
Kluwer Patent Blog

Winkelmesseinrichtung, Federal Court of Justice (Bundesgerichtshof), 21 October 2010

Jochen Buehling (Krieger Mes Graf & v. der Groeben) · Sunday, April 10th, 2011

The Court addresses the issue of how to deal with a feature of a patent claim that was not originally disclosed, but the deletion of which would lead to a broadening of the scope of the claim and would thus not be admissible. The Court allowed that the feature remains in the claim, provided that it is a limitation of the scope of the claim and that the patentee does not derive any rights from this feature. It is not necessary to introduce a disclaimer into the description or the claim. However, such a disclaimer is not harmful either. The patent may not be revoked merely because a disclaimer is missing. In this context the Court specifically referred to the case law of the Enlarged Board of Appeal at the EPO.

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

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

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 Sunday, April 10th, 2011 at 11:43 am and is filed under [Case Law](#), [Disclaimer](#), [Germany](#)

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