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# Kluwer Patent Blog

## Magnetischer Drehgeber, District Court Düsseldorf (Landgericht Düsseldorf), 11 May 2010

Anja Lunze · Monday, November 1st, 2010

The court held that the plaintiff who is listed as proprietor of the patent in the patent register is allowed to claim both injunctive relief and damages as well as claims to rendering accounts and provision of information to prepare the damage claim for all infringing acts committed during the time of his/her enlistment, despite the fact that the transfer of the patent (application) was not effective, because the German Patent Act allows for claims in one's own name on behalf of third parties ("Prozessstandschaft").

Furthermore functional features in a device claim have to be taken into account while determining the extent of protection of a patent.

For a stay of infringement proceedings until a final decision on the question of validity of the patent in suit the court has to examine whether the patent in suit is most likely to be revoked due to the prior art citations put forward.

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

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