

Patent case: Entdeckung biologischer Zusammenhänge, Germany

Kluwer Patent Blog
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[Thorsten Bausch, Bernd Kröger \(Hoffmann Eitle\)](#)

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If a patent only provides the skilled person with a general scientific explanation as to why the procedure disclosed therein is suitable for the purpose in question and does not disclose a new technical teaching in relation to this purpose, but merely a discovery of biological correlations, then this is insufficient to acknowledge novelty (continuation of BGH, judgment of 9 June 2011 – X ZR 68/08, GRUR 2011, 999 marginal 44 – Memantine).

Case date: 02 October 2018

Case number: X ZR 118/16

Court: Federal Court of Justice of Germany

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