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Zeitversetztes Fernsehen, Court of Appeal Duesseldorf (Oberlandesgericht Duesseldorf), 14 January 2009

Anja Petersen (Hoffmann Eitle) · Saturday, July 30th, 2011

The Court of Appeal Duesseldorf held that, provided that the alleged infringer proves a legitimate interest in confidentiality, the presentation of the expert opinion to the patentee itself depends on whether the inspection confirms infringement. If the expert opinion confirms infringement, and if the court has no expertise in the relevant technical field, it may only deviate from the opinion and decline presentation of the expert opinion to the patentee if it hears the expert. The mere positive or negative finding of patent infringement in the opinion (yes/no) is not covered by the professional pledge of secrecy of the patentee's attorney-at-law or patent attorney.

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

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This entry was posted on Saturday, July 30th, 2011 at 4:04 pm and is filed under [Case Law](#), [Enforcement](#), [literally fulfil all features of the claim](#). The purpose of the doctrine is to prevent an infringer from stealing the benefit of an invention by changing minor or insubstantial details while retaining the same functionality. Internationally, the criteria for determining equivalents vary. For example, German courts apply a three-step test known as Schneidmesser's questions. In the UK, the equivalence doctrine was most recently discussed in *Eli Lilly v Actavis UK* in July 2017. In the US, the function-way-result test is used.">Equivalents, Germany, Injunction, Procedure
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