# Kluwer Patent Blog

## Germany: Pemetrexed, Federal Court of Justice of Germany, X ZR 29/15, 14 June 2016

Jochen Buehling (Krieger Mes Graf & v. der Groeben) · Tuesday, October 4th, 2016

In this case the FCJ expanded on earlier case law regarding claim construction and in particular on the issue of whether a certain embodiment would fall within the scope of protection by way of equivalence if the specification in the patent described various options, but only incorporated one of those options into the claim wording. In principle, in such a case the remaining options mentioned in the description should not fall within the scope of protection. However, this is different if the solution according to the patent claim only serves as an example for a broader technical concept and if the skilled person is able to deduce from that wording further embodiments which correspond to this general technical concept.

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

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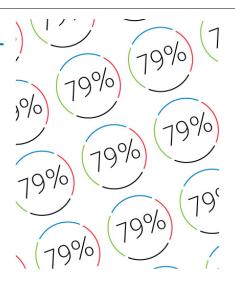
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