
Kluwer Patent Blog

The key to infringement

Miquel Montaña (Clifford Chance) · Monday, October 31st, 2016

The Court of Appeal of Barcelona (Section 15) recently upheld an appeal filed by a manufacturer of security systems against a judgment that had dismissed a patent infringement action filed against a former distributor who was manufacturing duplicates of the keys used in such system.

Claim 1 of the patent reads as follows:

“Security reversible-key with at least three coding I tumbler pin rows (A1, A2, A3), which are also located on the flat sides of the key (S), with an as signed cylinder (Z) with pin rows of pairs of tumbler pins, consisting of tumbler pins and counter pins at the positions of the tumbler pin rows of a given bore pattern, characterized in that the key has a blocking groove BN, which runs parallel to the key axis (x) from the tip of the key to at least the first position (P1) of a tumbler pin row on the key that the blocking groove has a coded blocking depth (B1, B2, B3), that in the assigned cylinder at least at the rearmost coding position (P1) a pair of tumbler pins corresponding to the blocking groove BN with a blocking tumbler pin 8Z and an extended blocking counter pin 8G is foreseen so that the blocking counter pin impinges on the cylinder housing (10) if the blocking groove is not deep enough and with this the complete insertion of a key with an insufficiently deep blocking groove is blocked by the pair of blocking tumbler pins and whereby the blocking tumbler pin 8Z with the blocking counter pin 8G following the insertion of the key at the position (P1) is also utilized as a coding tumbler pin with coding steps (C1, C2, C3, C4) with respect to the turning of the cylinder.”

During the first instance proceedings, Commercial Court number 5 of Barcelona dismissed the infringement action on the grounds that, since the defendant was only making duplicates of the key at clients’ request, he was not reproducing all the elements of the claim.

In contrast, the Court of Appeal of Barcelona (Section 15), in a judgment of 14 July 2016, considered that selling duplicates of the key was an act of “direct” patent infringement.

Assuming that the case reaches the Supreme Court and the judgment is confirmed, it will clarify the scope of protection of patents that protect items that interact with a system.

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

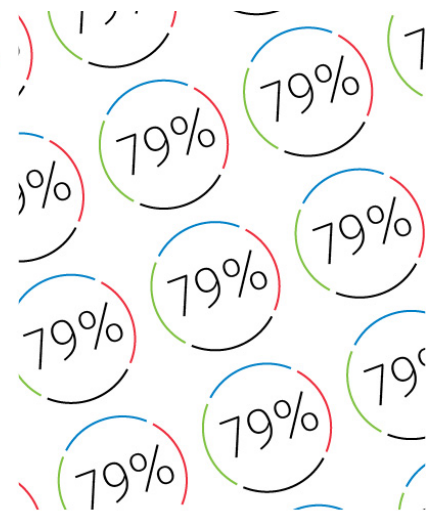
Kluwer IP Law

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 Monday, October 31st, 2016 at 1:35 pm and is filed under [Spain](#). You can follow any responses to this entry through the [Comments \(RSS\)](#) feed. Both comments and pings are currently closed.