

# Kluwer Patent Blog

## Patent case: Verzichtsurteil, Germany

Daniel Graetsch (Krieger Mes & Graf V. Der Groeben) · Thursday, December 1st, 2022

This decision dealt with the practically important question of whether the claim can still be waived in the proceedings on the complaint against denial of leave to appeal, i.e. after the conclusion of the appeal proceedings. This becomes particularly relevant if the patent in suit is held invalid and the opposing party does not agree to a withdrawal of the claim. Here, the Federal Court of Justice has expressly departed from previous case law and allowed the Plaintiff to waive the claim even in proceedings on the complaint against denial of leave to appeal.

Case date: 14 December 2021

Case number: X ZR 147/17

Court: Federal Court of Justice of Germany

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

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