

Patent Litigation in Germany, Japan and the United States

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Patent Litigation in Germany, Japan and the United States

A Practitioner's Guide

by

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Preface

Patent systems in leading industrial nations like Germany, Japan and the United States have an important impact on research development and product commercialization.

The elaboration and further refinement of efficient patent litigation proceedings in these jurisdictions is of utmost importance in order to guarantee powerful enforcement of patent rights.

Practitioners with a multinational focus on patent disputes will have to be aware about the specific legal conditions in the various countries.

The book provides a comparative overview on patent law and patent litigation proceedings in Germany, Japan and the United States. The systematic presentation of the legal systems including comprehensive references reveals differences and similarities.

Munich, October 2021

Johann Pitz

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Abbreviations

AIA	American Invention Act
AIPLA	American Intellectual Property Law Association
ALJ	(U.S.) administrative law judge
Art.	Article
BGB	<i>Bürgerliches Gesetzbuch</i> (German Civil Code)
BGH	<i>Bundesgerichtshof</i> (German Federal Supreme Court)
CAFC	(U.S.) Court of Appeal of the Federal Circuit
CBM	(U.S.) Contested Business Methods
cf.	confer (see)
CJEU	Court of Justice of the European Union
DOJ	(U.S.) Department of Justice
ECJ	European Court of Justice
EP	European Patent
EPC	European Patent Convention
EPO	European Patent Office
et seq./seqq.	et sequentia
EU	European Union
F.	(U.S.) Federal Reporter
FCJ	Federal Court of Justice (BGH)
F.R.D.	(U.S.) Federal Rules Decisions
FDA	(U.S.) Food and Drug Administration
Fed. Cir.	(U.S.) Federal Circuit
ff.	and the following
FITF	“First Inventor To File”
FPC	(German) Federal Patent Court
FRAND	fair, reasonable and non-discriminating
FRCP	(U.S.) Federal Rules of Civil Procedure
FRE	(U.S.) Federal Rules of Evidence
FTC	(U.S.) Federal Trade Commission
FTI	“First To Invent”
GATT	General Agreement on Tariffs and Trade
GG	<i>Grundgesetz</i> (German Constitution)
GKG	<i>Gerichtskostengesetz</i> (German Court Fees Act)
GPTO	German Patent and Trademark Office
GRUR	<i>Gewerblicher Rechtsschutz und Urheberrecht</i> (German journal on IP and copyright law)
GRUR Int	<i>Gewerblicher Rechtsschutz und Urheberrecht – Internationaler Teil</i> (German journal on IP and copyright law – international)
GRUR-RR	<i>Gewerblicher Rechtsschutz und Urheberrecht – Rechtsprechungsreport</i> (German journal on IP and copyright law – case reporter)
GVG	<i>Gerichtsverfassungsgesetz</i> (German Judicature Act)
id.	idem (the same)
IIC	International Review of Intellectual Property and Competition Law
INPIT	Japanese National Centre for Industrial Property Information and Training
InstGE	<i>Entscheidungen der Instanzengerichte zum Recht des geistigen Eigentums</i> (German reporter on IP cases)
IPR	(U.S.) Inter Partes Review
ITC	International Trade Commission
L. Ed.	(U.S.) Supreme Court Reports, Lawyers’ Edition
LG	<i>Landgericht</i> (German court of first instance)
MPEP	(US) Manual of Patent Examining Procedures

Abbreviations

N.D. Cal.	Northern District of California
No.	number
NPE	non-practicing entities
OJ	Official Journal
PAO	<i>Patentanwältsordnung</i> (German Patent Attorney Code)
PatG	<i>Patentgesetz</i> (German Patent Act)
PGR	(US) Post Grant Review
pp.	pages
PTAB	(US) Patent Trial and Appeal Board
PTO	(US) Patent and Trademark Office
RAND	Reasonable And Non-Discriminatory
RG	<i>Reformgesetz</i> (German Reform Act)
RVG	<i>Rechtsanwaltsvergütungsgesetz</i> (German Lawyers' Fees Act)
S. Ct.	(U.S.) Supreme Court Reporters
S.D.N.Y.	(U.S.) District Court, Southern District of New York
SEP	standard essential patent
SSO	(U.S.) Standard Setting Organizations
Sup. Ct.	Supreme Court of the United States
TRIPS	Agreement on Trade-Related Aspects of Intellectual Property Rights
U.S.C.	United States Supreme Court
U.S.C.A.	United States Code Annotated
U.S.S.C.	Supreme Court of the United States
UP	Unitary Patent
UPC	Unified Patent Court
UPCA	Unified Patent Court Agreement
v.	versus
Vol.	Volume
ZPO	<i>Zivilprozessordnung</i> (German Code of Civil Procedure)


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