

**17th Fordham International Annual Conference  
Intellectual Property Law & Policy  
Cambridge University, April 15, 2009  
Session 3 - Patent Law B**

**Presentation Outline**

**“Acquisition of Evidence and Expert Witnesses in Patent Infringement Litigation – German Approach”**

**Dr. Klaus Grabinski, Presiding Judge at the District Court**

**I. Acquisition of evidence**

- 1) Problem
- 2) Legal provisions and case law
- 3) Requirements
- 4) Motion/Court Order
- 5) Surrender of expert opinion to applicant
- 6) Appeal proceedings

**II. Expert evidence**

- 1) General Remarks
- 2) Role of expert with regard to claim construction/equivalence
- 3) Role of expert with regard to attacked embodiment or process
- 3) Role of expert with regard to nullity (obviousness)

**III. Evidence Proceedings in Patent Infringement Litigation**

**IV. Expert evidence in nullity proceedings**