

---

# Kluwer Patent Blog

## Nebivolol, Supreme Court Austria (Oberster Gerichtshof), 19 November 2009

Christian Gassauer-Fleissner · Monday, April 26th, 2010

The Austrian Supreme Court decided that a patent owner is free to base an infringement action on a limited version of its claims, irrespectively of initiating formal limitation proceedings.

An application for cost reimbursement by the Main Association of the Austrian Social Insurance Institutions, which contained a declaration of the price and the availability of a generic product, constitutes an offering for sale and such application can therefore be prevented by the patent holder until patent expiry.

Foreign decisions only have effect for the respective countries, but are admissible means of evidence to support an invalidity defence in Austrian provisional proceedings.

Click [here](#) for the full text of this case. A summary of this case will be posted on <http://www.KluwerIPCases.com>.

---

*To make sure you do not miss out on regular updates from the Kluwer Patent Blog, please [subscribe here](#).*

### Kluwer IP Law

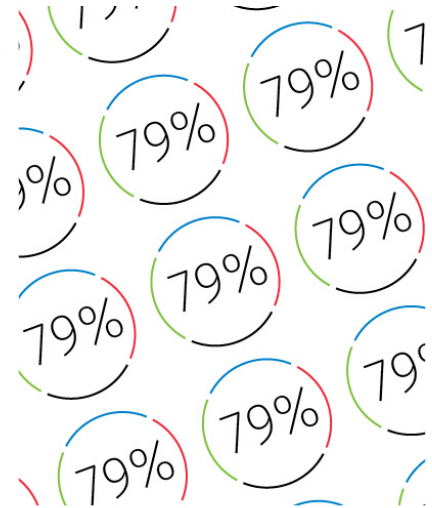
The **2022 Future Ready Lawyer survey** showed that 79% of lawyers think that the importance of legal technology will increase for next year. With Kluwer IP Law you can navigate the increasingly global practice of IP law with specialized, local and cross-border information and tools from every preferred location. Are you, as an IP professional, ready for the future?

Learn how **Kluwer IP Law** can support you.

79% of the lawyers think that the importance of legal technology will increase for next year.

**Drive change with Kluwer IP Law.**

The master resource for Intellectual Property rights and registration.



2022 SURVEY REPORT  
The Wolters Kluwer Future Ready Lawyer  
Leading change

This entry was posted on Monday, April 26th, 2010 at 12:51 pm and is filed under [\(Indirect\) infringement, G 1/93, OJ 1994, 541](#)) *The 'gold standard' of the European Patent Office's Board of Appeal is that any amendment can only be made within the limits of what a skilled person would derive directly and unambiguously, using common general knowledge, and seen objectively and relative to the date of filing, from the whole of the documents as filed (G 3/89, OJ 1993,117; G 11/91, OJ 1993, 125).*“>Amendments, Austria, Case Law, Chemical Engineering, Extent of Protection, Validity

You can follow any responses to this entry through the [Comments \(RSS\)](#) feed. Both comments and pings are currently closed.