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Germany: Mähroboter, Federal Court of Justice of Germany, X ZR 14/15, 12 September 2016

Jochen Buehling (Krieger Mes Graf & v. der Groeben) · Friday, February 24th, 2017

In this case the FCJ considered the question of when the enforcement of a judgment in an infringement action should be suspended in light of a decision of the Federal Patent Court in a parallel nullity action concerning the same patent. The Court held that there is no reason for a suspension if the patent in suit has been only partially invalidated and has been upheld by adding features from dependent claims into the main claim, provided that the infringement court has clearly considered these features when assessing the infringement and that the Defendant is not able to show that this assessment by the infringement court was made under violation of procedural rules.

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

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