

**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