven products,** exclusively the ones identified above, these products belonging all to the group of dry fabrics;
- iv. the Judgment found that such products were infringing Oxeon’s patent rights because they were made up of “partially stabilized” tape-like warps and wefts, wherein “partially stabilized” means that they had a binding agent (*i.e.* the scrim filaments) slanted with respect to the tape length so that, along the tape width, *i.e.* along a 90° oriented direction with respect to the tape length, only some fibers were held by the binding agent while some others were not held and thus “free”;

v. from the ruling of the Court it comes that a fibrous tape having a binding filament oriented at 90° with respect to the tape length cannot be considered to be “partially stabilized” and therefore cannot infringe the patent EP1838909, this is the case of the 0°-90° scrim that is used in the new G. Angeloni products line.

Hope to have clarified Angeloni’s position,

We remain at disposal for any further information.

Kind Regards

BARZANÒ & ZANARDO