

# Kluwer Patent Blog

## Christmas Quiz on Second Medical Use – the Results are in

Brian Cordery (Bristows) · Friday, January 27th, 2017

Sincere thanks to all readers who completed the Christmas Quiz and congratulations to Katerina Schneiderova who, along with 4 others, answered 9 questions correctly. Katerina – the Kluwer team will be sending a prize to you shortly. The correct [answers](#) are here.

Regarding Question 11 – What is the best analysis of the construction of Swiss-type claims?, over 50% of responders reckoned that they should be construed as purpose-limited product claims with the remainder divided equally between the two different types of purpose-limited process claims. It seems that the Kluwer readership takes a purposive approach similar to that adopted by the Dutch Court of Appeal.

Question 12 asked readers what obligations should be placed on a generic to prevent its product being used for a patented indication. Everyone agreed that carving-out the patented indication was a necessary but not by itself sufficient step. However, contrary to the author's personal view – possibly influenced by the comments of Floyd LJ in the pregabalin case – 75% of responders felt that the additional step of not promoting a carved-out product for the patented indication was enough and that active engagement with the patentee and other stakeholders was not required.

The Kluwer team will be inspired to write another quiz soon so watch this space.

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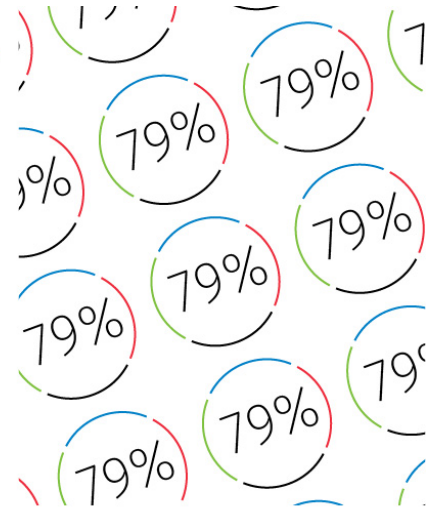
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