



Dr. rer. nat. Holger Tostmann

Dipl.-Chem.

Partner

German and European Patent Attorney

European Trademark and Design Attorney

European Patent Litigator (UPC)

Languages

German, English, French

Contact

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Technical Expertise

Green Technologies

Materials Science

Chemistry

Pharma



Legal Expertise

Patent and Utility Model Protection

Opposition and Appeal Proceedings

Patent Infringement and Nullity Proceedings

IP Contracts and Licenses

IP Due Diligence

Dr. Holger Tostmann has been a partner at Wallinger Ricker Schlotter Tostmann since 2008. Dr. Tostmann holds a doctorate in chemistry with a long career in the U.S. and has been admitted as a German Patent Attorney and as a European Patent Attorney since 2004 and 2005, respectively. Dr. Tostmann specializes in patent prosecution with an international focus as well as in opposition (appeal) proceedings, in which Dr. Tostmann has well above-average experience and success rates.

Career

since 2023

European Patent Litigator (UPC)

since 2008

Partner at Wallinger Ricker Schlotter Tostmann

1996–2001

Postdoctoral researcher at Harvard University in Cambridge (USA), followed by a position as a research scientist at the US research institution Argonne National Laboratory in Chicago on key technologies such as new materials, solid state physics, high throughput techniques, "soft condensed matter", polymers and polymer films, and biophysical chemistry.

Study

Chemistry studies at the Technical University of Karlsruhe with focus on physical chemistry and technical chemistry



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Legal Practice

Dr. Tostmann has been active in the field of intellectual property since 2001, initially in a renowned German patent and law firm, then as a Patent Attorney in an internationally-active U.S. law firm, and since 2008 as a partner at Wal-linger Ricker Schlotter Tostmann. Dr. Tostmann is admitted as representative at the UPC (European Patent Litigator (UPC)) since June 2023.

Dr. Tostmann's expertise in intellectual property law includes, in particular, attacking and defending granted patents in opposition proceedings (European Patent Office), also at the level of the Boards of Appeal. Furthermore, Dr. Tostmann regularly prepares opinions on intellectual property rights, such as validity analyses, freedom to operate opinions, legal opinions, infringement opinions, as well as "due diligence" opinions, also for IP rights with "cross-border" implications.

In particular, Dr. Tostmann regularly deals with all aspects of the "day-to-day" prosecution and maintenance of intellectual property rights (patents, utility models, designs), both in national (German Patent and Trademark Office) and in supranational proceedings (European Patent Office, WIPO). Dr. Tostmann also has extensive experience in proceedings before the U.S. Patent and Trademark Office (USPTO) and in U.S. related proceedings in general.

Dr. Tostmann provides overarching advice with regard to sensible patent portfolio management, which maps technical expertise and legal experience to the clients' business interests.

Dr. Tostmann is active in various AIPLA committees in the U.S., particularly in the areas of chemistry and biotechnology. He also regularly lectures on patent law topics at the annual conferences of the American Chemical Society.

Technical Background

Dr. Tostmann's technical expertise, based on a long research career, includes the following fields of chemistry, in particular physical, technical, and polymer chemistry, new materials, solid state physics, soft condensed matter, biophysical chemistry and medicinal agents ("small molecules").



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Memberships

- + Patent Attorneys Association (PAK)
- + Institute of Professional Representatives before the European Patent Office (epi)
- + International Federation of Intellectual Property Attorneys (FICPI)
- + American Intellectual Property Law Association (AIPLA)
- + Intellectual Property Owners Association (IPO)
- + American Chemical Society (ACS)
- + German Academic International Network (GAIN)



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References

- + Recommended by clients in particular for challenging patent proceedings as well as opposition (appeal) proceedings
- + Far above-average experience and success rates in opposition (appeal) proceedings before the EPO: more than 90% of the challenged patents were fully cancelled, more than 60% of the "own" patents were maintained to the commercially relevant extent for the client
- + Author of numerous scientific publications
- + Author of numerous articles in the field of patent law
- + Regularly invited speaker at international patent conferences

Publications

H. Tostmann, Protecting Chemistry Inventions: The Double-Edged Sword of Being an Unpredictable Art, *ACS Medicinal Chemistry Letters*, 6, 364-366 (2015)

H. Tostmann, A.J. Kropf, C.S. Johnson, J.T. Vaughey und M. Thackeray, In-Situ X-Ray Absorption Studies of Electrochemically Induced Phase Changes in Lithiated InSb, *Phys. Rev. B* 66, 14106 (2002)

T. Shibata, H. Tostmann, B. Bunker, A. Henglein und D. Meisel, XAFS Studies of Gold and Silver-Gold Nanoparticles in Aqueous Solution, *J. Synchr. Radiation* 8, 545 (2001)



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H. Tostmann, E. DiMasi, O.G. Shpyrko, P.S. Pershan, B.M. Ocko und M. Deutsch, Microscopic Structure of the Wetting Film at the Surface of Liquid Ga-Bi Alloys, Phys. Rev. Lett. 84, 4385 (2000)

H. Tostmann, E. DiMasi, P.S. Pershan, B.M. Ocko, O.G. Shpyrko und M. Deutsch, Surface Structure of Liquid Metals and the Effect of Capillary Waves: X-ray Studies on Liquid Indium, Phys. Rev. B 59, 783 (1999)

H. Tostmann, D. Nattland und W. Freyland, Wetting and Prewetting Transition in Metallic Fluid K-KCl Solutions Studied by Second Harmonic Generation, J. Chem. Phys. 104, 8777 (1996)

H. Tostmann und W. Freyland, Rapid Solidification of Microemulsions of Liquid Alloys in Molten Salts, J. Non-Cryst. Solids 156-158, 551 (1993)



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