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## Fuehrungsschiene, Federal Court of Justice (Bundesgerichtshof), 20 November 2012

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

This decision deals with a court order to obtain an expert opinion in a nullity appeal proceeding subject to the new procedural rules that apply to nullity actions filed since October 1, 2009. Due to revised rules in nullity appeal proceedings, as a general rule, the appeal court shall decide on legal questions only, and not questions of fact such as expert opinions. However, the Court held that regarding facts relevant for novelty or inventive step it, the appointment of a court expert to clarify the factual background is still admissible, even if the relevant facts were already a subject in the first instance proceedings.

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