



# JSIP 2026 Mock Trial Case

Decision and reasoning

Presiding Judge Ronny Thomas

Düsseldorf Local Division

# Grounds of the Decision

[A] A stand for a mobile device comprising a mounting portion on which a mobile device is placed, and a base portion to which said mounting portion is rotatably connected via a hinge shaft, the stand for a mobile device characterized by comprising:

[B] a plurality of recesses formed in said base portion along the periphery of the hinge shaft;

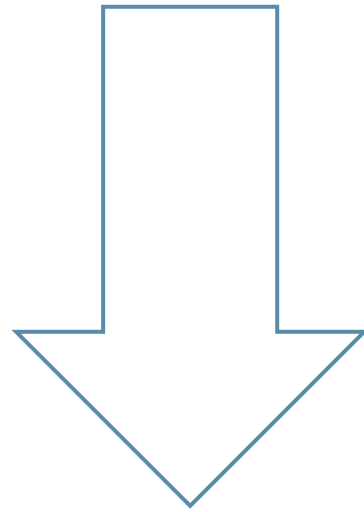
[C] a protrusion protruding from the mounting portion side and mating with said recesses at a predetermined position; and

[D'] **a metal compression coil spring** that biases said protrusion.

[E] (Concluding clause characterizing the stand)

# Starting Point

[D'] a **metal compression coil spring** that biases said protrusion.



Equivalence?

[d] a **metal leaf spring** that biases said protrusion.

# Equivalence test

1. **Technical equivalence:** Does the variation solve (essentially) the same problem that the patented invention solves and performs (essentially) the same function in this context?
2. Is extending the protection of the claim to the equivalent proportionate to a **fair protection for the patentee**?
3. Reasonable **legal certainty for third parties:** Does the skilled person understand from the patent that the scope of the invention is broader than what is claimed literally?
4. **Is the allegedly infringing product novel and inventive over the prior art?**

**Technical equivalence: Does the variation solve (essentially) the same problem that the patented invention solves and performs (essentially) the same function in this context?**

[0007] Therefore, the primary object of the present invention is **to provide a stand** for a mobile device that exhibits a robust and stable angle-holding function **without a reduction in holding force caused by component wear or material degradation over time.**

[...]

[0010] According to the present invention, it **is provided a stand** for a mobile device that exhibits a robust and stable angle-holding function **without any decline in holding power due to component wear or material degradation over time.**

**Technical equivalence: Does the variation solve (essentially) the same problem that the patented invention solves and performs (essentially) the same function in this context?**

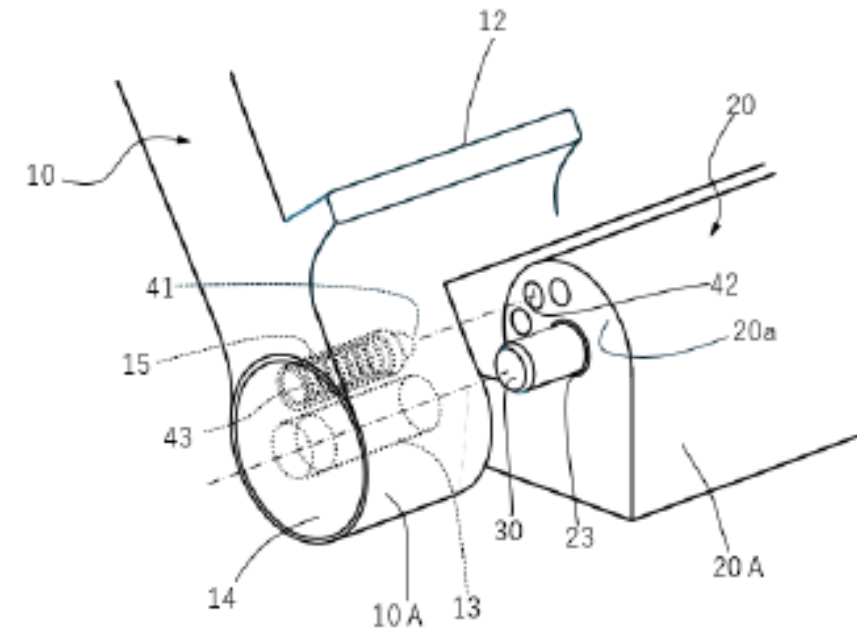
What is the specific function of feature D'?

... to **provide a continuous mechanical biasing force that urges protrusion toward the recess openings,**

and

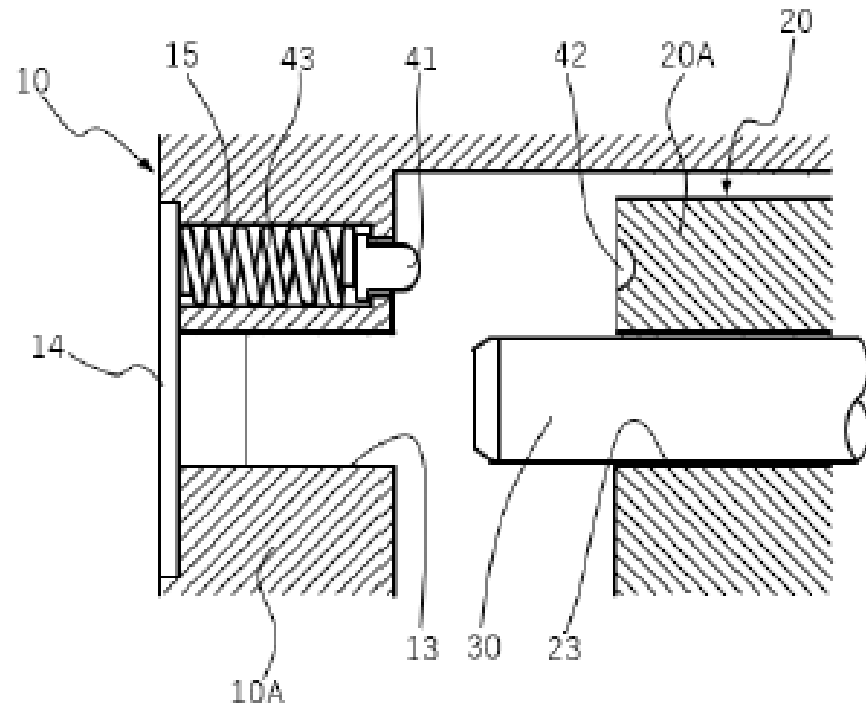
**to generate a restoring force that causes that protrusion to snap into a recess when aligned, producing the characteristic 'click'.**

[Fig.2]

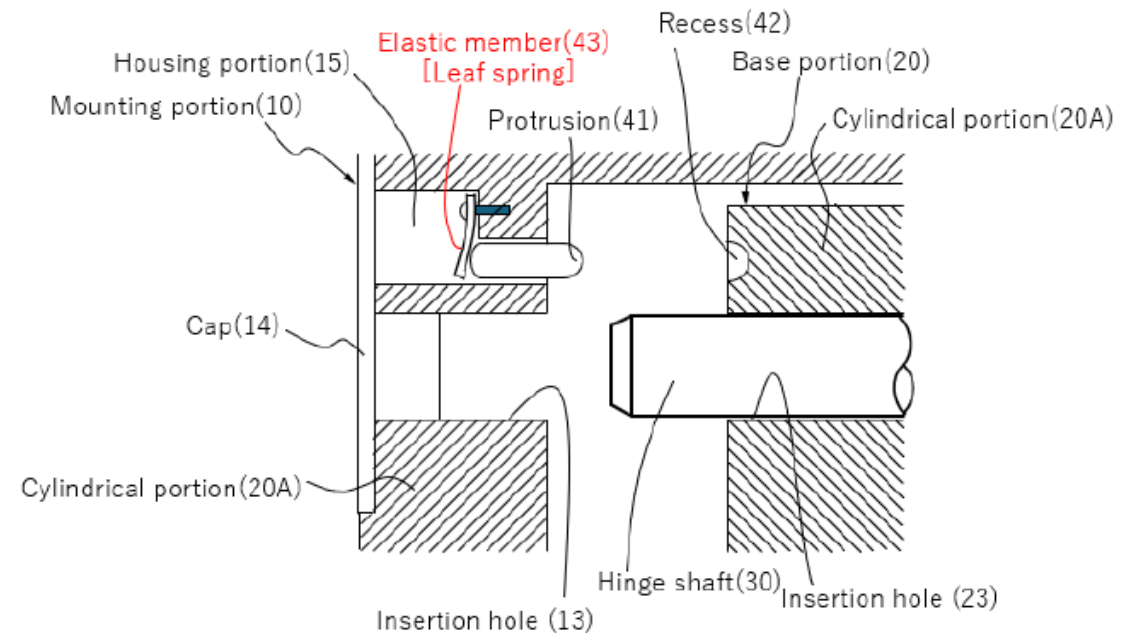


**Technical equivalence: Does the variation solve (essentially) the same problem that the patented invention solves and performs (essentially) the same function in this context?**

[Fig.4]



Patent in suit



Challenged embodiment

## **Technical equivalence: Does the variation solve (essentially) the same problem that the patented invention solves and performs (essentially) the same function in this context?**

[0024] As shown in FIGS. 2 and 3, the elastic member 43 of this embodiment is a metallic compression coil spring.

The compression coil spring 43 is accommodated in the housing portion 15.

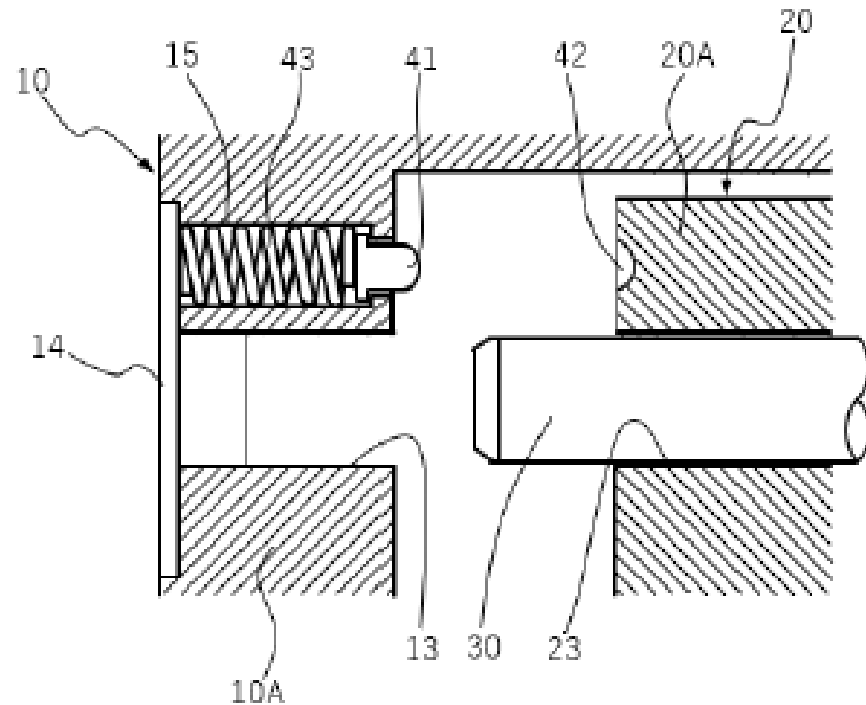
**Being guided by the inner peripheral surface of the housing portion 15, it is compressed in the axial direction of the hinge shaft 30, thereby biasing the protrusion 41 toward the end face 20a side of the cylindrical portion 20A of the base portion 20.**

# Equivalence test

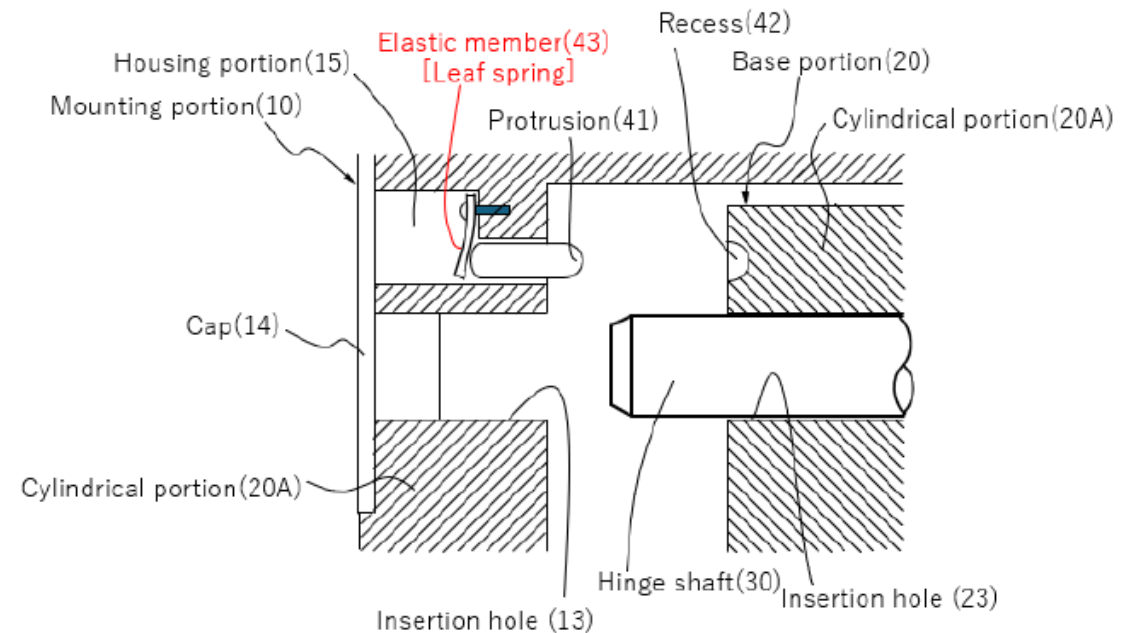
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# Is extending the protection of the claim to the equivalent proportionate to a fair protection for the patentee?

[Fig.4]



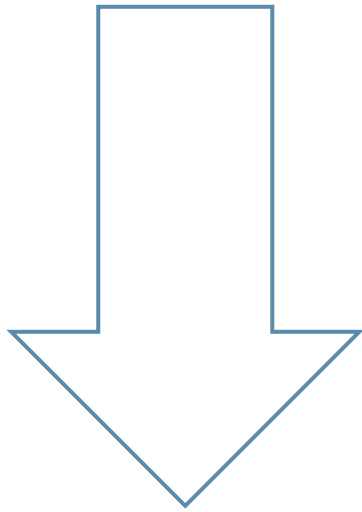
Patent in suit



Challenged embodiment

Is extending the protection of the claim to the equivalent proportionate to a fair protection for the patentee?

[D] **an elastic member** that biases said protrusion.

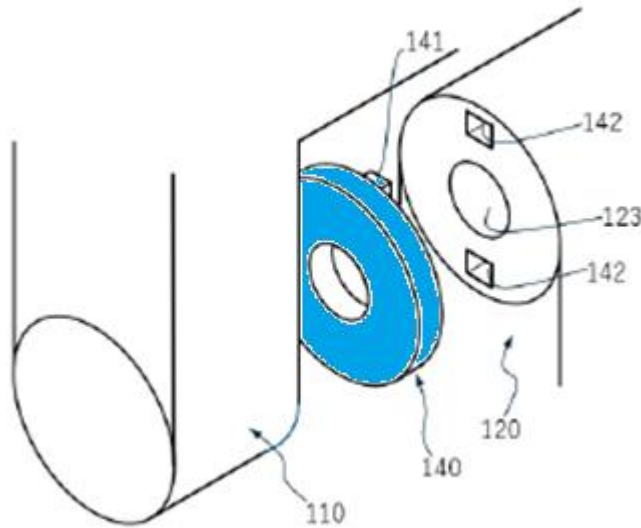


Amendment during the patent  
granting procedure

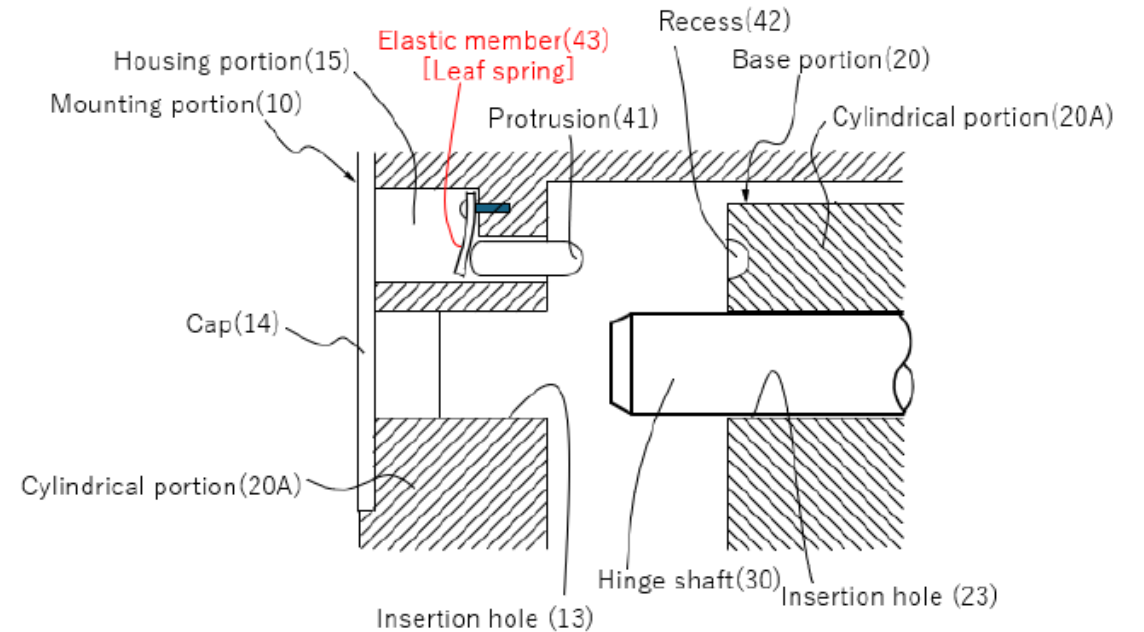
[D'] **a metal compression coil spring** that biases said protrusion.

# Is extending the protection of the claim to the equivalent proportionate to a fair protection for the patentee?

[Fig.2]



Prior art document



Challenged embodiment

# Is extending the protection of the claim to the equivalent proportionate to a fair protection for the patentee?

Problem: Using a metal leaf spring was not known at the priority date, but at the time of infringement

## ➤ **General rule:**

In principle, the scope of protection is determined on the basis of the **priority date**.

## ➤ **BUT:**

**Is it fair, that the variation is not based on** creative considerations, but rather on **the infringer benefiting from general technical progress?**

## ➤ **Solution:**

**It is sufficient that the conditions of equivalence are met, provided that the skilled person was aware of the variation at the priority date, even if it only became available later.**

# Equivalence test

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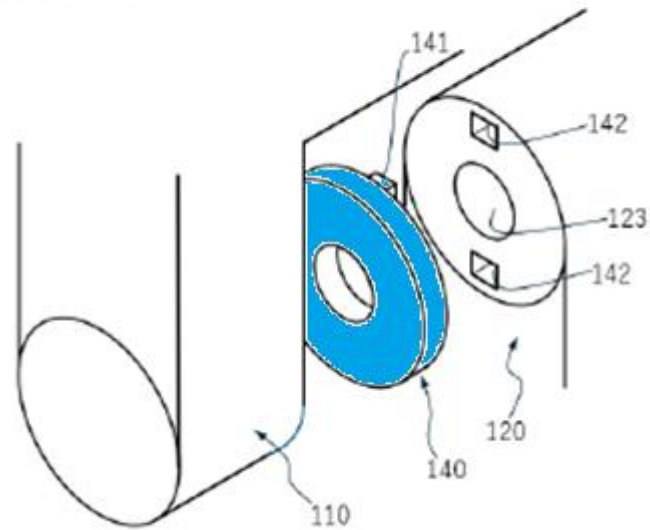
- **Patent in suit consistently describes** the component in question as an **‘elastic member’** and explains that its function to generate a biasing/restoring force to urge the protrusion into the recesses.
- Where a **metal coil spring is mentioned**, this is done **solely in the context of a preferred embodiment**, without the patent in suit attributing any particular advantages to such a metal coil spring.
- There is **no indication** that the **mention of a ‘metal coil spring’ is intended to exclude other metal springs** from the scope of protection of the patent in suit.

# Equivalence test

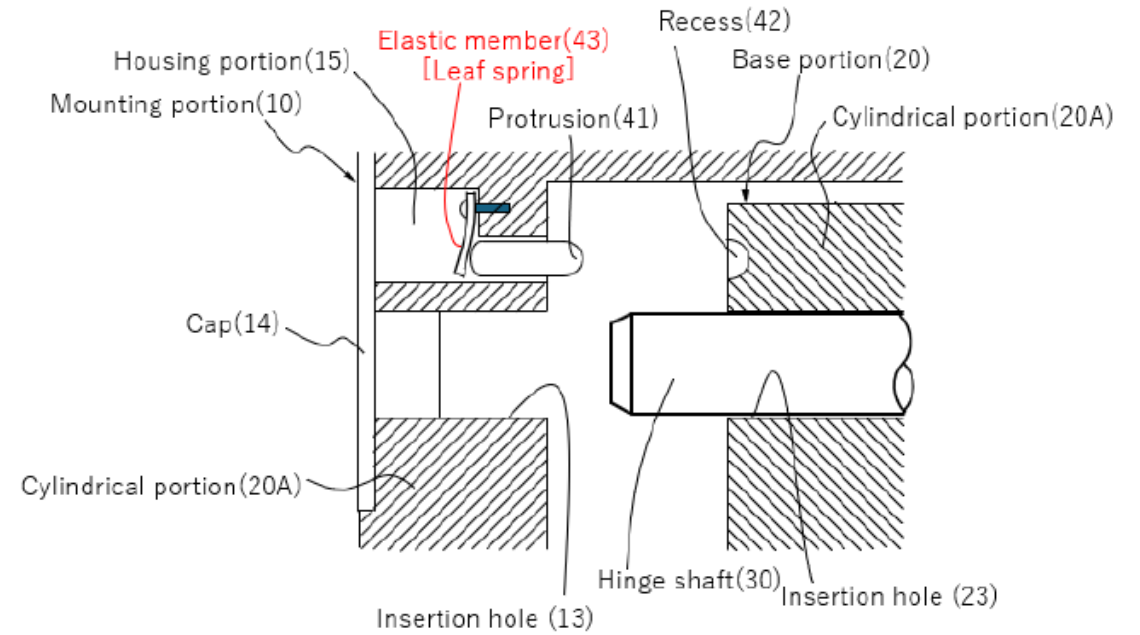
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# Is the allegedly infringing product novel and inventive over the prior art?

[Fig.2]



Prior art document



Challenged embodiment

# Equivalence test

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# Decision

1. The challenged embodiment makes use of the technical teachings of the patent in suit, with feature D' being realised by equivalent means.
2. An injunction is issued as requested.
3. Donkey is ordered to pay damages as requested.



Unified Patent Court  
Einheitliches Patentgericht  
Juridiction unifiée du brevet

# Thank you for your attention!

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