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Germany: Kochgefäß, Federal Court of Justice, X ZR 81/13, 13 January 2015

Jochen Buehling (Krieger Mes Graf & v. der Groeben) · Wednesday, September 16th, 2015

In this case the FCJ discussed the criterion of "equivalence" for a non-literal infringement of a patent. The Court held that one has to assess all technical effects which have to be achieved with the patented features to solve the underlying technical problem. The entire combination of these effects forms the patented solution. For the assessment of an equivalent infringement one has to look at the entire combination of effects and may not distinguish between effects which might be "relevant to the invention" and "merely additional" effects.

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

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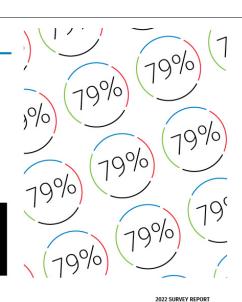
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