

Danisco v. Novozymes, District Court The Hague (Rechtbank Den Haag), 22 June 2011

Kluwer Patent Blog
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Contrary to the decision of the Opposition Division issued two weeks later, the District Court of The Hague held Novozymes' patent to be novel and inventive. It also held the patent indirectly infringed. The court held that a literal disclosure of a claim feature in the prior art does not necessarily equate to a directly and unambiguously disclosure, because the claims need to be read in context of the descriptions and drawings. The court dismissed the obviousness attack based on a combination of documents as hindsight reasoning, because it cannot be considered obvious for the skilled person to combine the closest prior art with another document that does not refer to the patented process, even when that document explicitly refers to the closest prior art.

Click [here](#) for the full text of this case.

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