

Germany

“Tire Removal Machine” (Reifendemontiermaschine)

Decision of the Federal Supreme Court (Bundesgerichtshof)

1 April 2014 – Case No. X ZR 31/11

European Patent Convention, Art. 69(1)

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Keywords Construction of the patent claim · Subject matter of an independent claim · Correspondence with the device in accordance with the claim · Dependent claims

Whether the characterisation of the subject matter of an independent claim to the effect that it comprises a device in accordance with the preceding claims (here comprising a device in accordance with claims 1 to 12) requires the implementation of the features of all preceding dependent claims is to be determined by construing the patent claim, taking account of the description and the drawings.