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Patent case: Judgment of Barcelona Court of Appeals No. 861/2019 dated 10 May 2019, Spain

Adrian Crespo (Clifford Chance) · Monday, December 30th, 2019

In a thorough decision, Barcelona Commercial Court (Section 15) clarifies important findings on novelty, inventive step and claim construction. A technical feature disclosed in the prior art will not anticipate an identical feature if the exact same functionality is not described in the prior art, even if it is common ground that the prior art's feature may indeed perform the same function. The Court also confirms its case law on claim construction in view of drawings and examples, which are not limiting, and lastly rules on licences as tacit acknowledgement of infringement and also on the combination of documents in the context of inventive step.

Case date: 10 May 2019

Case number: 861/2019

Court: Court of Appeal of Barcelona

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

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