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Spain: Supreme Court of Spain, Third Contentious-Administrative Law Chamber, 434/2013, 12 June 2013

Adrian Crespo (Clifford Chance) · Thursday, October 26th, 2017

In a Judgment dated 12 June 2013, the Spanish Supreme Court confirmed that it was possible to discriminate between different objective technical problems within the same set of claims. Accordingly, an independent claim may be found to be obvious, and yet one of its dependent claims could still be deemed valid, provided that it claimed an additional feature providing a non-obvious solution to another, distinct objective problem. The Supreme Court also found that, when assessing inventive step, it is necessary to take into account the teachings of the patent specification, although they are not part of the prior art.

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

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