

Excercise 2 - Infringing or not?

After grant of the patent, the inventor of the protected underwear turns to you: Various products have appeared on the Internet that are suspected of patent infringement!

The models of the counterfeiters look almost exactly like the invention according to Figs. 1, 2 (see excercise 1). The individual imitations - Models A, B, C, D - are distinct in but one feature from the invention (all other features are the same). In which cases do the counterfeiting goods infringe the patent?

1) Model A is designed for right-handers and therefore comprises only a single inventive strip (with reduced elasticity in longitudinal direction) for putting on the underwear on the right-hand side. On the left-hand side there is but an ordinary fabric strip (with equal elasticity in longitudinal and transverse direction).

Question 1a: Is your claim 1 infringed?

Question 1b: Is claim 1 of AT 509 845 infringed?

2) Model B comprises foam pads instead of gel pads.

Question 1a: Is your claim 1 infringed?

Question 1b: Is claim 1 of AT 509 845 infringed?

3) Model C is marketed for older people having difficulties putting on clothes in a sitting position. A use for wheelchair users and the prevention of decubitus is not intended. However, the embodiment of Model C is structurally identical to the invention.

Question 1a: Is your claim 1 infringed?

Question 1b: Is claim 1 of AT 509 845 infringed?

4) Model D is a protective underwear for sports. The pad-shaped protective zones are not arranged at the contact areas in a sitting position of the wearer but located as bumpers laterally at the protector underwear.

Question 1a: Is your claim 1 infringed?

Question 1b: Is claim 1 of AT 509 845 infringed?