

Patent case: Judgment no. 2843/2020, Spain

Kluwer Patent Blog
April 7, 2021

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Please refer to this post as: *Adrian Crespo, 'Patent case: Judgment no. 2843/2020, Spain', Kluwer Patent Blog, April 7 2021, <http://patentblog.kluweriplaw.com/2021/04/07/patent-case-judgment-no-2843-2020-spain/>*

The Barcelona Court of Appeal (Section 15) overturned a first instance decision, making an interesting finding on the application of the "problem-solution approach": if the revocation claimant submits that its choice of closest prior art only differs from the claimed invention in one (or more) specific feature(s), but the court finds that further differences exist in respect of other features, the court may automatically reject the obviousness objection without applying the second and third steps of the problem-solution approach. In addition, the Court of Appeals expresses skepticism regarding expert opinions aimed at the rebuttal of another opinion, where the expert did not undertake a direct inspection of the allegedly infringing products.

Case date: 28 December 2020
Case number: 2843/2020
Court: Court of Appeal of Barcelona

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