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NESTLÉ* LOSES MONOPOLY ON NESCAFÉ DOLCE GUSTO* CAPSULES

The Portuguese Intellectual Property Court has rejected an injunction brought by Nestlé to prevent Bicafé from producing and marketing a capsule compatible with the system Nescafé Dolce Gusto*.*

PORTO, PORTUGAL – The Portuguese Intellectual Property Court has rejected an injunction brought by Société des Produits Nestlé, S.A. (Nestlé)* to prevent Bicafé – Torrefacção e Comércio de Café, Lda (Bicafé) from producing and marketing coffee capsules compatible with the beverage extraction system marketed under the brand name Nescafé Dolce Gusto* (the Nescafé Dolce Gusto system).

Nestlé* claimed that the capsule compatible with the Nescafé Dolce Gusto* system developed, produced and marketed by Bicafé infringed intellectual property rights arising from a patent that it holds and also that Bicafé was marketing the capsule in violation of the honest trade practices and thus acting in unfair competition.

After the trial **the Portuguese Intellectual Property Court concluded that the capsule compatible with the Nescafé Dolce Gusto* system developed, produced and marketed by Bicafé incorporates an innovative technical solution that does not infringe the exclusive rights claimed by Nestlé and decided that Bicafé is free to continue producing and marketing the capsule.**

As far as Bicafé knows, this is the first decision of a Court from European Union to recognize to a competitor of Nestlé* the right to produce and market a capsule compatible with the Nescafé Dolce Gusto* system, ending the monopoly promoted by Nestlé* and thus forcing it to face competition, as currently occurs in the market for capsules compatible with the Nespresso* system, also marketed by Nestlé*.

Throughout the legal proceeding Bicafé has been informed that Nestlé* was pressuring wholesalers and retailers, referring that the capsule developed, produced and marketed by Bicafé infringed intellectual property rights that it holds.

The Court has now clarified that Bicafé's capsule does not infringe any rights hold by Nestlé, being a competitive and lawful alternative to consumers.

* Brands belonging to a third party without any connection to Bicafé.

ABOUT BICAFÉ

Born from a family with connection to coffee, Bicafé has been producing coffee since 1974 and coffee capsules since 2008. Always faithful to the famous tradition of the Portuguese espresso coffee, the company has now branches in the United Kingdom, Spain, Morocco, Luxembourg and Brazil, exporting its products to more than 20 countries worldwide.

The core business of Bicafé is the espresso coffee in its various forms, including beans, ground, capsules or pods, always with the best attention to quality and respect to the long tradition of coffee in Portugal.

Bicafé is a specialist in the development of coffee capsules, currently offering five different types of capsules, compatible with its own system and with systems marketed by Nespresso*, Dolce Gusto*, Lavazza EP* and Delta Q*.

With an integrated vertical capacity, know-how and highly competitive prices, the company offers solutions to the various segments of the market, including HORECA, home and offices.

USEFULL IMAGES

BICAFÉ CAPSULES <http://docs.bicafe.pt:8084/media/images/Bicafe%20Dolce%20Gusto.png>

BICAFÉ LOGO <http://docs.bicafe.pt:8084/media/images/Bicafe%20Logo.tif>

BICAFÉ CAPSULES LOGO <http://docs.bicafe.pt:8084/media/images/Bicafe%20Logo%20white.png>

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