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# Kluwer Patent Blog

## Germany: Repaglinide, Federal Court of Justice of Germany, X ZR 128/09, 11 November 2014

Thorsten Bausch (Hoffmann Eitle) · Wednesday, July 8th, 2015

(a) Advantages of the invention that have only become evident once the invention was made, and at which therefore the skilled person would not have directed his efforts to further develop the state of the art, may not be used to define the technical problem underlying the invention (the Aufgabe of the invention).

(b) Depending on the conditions of the technical field and the circumstances of the individual case, any of several different ways to solve the problem can be regarded as obvious.

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

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