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Safeway v. Kedge, District Court The Hague (Rechtbank Den Haag), 10 March 2010

Peter Burgers (Brinkhof) · Wednesday, March 10th, 2010

The District Court of The Hague holds that in case of ambiguities in the claim language the skilled man will consult the prosecution history to determine the scope of protection. The patent can not be construed in such manner that it would lack novelty over prior art from which the patent was explicitly delimited during prosecution. No literal infringement and no infringement under the doctrine of equivalence, since the products do not meet the function, way and result-test.

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

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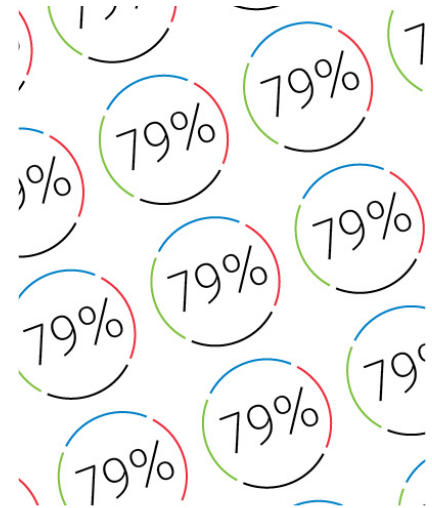
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This entry was posted on Wednesday, March 10th, 2010 at 6:04 am and is filed under (Indirect) infringement, Case Law, literally fulfil all features of the claim. The purpose of the doctrine is to prevent an infringer from stealing the benefit of an 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, Extent of Protection, Netherlands, Scope of protection

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