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Germany: Kurznachrichten, Federal Court of Justice, X ZR 61/13, 16 September 2014

Anja Petersen (Hoffmann Eitle) · Wednesday, February 4th, 2015

The Federal Court of Justice (FCJ) held that where a defendant in a patent infringement action has been found to be liable for infringement in a decision that is preliminarily enforceable but subject to appeal, it is generally necessary to suspend enforcement of this decision under Secs. 719 (2) and 707 Code of Civil Procedure against security if the patent in suit has been held invalid by the Federal Patent Court (first instance) in a nullity action. This also applies in further appeal proceedings before the FCJ (second instance).

A [full summary](#) of this case has been published on [Kluwer IP Law](#).

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