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Germany: V-förmige Führungsanordnung, Federal Court of Justice of Germany, X ZR 76/14, 23 August 2016

Jochen Buehling (Krieger Mes Graf & v. der Groeben) · Wednesday, January 11th, 2017

In this case the FCJ dealt with the prerequisites for equivalent infringement. In particular it gave further guidance in relation to the so-called “3rd Schneidmesser question” which concerns the parity of a variant with the patented solution. The FCJ held that the considerations of the skilled person leading to an assessment of the variant as having parity can in general not be overcome by the argument that by choosing the wording of the claim the patentee has limited the scope of protection to the specific embodiment mentioned in the claim.

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

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