
Kluwer Patent Blog

Values in patent litigation – a follow up

Thomas Musmann (Rospatt Osten Pross) · Friday, September 16th, 2011

by Miriam Büttner

This is a follow-up to the article of my colleague, Eike Schaper, of 17 August 2010 in which he refers to a ruling of the Düsseldorf Court of Appeal concerning the value in patent infringement litigation (“You shall not lie!” – Cost Risk in Patent Proceedings). Court fees are fixed on the basis of this value. Meanwhile, it can be observed that other German courts follow the Düsseldorf approach.

In a new and quite particular case, the Düsseldorf courts continued and intensified their jurisdiction: The claimant indicated that the value of his own interests in the disputed matter was about 5 million Euros. This evaluation was not objected by the defendant. Already the first instance disbelieved the indicated figures in the light of claimant’s own assertions and requested additional observations from both parties which they refused to provide. Because of this refusal, the court suspected both parties of a fraudulent behaviour at the expense of the treasury. Thus, the court held that it was justified to evaluate the value in litigation at an economically tenable maximum (30 million Euros). This ruling was upheld by the Düsseldorf Court of Appeal (court order of 10 May 2011 – ref. I-2 W 15/11; GRUR-RR 2011, 341 f. – Streitwertheraufsetzung II).

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.

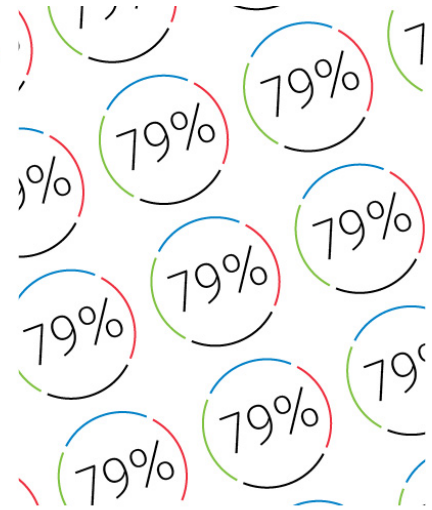
79% of the lawyers think that the importance of legal technology will increase for next year.

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 Friday, September 16th, 2011 at 11:05 am and is filed under [Germany, Procedure](#)

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