

Germany: Coenzyme Q10, Federal Court of Justice of Germany, X ZR 31/13, 25 February 2015

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Although patentability is generally regarded as a question of law per se, the actual technical disclosure of a prior art example was seen as a question of fact and therefore a matter for the first-instance court. The Federal Court of Justice saw itself bound to facts determined by the first-instance court, unless there are specific indications that justify doubts to their accuracy.

A full summary of this case has been published on Kluwer IP Law.