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Patent case: Einzelkettenring, Germany

Fabian Hötzel (Hoffmann Eitle) · Thursday, January 28th, 2021

In utility model cancellation proceedings, if a proprietor defends its utility model only with certain sets of claims, the Federal Patent Court generally has no reason to subject the subject-matter of individual claims to separate examination. However, the situation is different if the proprietor submits for decision a set of claims with independent claims that contain materially different solutions.

A violation of the duty of the Federal Patent Court to consider decisions which have been issued by the instances of the European Patent Office or by courts of other contracting states of the European Patent Convention and which concern an essentially identical issue and, if necessary, to deal with the reasons which led to a deviating result in the preceding decision does not necessarily violate the right to be heard of the party concerned. In this respect, the facts and legal aspects asserted by the party are relevant.

Case date: 22 June 2020

Case number: X ZB 7/19

Court: Federal Patent Court of Germany

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

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