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Palettenbehälter II, Federal Court of Justice (Bundesgerichtshof), 17 July 2012

Niels Hölder (Hoffmann Eitle) · Thursday, November 22nd, 2012 · Landmark European Patent Cases

If replacement of a worn-out component during the lifespan of a patented combination product is expected in the relevant trade circles, this will form part of the intended and thus admissible use, unless the technical effect of the invention is reflected in such component. Otherwise replacement generally constitutes patent infringement, regardless of the component's significance for the invention. However, if the replacement is an inherent component of the intended use of the product put on the market with the patentee's consent, both customers and competitors who have acquired the used product for repair and resale purposes may replace such component.

Click [here](#) for the full text of this case.

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