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## Virgin Atlantic Airways, Court of Appeal Civil Division (Court of Appeal Civil Division), 22 October 2009

Robert Burrows (Bristows) · Thursday, October 22nd, 2009 · Landmark European Patent Cases

The Court of Appeal has overturned a decision of the High Court in finding Virgin's patent for an aircraft seating system to be valid and infringed. The Court of Appeal's judgment is of particular interest as it concerns the skilled person and general principles of claim construction. According to the Court of Appeal, the skilled person would: a) understand that reference numbers to drawings in claims should not be used to limit the claim; b) understand that the pre-characterising portion of a claim would be expected to describe the prior art; and c) upon seeing a reference to the patent being a divisional of a parent application would say 'what's a parent application?' and would go on to ask someone who knows (e.g. a patent agent).

A [full summary](#) of this case has been published on [Kluwer IP Law](#).

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This entry was posted on Thursday, October 22nd, 2009 at 8:30 am and is filed under [Case Law](#), [Extent of Protection](#), [Mechanical Engineering](#), [Scope of protection](#), [United Kingdom](#)

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