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Allocation of Access Rights (UMTS), Court of Appeal Karlsruhe (Oberlandesgericht Karlsruhe), 11 May 2009

Anja Lunze · Monday, May 11th, 2009

The Court of Appeals Karlsruhe has decided that under specific circumstances the enforcement by a non-manufacturing licensing company of an injunction based on a standard-essential patent may be provisionally suspended against security payment by the defendant until the decision of the appeal. Although as a general rule of German procedural law the interest of a patentee in the enforcement of the injunction prevails, in the present case the Court, after weighing the interests of both parties, came to the conclusion that the Defendants' motion for a provisional suspension was founded.

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

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