

# EIP



## Nestec SA & Ors v Dualit Ltd & Ors: Poisonous Priority

Darren Smyth's latest [IPKat](#) post is about the recent case of Nestec SA & Ors v Dualit Ltd & Ors concerning Nespresso coffee makers and their coffee capsules.

The judgement's conclusions raised some interesting legal points, including the finding of invalidity of the priority claim, with the result that the patent lacked novelty over the Priority Document. This echoes the recently topical concept of the "Poisonous Divisional".