

EXHIBIT N

Court

District Court of Zutphen

Date

5 January 1988

Justices

Van Rookhuijsen

Case number

[1988-01-05/NJ_64152]

National Case-Law Number (LJN)

AB8996

Juriconnect Doctrine Identifier (JCDI)

JCDI:ADS144769:1

Field(s) of law

Unknown (V)

Intellectual property law / General

Law of civil procedure (V)

Source documents

ECLI:NL:RBZUT:1988:AB8996, Judgement, District Court of Zutphen, 05/01/1988

Applicable legal provision

Section 191 of the Dutch Code of Civil Procedure (old)

Essence

Can a patent attorney request to be excused from giving evidence as a witness? In this case, no.

Summary

The patent attorney/witness cannot derive a lawyer-client privilege from Article 8 of the Patent Attorney Regulations (Octrooigemachtigen-Reglement) 1936, Bulletin of Acts and Decrees 642, as the case at issue (which deals with the question whether a licence agreement was concluded between the parties) does not relate to knowledge obtained in their specific capacity as patent attorney.

Nor can the patent attorney/witness derive a lawyer-client privilege from the Rules of Conduct for patent attorneys. If the patent attorney operates outside the scope of their specific duties — rendering assistance in patent applications — it can definitely not be upheld that the performance of their duties with regard to ancillary activities, such as the ones at issue here, involves a public interest to the effect that they are entitled to confidentiality - also vis-a-vis the court - which outweighs the compelling interest of fact-finding in court.

Party or Parties:

D.J. Bruil, in Doetinchem, the Netherlands, applicant, local counsel F.H.J.G. Jurrius LLM, lawyer J.R. Dam LLM in Doetinchem, versus

Tital International BV, in Haaksbergen, the Netherlands, defendant, failed to appear.

Judgement

D.J. Bruil, in Doetinchem, the Netherlands, applicant, local counsel F.H.J.G. Jurrius LLM, lawyer J.R. Dam LLM in Doetinchem, versus:

Tital International BV, in Haaksbergen, the Netherlands, defendant, failed to appear.

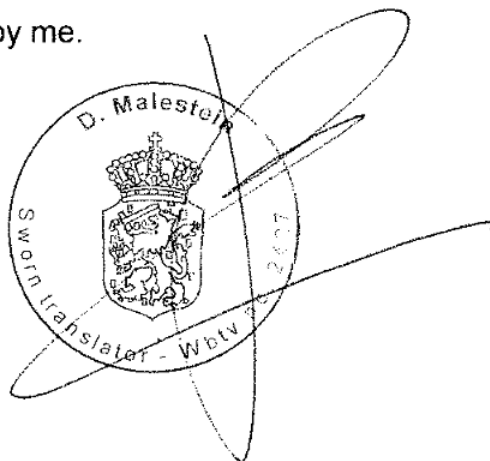
Link: <http://deeplinking.kluwer.nl/?param=0019D960&cpid=WKNL-LTR-Nav2>

Page 2/2

All rights and copyrights on this document are vested in Wolters Kluwer Nederland B.V. or its licensors and are explicitly reserved. This document was generated on 04/06/2021. For more information about the services of Wolters Kluwer, go to www.wolterskluwer.nl

8 June 2021

I, D. Malestein, sworn translator for the English and Dutch languages, sworn in at the District Court of Utrecht, the Netherlands, do solemnly and sincerely declare that the Dutch document attached is the original document submitted to me for translation and that the English document attached is a full, true and faithful translation of this Dutch document made by me.



D. Huigen-Malestein
Wbtv¹ number: 2427
Willemarslaan 12
3772 NN Barneveld
The Netherlands

¹ Abbreviation for Sworn Interpreters and Translators Act

Instantie

Rechtbank Zutphen

Datum

5 januari 1988

Magistraten

Van Rookhuijsen

Zaaknummer

[1988-01-05/NJ_64152]

LJN

AB8996

JCDI

JCDI:ADS144769:1

Vakgebied(en)

Onbekend (V)

Intellectuele-eigendomsrecht / Algemeen

Burgerlijk procesrecht (V)

Brondocumenten

ECLI:NL:RBZUT:1988:AB8996, Uitspraak, Rechtbank Zutphen, 05-01-1988

Wetgeving

Rv (oud) art. 191

Essentie

Kan octrooigemachtigde zich als getuige verschonen? I.c. neen.

Samenvatting

Aan art. 8 Octrooigemachtigen-Reglement 1936, Stb. 642, kan de octrooigemachtigde/getuige geen recht van verschoning ontlenen, aangezien het i.c. (vraag of er al dan niet tussen partijen een licentieovereenkomst tot stand is gekomen) niet gaat om wetenschap verkregen in zijn specifieke hoedanigheid van octrooigemachtigde.

De octrooigemachtigde/getuige kan evenmin een recht tot verschoning ontlenen aan de Gedragsregels voor de octrooigemachtigden. Daar waar de octrooigemachtigde treedt buiten de kring van zijn specifieke werkzaamheden — het verlenen van bijstand bij de octrooiaanvraag — kan zeker niet worden gezegd dat met de uitoefening van zijn taak ten aanzien van nevenwerkzaamheden als de onderhavige een zodanig maatschappelijk belang dat geheimhouding — ook tegenover de rechter — meebrengt, is gemoeid, dat daarvoor moet wijken het zwaarwegend belang dat in rechte de waarheid aan het licht komt.

Partij(en)

D.J. Bruil, te Doetinchem, verzoeker, proc. Mr. F.H.J.G. Jurrius, adv. Mr. J.R. Dam te Doetinchem, tegen

Tital International BV, te Haaksbergen, verweerster, niet verschenen.

Uitspraak

D.J. Bruil, te Doetinchem, verzoeker, proc. Mr. F.H.J.G. Jurrius, adv. Mr. J.R. Dam te Doetinchem, tegen:

Tital International BV, te Haaksbergen, verweerster, niet verschenen.

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.