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Monitoring railway tracks, European Patent Office (EPO Board of Appeal), 28 July 2010

Ferry van Looijengoed · Monday, December 27th, 2010 · Landmark European Patent Cases

The Hong Kong Polytechnic University filed a patent application for a system and process for monitoring railway tracks by means of optical fibres. The applicant argued that, whereas document D1 related to railway monitoring systems using optical fibre sensors, the skilled person, being, as railway engineers, of very conservative nature, would only consider conventional electromagnetic sensors. The Board of Appeal held that it is part of the established case law that the skilled person is aware of all prior art in the relevant technical field. Therefore, the skilled person would be aware of the teaching of D1 and the would take this document as his starting point and hence assume the use of optical fibres in a railway monitoring system.

A **full summary** of this case has been published on **Kluwer IP Law**.

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