

Wundverband, Federal Court of Justice (Bundesgerichtshof), 19 February 2013

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If the patentee has granted an exclusive license after filing an infringement action, an exclusive licensee is (in part) a legal successor of the patentee. Therefore, as long as the patentee's claims are pending at another German court, the exclusive licensee has no right to sue with regard to the same subject matter due to the force of res judicata of the judgment against the legal successor and the lis pendens rule. The final decision against the patentee will have binding effect against the licensee as well.
Click [here](#) for the full text of this case.

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