

## Germany

### **“Toggle Lever Clamping Device” (Kniehebelklemmvorrichtung)**

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

**Decision of the Federal Supreme Court (Bundesgerichtshof)  
25 September 2012 – Case No. X ZR 10/10**

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If from a skilled person’s point of view there is reason to consider using a certain construction in the context of a technical improvement of a device, and such use does not require an inventive step, simply retaining this construction does not lead to a different assessment even if perceptible disadvantages of said construction could give a person skilled in the art a concrete impetus not to continue using it.

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Official headnote.

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