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Polymerschaum, Federal Court of Justice (Bundesgerichtshof), 17 July 2012

Jochen Buehling (Krieger Mes Graf & v. der Groeben) · Friday, February 22nd, 2013

The Federal Court of Justice held that the meaning of a patent claim as a whole and the contribution of the single features to the result of the invention must be assessed in nullity proceedings. It is not permitted to attribute a certain meaning to the claim to only avoid an issue of undue broadening. The Court specifically held that the claim interpretation may only be derived from the patent as granted. A comparison with the original application may only be made for other purposes, such as the assessment of an undue broadening, or the clarification of contradictions between the claim wording and the specification if the claim has been limited in opposition proceedings.

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

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

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