
Kluwer Patent Blog

Germany: Zugriffsrechte, Federal Court of Justice of Germany, X ZR 35/11, 14 October 2014

Jochen Buehling (Krieger Mes Graf & v. der Groeben) · Wednesday, August 5th, 2015

Dealing with claim construction issues, the FCJ held that a claim construction which leads to the result that none of the embodiments described in the patent specification would be covered by the claim can only be considered if other possibilities of claim construction have to be definitely excluded or when the claim contains a clear indication that subject matter should be claimed which deviates from the description. If, on the contrary, the claim indicates that the embodiments from the prescription should be covered by the claimed features, this must be taken into consideration for the claim construction.

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

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This entry was posted on Wednesday, August 5th, 2015 at 9:21 am and is filed under [Case Law, Germany](#)

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