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Fentanyl-TTS, Federal Court of Justice (Bundesgerichtshof), 18 november 2010

Jochen Buehling (Krieger Mes Graf & v. der Groeben) · Thursday, February 3rd, 2011

The Court addresses the issue of potential contradictions between features in the generic part and in the characterizing part of a patent claim and the impact on claim construction. Such contradictions may not be resolved by leaving out the features of the generic part when the claim allows for a claim construction which is free of contradictions.

The publication of a material can disclose all the properties of the material even if the skilled person was not aware of these properties. If this material covers all claimed features it can impair novelty. A scientific reasoning as to why the use of this material might achieve the goal according to the patent is not required.

Click [here](#) for the full text of this case.

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

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