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Patent case: Ruling No. 159/2017, Spain

Adrian Crespo (Clifford Chance) · Wednesday, May 23rd, 2018

In preliminary injunction proceedings, the influential Barcelona Court of Appeal held that reasons of “congruence” bind the court to basing the assessment of inventive step strictly on the particular prior art document chosen as the closest prior art by the party challenging its validity, regardless of whether that choice is technically and objectively justified. This could kick start a worrisome trend in Spanish revocation proceedings that is deeply inimical to the proper application of the problem-solution approach. The Court also made findings on the impact of decisions of the Opposition Division on Spanish injunctions.

Case date: 27 December 2017

Case number: AUTO N° 159/2017

Court: Court of Appeal of Barcelona

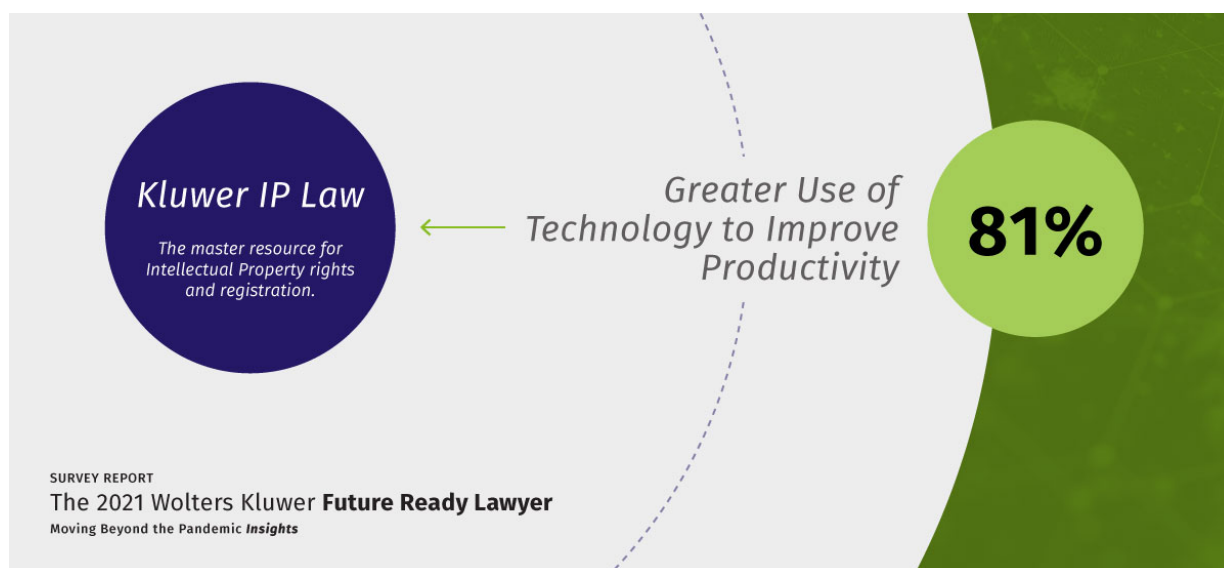
A full summary of this case has been published on [Kluwer IP Law](#).

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