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Patent case: Rifaximin ?, Germany

Thorsten Bausch (Hoffmann Eitle) · Tuesday, January 22nd, 2019

The provision of a crystal form of a polymorphic substance, which the skilled person inevitably obtains if he uses a process suggested by the state of the art for the production of the substance, represents the result of activities to be expected by a skilled person and does not therefore by itself involve an inventive step (Confirmation of Federal Court of Justice judgment of 24 July 2012 – XZR 126/09, GRUR 2012, 1130 – Leflunomid).

Case date: 07 October 2018

Case number: X ZR 110/16

Court: Federal Court of Justice of Germany

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

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