
From: Ingve Stjerna
Sent: Monday, 12 May 2014 20:24
To: Stefan Walz; Johannes Karcher
Cc: Winfried Tilmann
Subject: RE: Your article in the "European Intellectual Property Review"

Dear Mr Walz,

Thank you very much for your subtle answer. An Amicus Curiae Letter would supposedly not be a "published comment" in that sense.

Would you allow me to make your answer public?

With kind regards
Ingve Stjerna

-----Original message-----

From: Stefan Walz
Sent: Monday, 12 May 2014 11:28
To: Ingve Stjerna; Johannes Karcher
Cc: Winfried Tilmann
Subject: RE: Your article in the "European Intellectual Property Review"

Dear Mr Stjerna,

Thank you for your message. As to your questions: Writs of summons in proceedings at the CJEU are not publicly accessible. During the proceedings, the Court itself only publishes a summary in the Official Journal, not the complete writ of summons. The BMJ did not provide the Spanish writ of summons from proceedings C-146/13 to Prof. Tilmann for the purpose of a published comment.

With kind regards
S. Walz

Dr. Stefan Walz
Ministerialrat
Head of the Department Patent Law
Federal Ministry of Justice and Consumer Protection
11015 Berlin
Tel. [REDACTED]
Fax: [REDACTED]

From: Winfried Tilmann
Sent: Thursday, 8 May 2014 11:33
To: Ingve Stjerna; Stefan Walz; Johannes Karcher
Subject: RE: Your article in the "European Intellectual Property Review"

"for this purpose" relates to a purpose chosen by me.
WT

Prof. Dr. Winfried Tilmann

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From: Ingve Stjerna
Sent: Thursday, 8 May 2014 11:32
To: Winfried Tilmann; Stefan Walz; Johannes Karcher
Subject: RE: Your article in the "European Intellectual Property Review"

Many thanks, Mr Tilmann.

If the situation is as you describe I do not understand the statement in your message of 9 February "My essay is a contribution to the proceedings. (...) I ask it to be understood that I cannot pass on the documents which were given to me confidentially for this purpose." According to my understanding, "this purpose" is the contribution to the proceedings respectively the amicus curiae letter prepared for this purpose, accordingly the documents would have been provided to you to this end.

As indicated in my e-mail of 8 February already, likewise I cannot understand the public analysis of these documents, if they have been given to you, as you say, on a confidential basis.

I would very much appreciate it, if the Gentlemen of the BMJ could comment on this matter.

With kind regards
Ingve Stjerna

From: Winfried Tilmann
Sent: Thursday, 8 May 2014 10:15
To: Ingve Stjerna; Stefan Walz; Johannes Karcher
Subject: RE: Your article in the "European Intellectual Property Review"

This message is based on a misunderstanding. The documents have been forwarded to me confidentially for information, not for the purpose of me commenting these. This was my decision alone.
WT

Prof. Dr. Winfried Tilmann

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From: Ingve Stjerna
Sent: Thursday, 8 May 2014 09:16
To: Stefan Walz; Johannes Karcher
Cc: Winfried Tilmann
Subject: RE: Your article in the "European Intellectual Property Review"

Dear Mr Walz,
Dear Mr Karcher,

I contact you with regard to your responsibility in relation to the subject "unitary patent" in the BMJ.

Some weeks ago, I had the below e-mail correspondence with Prof. Tilmann in relation to his article "Spain's action against the EU patent package - arguments and counter-arguments in case C-146/13", published in European Intellectual Property Review 2014, S. 4 ff. If I understand Prof. Tilmann correctly, the writ of summons from proceedings C-146/13 was given to him for the purpose of comment.

Is this correct?

With kind regards
Ingve Stjerna

From: Winfried Tilmann
Sent: Sunday, 9 February 2014 11:02
To: Ingve Stjerna
Subject: RE: Your article in the "European Intellectual Property Review"

It appears that I have annoyed you. I would be sorry about this. The answer was very short, because I was in a hurry, but wanted to reply to you quickly. My essay is a contribution to the proceedings. The CJEU does no longer accept amicus curiae letters. An earlier one in a different matter was returned by them. I ask it to be understood that I cannot pass on the documents which were given to me confidentially for this purpose.

Best regards
WT

Prof. Dr. Winfried Tilmann
Of-Counsel

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From: Ingve Stjerna
Sent: Saturday, 8 February 2014 13:47
To: Winfried Tilmann
Subject: RE: Your article in the "European Intellectual Property Review"

Dear Prof. Tilmann,

Thank you very much for your message.

In order to avoid any misunderstanding, please allow me the following clarification: My enquiry did not have the purpose to obtain from you the Spanish writ of summons. I merely wanted to know whether my impression is correct that the numerous references in your said article do relate to this writ of summons and whether this writ of summons is – contrary to my present knowledge – publicly available. If I understand you correctly, your references do indeed relate to the Spanish writ of summons which is not available to the public.

However, it is rather surprising that you carry out in a public article a detailed material analysis on this writ which – as you say – was given to you on a confidential basis. The fact that all this takes place during ongoing proceedings seems to be unprecedented and, to some extent, leaves me speechless.

With kind regards
Ingve Stjerna

From: Winfried Tilmann
Sent: Saturday, 8 February 2014 11:30
To: Ingve Stjerna
Subject: RE: Your article in the "European Intellectual Property Review"

The submissions have been given to me only confidentially. Ask the BMJ.
Best regards
Tilmann

Prof. Dr. Winfried Tilmann

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From: Ingve Stjerna
Sent: Thursday, 6 February 2014 12:47
To: Winfried Tilmann
Subject: Your article in the "European Intellectual Property Review"

Dear Prof. Tilmann,

I have read with interest your article "Spain's action against the EU patent package - arguments and counter-arguments in case C-146/ 13" in the European Intellectual Property Review (EIPR 2014, 4).

Is my understanding correct that the numerous references in your article (e. g. "No. 20", "Nos 30-40" or "Nos 41 ff.") relate to paragraphs of the Spanish writ of summons in the matter C-146/13? If so, is this writ of summons available to the public? For the reader, knowing the contents of the referenced paragraphs would certainly facilitate understanding your article.

I would be very grateful for brief feedback.

With kind regards
Ingve Stjerna