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Spain: Safety intravenous catheters war in Spain, Court of Appeal of Barcelona, No. 253/2016, 24 November 2016

Miquel Montaña (Clifford Chance) · Friday, May 19th, 2017

On 24 November 2016, the Court of Appeal of Barcelona (Section 15) handed down a judgment in which it confirmed that “the interpretation of the scope of protection of a patent for the purposes of analysing its validity cannot be different from when its infringement is analysed”. The Judges also highlighted the relevance of the Decisions of the Board of Appeals of the European Patent Office, recognised as “a major technical authority”, for national Courts and Tribunals.

By means of this judgment, the Court of Appeal of Barcelona dismissed the appeal lodged by the Defendant and confirmed the judgment handed down by Commercial Court No. 4 of Barcelona on 1 October 2014, which had declared patent EP ‘487 to be valid and infringed by the Defendant.

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

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