

Germany: Yttrium-Aluminium-Granat, Federal Court of Justice of Germany, X ZR 96/14, 16 August 2016

Kluwer Patent Blog

December 8, 2016

Thorsten Bausch (Hoffmann Eitle)

Please refer tot his post as: Thorsten Bausch, 'Germany: Yttrium-Aluminium-Granat, Federal Court of Justice of Germany, X ZR 96/14, 16 August 2016', Kluwer Patent Blog, December 8 2016, <http://patentblog.kluweriplaw.com/2016/12/08/germany-yttrium-aluminium-granat-federal-court-of-justice-of-germany-x-zr-9614-16-august-2016/>

The appeal court is not prevented from denying the credibility of a witness affirmed in the first instance court if there are concrete indications that raise doubts about the correctness and completeness of the relevant findings of fact and if therefore the facts have to be appraised anew, but if the witness has passed away or cannot be heard again for other reasons.

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