
Kluwer Patent Blog

Fresenius v. Carefusion, Court of Appeal Civil Division, 8 November 2011

Brian Cordery (Bristows) · Monday, January 2nd, 2012

The general rule in UK litigation is that the successful party is entitled to its costs. One exception to this rule, peculiar to patent cases, is a so-called ‘Earth Closet’ order. If an alleged infringer introduces a new piece of prior art, after service of its original Grounds of Invalidity, an Earth Closet order enables the patentee to consent to the revocation of the patent on terms that the patentee pays the costs of the action up to the date of the original Grounds of Invalidity, but the overall successful party – the alleged infringer – has to pay the patentee’s costs of the action from that date. However, in the case at hand the Court of Appeal held that Earth Closet Orders should no longer be made.

Click [here](#) for the full text of this case. A summary of this case will be posted on <http://www.KluwerIPCases.com>.

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 Monday, January 2nd, 2012 at 2:47 pm and is filed under [Case Law](#), [Procedure](#), [Revocation](#), [United Kingdom](#)

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