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Patent case: Phosphatidylcholin, Germany

Thorsten Bausch (Hoffmann Eitle) · Friday, December 15th, 2017

The Federal Court of Justice held that a patent application is to be rejected if its subject-matter extends beyond the content of the application as originally filed and if this deficiency has not been rectified by the applicant upon request by the examiner (following FCJ X ZB 17/73 Regelventil).

The incorporation of a feature according to which the claimed composition must not contain a certain substance is not necessarily an unallowable extension (delimiting from FCJ X ZB 75/08 Reifenabdichtmittel).

Case date: 25 July 2017

Case number: X ZB 5/16

Court: Federal Court of Justice of Germany

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

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