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Marathon Patent Group Announces Preliminary Opinions From German Federal Patent Court Regarding Patent Validity in MedTech Development Deutschland GmbH's German Litigations

LOS ANGELES, CA -- (Marketwired) -- 03/03/15 -- ***Marathon Patent Group, Inc.*** (NASDAQ: MARA) ("Marathon"), a patent licensing company, announced today the Preliminary Opinions from the German Federal Patent Court in the nullity actions against its wholly-owned subsidiary MedTech Development Deutschland GmbH ("MTD").

MTD asserted EP 1 104 260 B2 ("EP '260") and EP 1 938 765 B1 ("EP '765") against Stryker GmbH & Co. KG ("Stryker") in Munich District Court. Two nullity actions were brought by Stryker in an attempt to invalidate EP '260 and EP '765. EP '260 is recorded at the German Patent and Trademark Office under the No. DE 699 33 037 T3, and comprises 16 claims, all of which are contested. EP '260 relates to the treatment of bone conditions in humans and other living organisms. EP '765 is recorded at the German Patent and Trademark Office under the No. DE 698 41 759.3. EP '765 relates to a system used to treat broken or diseased bone using elastic elements and includes 8 claims, all of which are contested.

With its first action for nullity, Stryker requested that EP '260 be declared null and void due to lack of patentability based on lack of novelty and lack of any inventive step (Art. 138 Par. 1 a European Patent Convention, Art. II Sec. 6 Par. 1 No. 1 Law on International Patent Conventions in conjunction with Art. 54, 56 EPC).

The German Federal Patent Court summarized its Preliminary Opinion regarding patentability of EP '260 as follows:

"At this time the Court sees the challenge according to Art. II Sec. 6 No. 1 Law on International Patent Conventions, claiming lack of patentability, as ***unlikely*** to succeed, since the current version of the patent in suit is already to be regarded as novel and not obvious to the person skilled in the art with regard to the method found in the prior art."

MTD had previously elected to enforce the Munich District Court's infringement judgment with respect to EP '260.

With its second action for nullity, Stryker requested that EP '765 be declared null and void due to lack of patentability based on lack of novelty and lack of any inventive step (Art. 138 Par. 1 a European Patent Convention, Art. II Sec. 6 Par. 1 No. 1 Law on International Patent Conventions in conjunction with Art. 54, 56 EPC).

The Court saw the challenge according to Art. II Sec. 6 No. 1 Law on International Patent Conventions, claiming lack of patentability, as likely to be successful.

MTD had previously elected not to enforce the Munich District Court's infringement judgment with respect to EP '765.

Stryker has until April 5, 2015, to file new arguments and new prior art regarding nullity of EP '260. MTD has until March 26, 2015, to file amended claims and observations in response to the EP '765 Preliminary Opinions, respectively. Oral proceedings for the EP '260 Nullity are set for June 18, 2015, in Munich. Oral proceedings for the EP '765 Nullity are set for July 21, 2015 in Munich.

About Marathon Patent Group:

Marathon is a patent acquisition and monetization company. The Company acquires patents from a wide-range of patent holders from individual inventors to Fortune 500 companies. Marathon's strategy of acquiring patents that cover a wide-range of subject matter allows the Company to achieve diversity within its patent asset portfolio. Marathon generates revenue with its diversified portfolio through actively managed concurrent patent rights enforcement campaigns. This approach is expected to result in a long-term, diversified revenue stream. To learn more about Marathon Patent Group, visit www.marathonpg.com.

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