

ENGLISH TRANSLATION OF THE ORIGINAL GERMAN CORRESPONDENCE

From: Ingve Stjerna <post@stjerna.de>  
Sent: Monday, 12 May 2014 20:24  
To: Walz, Stefan; Karcher, Johannes  
Cc: Tilmann, Winfried  
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: Walz, Stefan  
Sent: Monday, 12 May 2014 11:28  
To: post@stjerna.de; Karcher, Johannes  
Cc: Tilmann, Winfried  
Subject: RE: Your article in the "European Intellectual Property Review"

[REDACTED]

[REDACTED]

With kind regards  
S. Walz

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

From: Ingve Stjerna [mailto:post@stjerna.de]  
Sent: Thursday, 8 May 2014 09:16  
To: Walz, Stefan; Karcher, Johannes  
Cc: Tilmann, Winfried  
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:** Tilmann, Winfried  
**Sent:** Sunday, 9 February 2014 11:02  
**To:** Ingve Stjerna  
**Subject:** RE: Your article in the "European Intellectual Property Review"



Best regards  
WT

Prof. Dr. Winfried Tilmann  
Of-Counsel

Hogan Lovells International LLP  
Kennedydamm 24, 40476 Düsseldorf

Tel: [REDACTED]  
Direct: [REDACTED]  
Fax: [REDACTED]  
Email: [REDACTED]  
www.hoganlovells.com

**From:** Ingve Stjerna [mailto:post@stjerna.de]  
**Sent:** Saturday, 8 February 2014 13:47  
**To:** Tilmann, Winfried  
**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:** Tilmann, Winfried

**Sent:** Saturday, 8 February 2014 11:30

**To:** Ingve Stjerna

**Subject:** RE: Your article in the "European Intellectual Property Review"

Best regards  
Tilmann

Prof. Dr. Winfried Tilmann  
Of-Counsel

Hogan Lovells International LLP  
Kennedydamm 24, 40476 Düsseldorf

Tel: [REDACTED]  
Direct: [REDACTED]  
Fax: [REDACTED]  
Email: [REDACTED]  
www.hoganlovells.com

**From:** Ingve Stjerna [mailto:post@stjerna.de]

**Sent:** Thursday, 6 February 2014 12:47

**To:** Tilmann, Winfried

**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

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