

Kluwer Patent Blog

Fahrzeugwechselstromgenerator, Federal Court of Justice (Bundesgerichtshof), 28 August 2012

Jochen Buehling (Krieger Mes Graf & v. der Groeben) · Sunday, July 14th, 2013

The Appeals Court held that an argument that was not raised in first instance proceedings, shall not be considered a new matter, and consequently be dismissed, if it only further specifies or clarifies the line of argumentation in first instance. On the other hand, if the plaintiff refers to the specifics of a technical teaching disclosed in prior art for the first time at the appeal stage in order to support a nullity attack, it shall be considered a new matter, even if this prior art was already filed in first instance.

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

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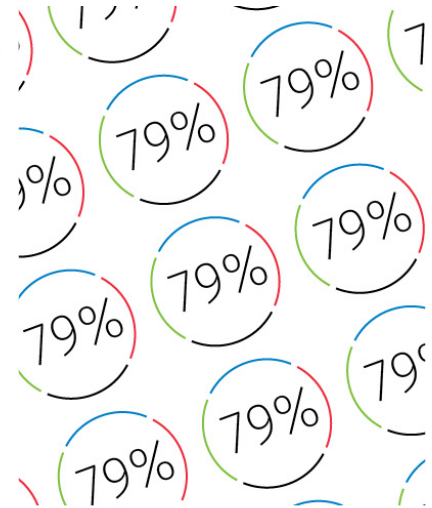
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