

AGA Medical Corporation v. Occlutech GmbH, Supreme Court (Hoge Raad), 25 May 2012

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The Dutch Supreme Court held that Art. 69 EPC in conjunction with art. 1 Protocol for the application of Art. 69 EPC provides a guideline for the determination of the scope of protection. Other "viewpoints" are the essence of the invention and the inventive idea behind the wording of the claims as opposed to the literal wording thereof. The Court may consider one or more of these viewpoints depending on the character of the invention, the patent description and the party debate. Also, the Court rejected patentee's argument that third parties are restricted to invoke the prosecution history for explanation of the patent, only in specific situations.

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

A summary of this case will be posted on <http://www.KluwerIPCases.com>