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Contact Person Andrea Dinspel
Our Ref. BY193P
Title tomologic software

Einschreiben/Registered letter
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IP infringement

Dear Sirs

With your documentation handed over to Bystronic Laser AG Mr. Alex Waser, CEO on April 8th 2016 and with the letter of Zacco of May 3rd 2016 to Bystronic Laser AG mentioning to represent your firm, you have claimed among others that our client Bystronic Laser AG would infringe your EP2485864B1 and other of your IP-rights.

We have asked you with our letter of 3rd May 2016 and our second letter of 24th May 2016 to provide detailed explanations.

Said letters have been received by you at least as an e-mail copy on 25th May 2016 and are attached herewith again.

You have not answered by now. For that reason, we have been entrusted by Bystronic Laser AG to carefully analyse your above mentioned EP-Patent EP2485864B1.

Our analyses covered in the first place your claim of infringement and in the second place also a validity analyse of your European Patent.

After careful considerations we come to the conclusion that you and Zacco err.

Your allegation of infringement is wrong and possibly based on a wrong understanding of what you have claimed and received as a

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granted patent under the European Patent Convention and other jurisdictions.

Bystronic Laser AG does not and has never infringed your European Patent. This holds at least for one reason namely that – after proper claims construction – your independent claims include one feature which cannot be found in our client's processes and products.

Since this is the only feature which eventually provides novelty to your claimed methods and systems we consider this feature as important.

As our client's processes and systems do not provide this feature, infringement can be excluded.

Regarding the validity of your European Patent we are certain that it is invalid under the law for various independent reasons. As you know, an invalid patent cannot be infringed also.

You are now invited for the last time to comment on our questions in our mentioned letters (copies enclosed) and this letter until 24th June 2016.

Further you are invited to clearly and expressly withdraw your claim of infringement against Bystronic Laser AG. You have to declare especially that our client's BySoft7 software does not infringe any of your granted IP rights.

Unless said comments and withdrawal and declaration reached our office on 24th June 2016, 17:00 CET we shall recommend to Bystronic Laser AG to take legal actions to get a confirmation of a competent court that your infringement claims are wrong.

Best regards

Patentbüro Paul Rosenich AG



Paul Rosenich, CQO

Head of legal department