
Kluwer Patent Blog

Amlodipina II, Court of Appeal Barcelona (Audiencia Provincial Barcelona), 24 February 2010

Miquel Montaña (Clifford Chance) · Wednesday, February 24th, 2010 · Landmark European Patent Cases

The Barcelona Court of Appeal found that the process used by the defendants to obtain amlodipine was not equivalent to the process protected by the patent in suit. The Court relied on the three Catnic questions test, applied by the English Courts until 2004, to come to this conclusion that the patent was not infringed by equivalence.

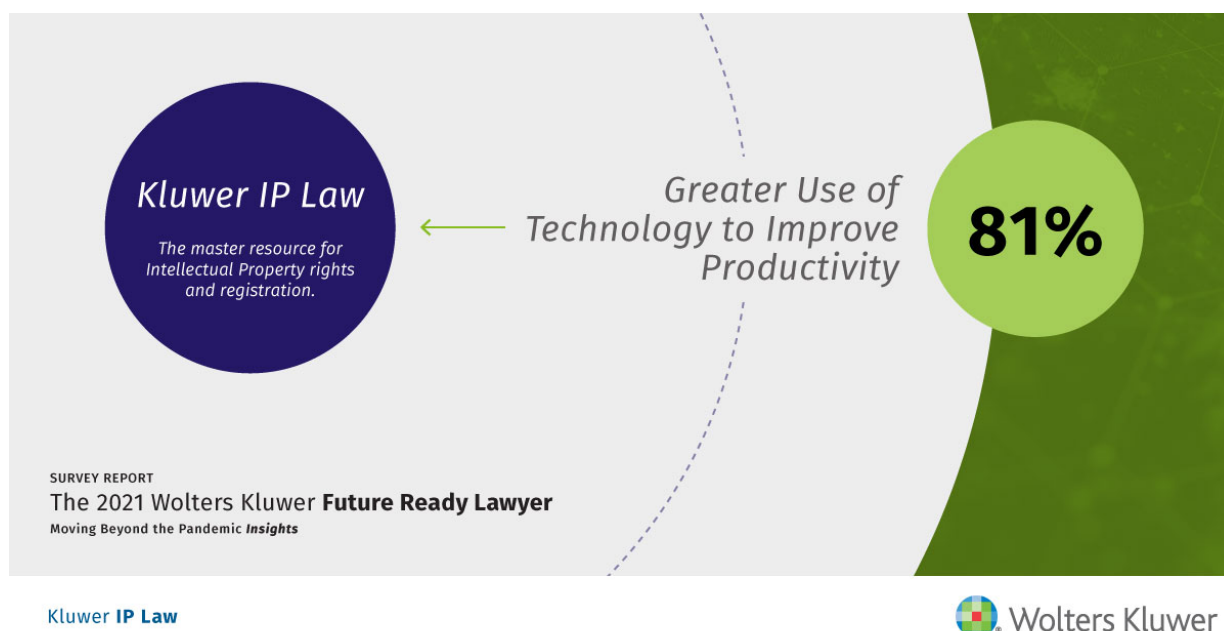
A [full summary](#) of this case has been published on [Kluwer IP Law](#).

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This entry was posted on Wednesday, February 24th, 2010 at 6:09 am and is filed under (Cross-border) jurisdiction, (Indirect) infringement, Case Law, literally fulfil all features of the claim. The purpose of the doctrine is to prevent an infringer from stealing the benefit of an invention by changing minor or insubstantial details while retaining the same functionality. Internationally, the criteria for determining equivalents vary. For example, German courts apply a three-step test known as Schneidmesser's questions. In the UK, the equivalence doctrine was most recently discussed in Eli Lilly v Actavis UK in July 2017. In the US, the function-way-result test is used.">Equivalents, Spain
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