Germany

“Leflunomid”

European Patent Convention, Art. 56; Patent Act, Sec. 4

Decision of the Federal Supreme Court (Bundesgerichtshof)
24 July 2012 – Case No. X ZR 126/09

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A pharmaceutical preparation comprising a combination of two active ingredients (here Leflunomid and Teriflunomid) is suggested by the state of the art if before the date of priority a person skilled in the art who produced a mono-preparation (here with the active ingredient Leflunomid) according to a process instruction suggested by the state of the art, would have obtained a product that would have converted into the combination of the two active ingredients as a result of a chemical reaction during the customary storage time.

DW

Official headnotes.