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Patent case: Ruling of Barcelona Court of Appeal of 13 April 2018, Spain

Adrian Crespo (Clifford Chance) · Sunday, October 14th, 2018

Over the last few years, highly detailed discussions on patent validity have been a staple of Spanish preliminary injunction proceedings. The influential Barcelona Court of Appeal now clarifies that, while validity may be discussed, the analysis should not reach the same level of depth as in the main proceedings. Furthermore, a defendant wishing to object to an injunction for invalidity reasons must put forth “very clear and evident indicia” of invalidity. For that reason, the Court of Appeal focused on a relatively straightforward objection on grounds of added matter.

Case date: 13 April 2018

Case number: Ruling no. 40/2018

Court: Court of Appeal of Barcelona

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

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