
Kluwer Patent Blog

Patent case: Xiaomi, Spain

Adrian Crespo (Clifford Chance) · Thursday, June 28th, 2018

In injunction proceedings decided in just a few hours (likely a record in Spanish patent litigation) in the context of the 2018 Mobile World Congress, Barcelona Commercial Court no. 4 granted a preliminary injunction. However, it also allowed the infringer to lift the injunction by providing a “counter-guarantee”. Thus far a very exceptional occurrence, this is now becoming increasingly common under Spanish law. In doing so, the Court applied the framework set out in the influential Huawei v ZTE decision of the European Court of Justice, despite the patent in suit not being a standard essential patent.

Case date: 20 February 2018

Case number: Ruling no. 46/2018

Court: Commercial Court of Barcelona

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

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