

Jennewein accuses Nestlé of infant formula patent infringement

By Will Chu

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Jennewein Biotechnologie has filed a patent infringement suit against Nestlé concerning the unauthorised use of a human milk oligosaccharide (HMO) purification method for infant formula.



Jennewein, which filed the suit with the Mannheim regional courts last week, claims that Nestlé's infant formula brand Beba Supreme contains the HMOs 2'-Fucosyllactose (2'-FL) and Lacto-N-Neotetraose (LNnT) purified by the patent-protected process.

In addition, the German firm claims to have evidence that Nestle infant formulas marketed under different trade names also include the two HMOs produced by the purification method.

"As Nestlé offers its infant food containing human milk oligosaccharides not just in Germany, Jennewein currently investigates measures against the assumed infringement of its corresponding foreign patents by the manufacturing of products such as Illuma, SMA, NAN and Gerber Good Start," says Jennewein.

'Purity of at least 80 %'

The firm's patent attorney Dr Andreas Hübel explains that the exact process protected by the patents ([EP 2896628](#) and [EP 3131912](#)) is a method for the purification of neutral HMOs such as 2'-FL and LNnT from a fermentation broth.

"This process involves removal of biomass from the fermentation broth, subjecting the cell-free fermentation broth to ion exchange treatment, followed by electrodialysis and/or nanofiltration," he says.

"Pursuant to one of the patents, the process further involves spray-drying the HMO. The process leads to a preparation of a neutral HMO from the fermentation broth having a purity of at least 80 %."

"It is our understanding that Nestle uses said two neutral HMOs for the production of their HMO-containing infant formula, wherein said HMOs have been produced by a process that involves the purification scheme that is proprietary to Jennewein Biotechnologie," adds Dr Hübel.

Jennewein now request that Nestlé Nutrition and its holding company Nestlé Deutschland AG cease the use of the HMOs that infringe Jennewein's intellectual property rights.

Responding to the allegations, a spokesperson for Nestlé said that the company had not received any official notification on the matter and were therefore unable to comment.

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