



## Colfax claims partial victory in European patent infringement lawsuit

**Richmond, Virginia, March 23, 2006** - On February 23, 2006, the Dutch Court of Appeals in The Hague, at the request of Dutch pump manufacturer Houttuin BV, a Colfax company, and Dutch company Rosscor International BV, has nullified all claims of German pump manufacturer Bornemann's European patent regarding a process to operate a multiphase screw spindle pump. This ruling overturned the July, 2003 decision of the District Court that Houttuin and Rosscor had indirectly/contributory infringed these process patent claims. According to the Court of Appeals, these process patent claims lack both the required "novelty and inventive step" over the prior art designs.

In addition, the claims of the Bornemann patent that cover the pump itself were upheld by the court of appeal. However, the court added that compared to what was already known in the prior art, the patent does *not* contain a "pioneers-invention", as had been alleged by Bornemann.

Even though this ruling reverses the process patent infringement claims against Houttuin and Rosscor, neither company agrees with the decision regarding validity of the product patent claims and infringement. "We respect the value of technology innovation and patent protection. However, in our opinion, the court of appeals did not correctly interpret the arguments and evidence that we put forward. We believe that prior art existed and therefore, these patents are invalid. We will take our appeal to the Dutch Supreme Court and expect to be fully vindicated," said Mario DiDomenico, Vice President and GM Colfax Corporation.

Current and future Houttuin and Rosscor customers can be confident that these decisions will have no impact on their business. Immediately after the District Court's decision in 2003, Houttuin and Rosscor changed their pump system design. Additionally, all Houttuin multiphase pump systems that were in operation at that time of the 2003 ruling were field retrofitted to incorporate these design changes.

With more than 80 successful installations and thousands of hours of operation, the Houttuin multiphase pump has proven its reliability in oil field operations around the world.

### **About Colfax Corporation**

Colfax Corporation is a world leader in the manufacture of fluid handling products including positive displacement industrial pumps and valves used in oil & gas, power generation, and marine applications. Colfax product brands include IMO, Allweiler, Warren, Houttuin, Tuschaco, Portland Valve, and Zenith. [www.Colfaxcorp.com](http://www.Colfaxcorp.com)

### **About Houttuin**

Houttuin, a Colfax company, is a Dutch manufacturer of two screw fluid handling pumps used in industrial applications around the world. [www.houttuin.nl](http://www.houttuin.nl)

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