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Germany: Audiosignalkodierung, Federal Court of Justice of Germany, X ZR 69/13, 3 February 2015

Jochen Buehling (Krieger Mes Graf & v. der Groeben) · Tuesday, October 13th, 2015

The Court held that a certain means does not relate to an essential element of the invention just because it is used for a step in the method preceding the patented steps of the method. Even where this is necessary in order to apply the method, no contributory infringement of the patent can be established.

The Court further held that also the sale of an embodiment containing means relating to essential elements of a patent to a third party abroad, who then ships the products into Germany constitutes a liability of the first party if this party knew and intended to have the goods shipped into Germany.

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

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