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Germany: Kreuzgestänge, Federal Court of Justice of Germany, X ZR 103/13, 2 June 2015

Jochen Buehling (Krieger Mes Graf & v. der Groeben) · Monday, October 24th, 2016

The Federal Court of Justice held that claim construction is the core task of a court dealing with infringement and that this must be done independently from the claim construction as used by the FCJ in a previous nullity decision about that same patent. The Court explicitly stated that there is no legal or factual binding effect of the earlier decision regarding claim construction.

Furthermore, the Court held that if the specification deals with several embodiments as examples for the invention, the terms used in the claim wording should be seen as covering all exemplary embodiments so that none of those embodiments should be excluded from the scope of protection unless there would then be a contradiction between the claims and the specification which could not be resolved.

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

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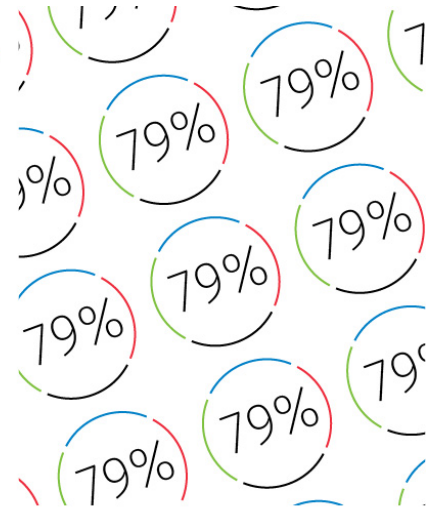
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