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Giemme vs. Ciemmecalabria, Supreme Court (Corte Suprema di Cassazione), 12 June 2012

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

The Supreme Court revoked claims 1 to 4, and found claim 5 to be novel and inventive but not infringed, because the result of defendant's machine was not obtained by the claimed means. The court sanctioned the appeal court's decision that the doctrine of equivalence could not be applied.

Click here for the full text of this case.

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

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This entry was posted on Thursday, August 9th, 2012 at 3:28 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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