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# Kluwer Patent Blog

## Medinol v. Abbott, District Court The Hague (Rechtbank Den Haag), 23 December 2009

Peter Burgers (Brinkhof) · Wednesday, December 23rd, 2009

The District Court of The Hague held that Abbott does not infringe Medinol's patent. According to the Court there is also no reason to accept infringement by equivalence, since the meander patterns in the infringing embodiment fulfill another function than the claimed 'second meander patterns' as further explained in the patent in suit. This means that the stents of Abbott cannot be considered equivalent or substantially identical as to fall within the scope of Medinol's patent.

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

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This entry was posted on Wednesday, December 23rd, 2009 at 4:13 am and is filed under (Indirect) infringement, Case Law, literally fulfil all features of the claim. The purpose of the doctrine is to prevent an infringer from stealing the benefit of an invention by changing minor or insubstantial details while retaining the same functionality. Internationally, the criteria for determining equivalents vary. For example, German courts apply a three-step test known as Schneidmesser's questions. In the UK, the equivalence doctrine was most recently discussed in Eli Lilly v Actavis UK in July 2017. In the US, the function-way-result test is used.">Equivalents, Mechanical Engineering, Netherlands  
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