

Germany

“Quetiapin”

Decision of the Federal Supreme Court (Bundesgerichtshof) 13 January 2015 – Case No. X ZR 41/13

**European Patent Convention, Art. 52(1); Patent Act,
Sec. 1(1)**

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Keywords Definition of a technical problem · Invention · Assessment of inventive step

When defining the technical problem on which an invention is based, one may not presume without justification that the treatment of a certain problem seemed appropriate to someone schooled in the art. Rather, the technical problem must be stated in such general and neutral terms that the question of which ideas were suggested to the expert by the state of the art with respect to this problem arises solely during the assessment of inventive step.

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