

Kluwer Patent Blog

Injunction granted against Bodum coffee maker

Anders Valentin (Bugge Valentin) · Thursday, March 19th, 2015

In a recent decision rendered by the Danish specialty court for patents (the Maritime & Commercial Court) it was decided to grant an injunction against sales of copies of a Bodum piston coffee maker.

This case concerned whether F & H A/S should be barred from selling a specific piston coffee maker and whether sales of that piston coffee maker constituted an infringement of a European patent No. EP 1009269 B1 belonging to PI-Design AG.

PI-Design is the holder of a European patent for a piston coffee maker for preparing coffee in small amounts. F & H A/S had sold similar piston coffee makers, for which reason PI-Design had filed an infringement action based on the patent. F & H A/S pleaded acquittal on the grounds that several distinctive characteristics were not found in the piston coffee maker made by F & H A/S. The parties each submitted opinions by patent agents.

The dispute concerned three technical features of PI-Design's European patent. Firstly, it was stated in the Danish wording of the claims that the piston coffee maker is characterized in that "... the walls, lid and bottom in the cylindrical container are made as a double construction like double walls and double bottom...". PI-Design argued that this did not constitute a claim for a double lid, which F & H A/S disputed because the Danish wording specifically mentions that the lid is to be made as a double construction. However, the court found that F & H A/S' piston coffee maker did not have a double lid and that the claim was not infringed on the basis of a natural understanding of language of the cited claim.

Secondly, it appears from the Danish wording "... and where the upper rim with a view to having the lid sealingly locked on the piston coffee maker...". The Danish wording is indisputably not a correct translation of the claims of the European patent, and F & H A/S argued that the patent does not cover corresponding locking means. The Court placed emphasis on what a person skilled in the art would understand by reading the Danish wording. A person skilled in the art would realize that there would be an interaction between the lid and the upper rim to sealingly lock the lid, and he would realize that the piston coffee maker ought to keep the coffee hot. On those grounds, the court found it probable that the technical feature of the patent was injured.

The third technical feature concerns the description in the Danish wording "... there in the lid partly is a depression, the size of which is sufficient for containing the pressure handle on the piston rod in the coffee maker..." PI-Design claimed that the word "containing" includes both partial and total, while F & H A/S argued that the crucial factor is that the piston coffee maker

according to the patent can be stabled during storage. F & H A/S' piston coffee maker did not meet that criterion. The court found the patent to be infringed because of the fact that the pressure handle on the piston coffee maker made by F & H A/S was entirely "contained" in the "depression" and that an additional part of the handle rose above the depression.

The Court's conclusion was that the piston coffee maker made by F & H A/S constituted a literal infringement of PI-Design's European patent and an interim injunction to sell the piston coffee maker was granted.

To make sure you do not miss out on regular updates from the Kluwer Patent Blog, please subscribe [here](#).

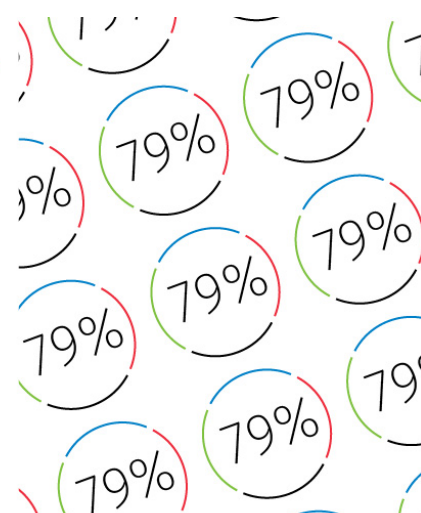
Kluwer IP Law

The **2022 Future Ready Lawyer survey** showed that 79% of lawyers think that the importance of legal technology will increase for next year. With Kluwer IP Law you can navigate the increasingly global practice of IP law with specialized, local and cross-border information and tools from every preferred location. Are you, as an IP professional, ready for the future?

Learn how **Kluwer IP Law** can support you.

79% of the lawyers think that the importance of legal technology will increase for next year.

Drive change with Kluwer IP Law.
The master resource for Intellectual Property rights and registration.



2022 SURVEY REPORT
The Wolters Kluwer Future Ready Lawyer
Leading change

This entry was posted on Thursday, March 19th, 2015 at 5:52 pm and is filed under [EPO](#). You can follow any responses to this entry through the [Comments \(RSS\)](#) feed. Both comments and pings are currently closed.

