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Sweden: Brokk v Husqvarna, Stockholm District Court 15 January 2014

Mathilda Nordmark (Bird & Bird) · Monday, July 14th, 2014

The Stockholm District Court found that the product did not fall under the wording of the patent claim or the doctrine of equivalence. During the application procedure before EPO, the patent holder had intentionally limited the scope of protection in order to avoid prior art. The features added to the patent claim during the application procedure meant that the defendant's product could not constitute infringement under the wording of the patent claim, and considering this limitation, the Court further concluded that the doctrine of equivalence could not be applied to expand the scope of protection.

The full summary of this case has been published on Kluwer IP Law.

This entry was posted on Monday, July 14th, 2014 at 8:00 am and is filed under 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, Scope of protection, Sweden
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