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Patent case: Windturbinenschaufelmontage, Germany

Friedrich Felix Jacob (Hoffmann Eitle) · Tuesday, August 9th, 2022

A nullity plaintiff who argues in the statement of claim that the subject-matter of a subordinate claim is obvious in the light of a specific prior art document, is in principle not obliged to submit further prior art documents until a deviating preliminary opinion of the Federal Patent Court if the court has pointed out in the written preliminary opinion pursuant to § 83(1) PatG that the subject-matter of the subordinate claims, as well as the subject-matter of the main claim, is likely to be judged as non-patentable.

Case date: 15 March 2022

Case number: X ZR 45/20

Court: Federal Court of Justice of Germany

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

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