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Patent case: Parkventil f. Federspeicher-Feststellbremse, Germany

Felix Briza (Hoffmann Eitle) · Friday, July 16th, 2021

According to established case law, it is sufficient for the realization of a feature containing an indication of purpose if the device protected is suitable for use for the purpose mentioned due to its structural design. In the case of a feature that is claimed in a generalized form, the patent specification does not have to generally show the skilled person a feasible way to realize it for every conceivable embodiment.

The question of whether the invention is disclosed in an executable manner always requires an evaluative consideration. The degree of generalization that is permissible depends in each case on whether the protection conferred by the respective version of the claim is within the scope of what can be conferred from the patent, from the point of view of a person skilled in the art, taking into account the description and the embodiments contained therein, as the most general form of the technical teaching by which the problem underlying the invention is solved.

Case date: 12 January 2021

Case number: X ZR 50/19

Court: Federal Court of Justice of Germany

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

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