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Patent case: Intrakardiale Pumpvorrichtung, Germany

Thorsten Bausch (Hoffmann Eitle) · Monday, January 20th, 2020

The patentee is not limited on appeal to defending the patent in the (limited) version pursued in the first instance, but may revert to the version as granted and to other limited versions. A declaration in the response to the nullity action that the patent is defended in a limited form has no limiting effect; this effect only enters into force with the final decision in the nullity proceedings. The declaration does not constitute a waiver either, unless a waiver is explicitly declared by the patentee.

Case date: 20 November 2018

Case number: X ZR 17/17

Court: Federal Court of Justice of Germany

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

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