
Kluwer Patent Blog

Barilla vs. Pastificio Fazion, Supreme Court (Corte Suprema di Cassazione), 30 December 2011

Daniela Ampollini (Trevisan & Cuonzo) · Thursday, August 9th, 2012

The Supreme Court held that the patent claiming a device to be mounted on ovens used to industrially drain pasta was infringed by application of the doctrine of equivalence.

A summary of this case will be posted on <http://www.KluwerIPCases.com>

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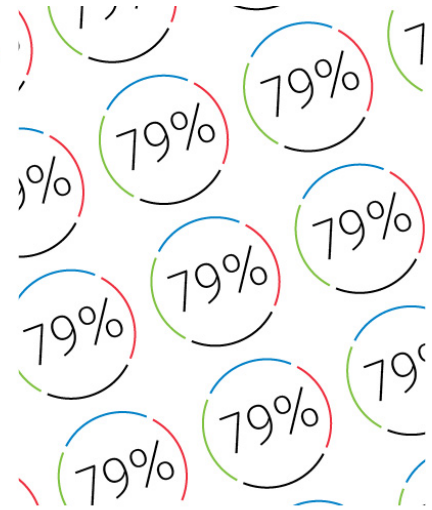
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This entry was posted on Thursday, August 9th, 2012 at 3:30 pm and is filed under (Indirect) infringement, Case Law, literally fulfil all features of the claim. The purpose of the doctrine is to prevent an infringer from stealing the benefit of an 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, Italy
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