

## Germany

### “Joint Strip”

**Decision of the Federal Supreme Court (Bundesgerichtshof)  
27 October 2015 – Case No. X ZR 11/13**

**European Patent Convention, Art. 84, second sentence;  
Act on International Patent Treaties, Art. II(6)(3);  
Code of Civil Procedure, Sec. 62**

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**Keywords** Revocation proceedings · Limitation of a patent ·  
Lack of clarity of the patent claim · Joint claimants

- a) In the case of a patent proprietor requesting the limitation of his own patent in revocation proceedings, a test of the clarity of the limited patent claim is in any case not admissible if the putative lack of clarity was already contained in the claims as granted.
- b) If an action for patent revocation is brought by several claimants or if several actions involving the same patent have been joined for the purpose of simultaneous hearing and adjudication, the claimants are necessarily joint claimants pursuant to Sec. 62 Code of Civil Procedure.

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