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# Kluwer Patent Blog

## Patent case: Kundendatenbank, Germany

Roland Schieren (Hoffmann Eitle) · Tuesday, November 13th, 2018

This decision by the FCJ confirms that when both parties declare the lawsuit resolved, only the allocation of costs has to be decided upon by the court. This must be done according to the court's equitable discretion, giving consideration to the parties' previous arguments. On the facts, the FCJ came to the conclusion that it was equitable for the defendant to pay the costs of the lawsuit because its appeal would probably have been unsuccessful.

Case date: 19 June 2018

Case number: X ZR 41/16

Court: Federal Court of Justice of Germany

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

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