



Presented by
Management Forum

Litigation-Proofing and Proving your Patent Claims

4 November 2025

This seminar provides a comprehensive overview of the principles of patent claim interpretation in the USA, UK and Germany.



Format:
Classroom



CPD:
6 hours for your records



Certificate of
completion

Course overview

The law and interpretation of patent claims varies widely in different jurisdictions. Understanding how patent claims are interpreted in different regions is essential when trying to prove patent infringement and validity in order to protect an organisation's primary assets. This course has been specifically designed for all patent professionals doing business in a complex multi-jurisdictional environment.

The programme, presented by our expert speaker faculty, will include fact-based scenarios and case examples, with comparisons of the USA, UK and German approaches to claim construction and validity determination. The speakers will provide recommendations for both litigating patents and preparing patent applications to the best advantage.

Attending this course will provide the perfect opportunity for interaction with experts in the field, as well as other like-minded participants, who understand the challenges you are facing. There is time during the event for you to ask your questions and discuss any issues of particular concern in relation to patent construction.

Benefits of attending

By attending this course you will:

- **Understand** how your patent claims will be construed in Germany, UK and USA
- **Get to grips with** the divergent methods employed in the three jurisdictions to interpret similar claim language
- **Rationalise** the disparate effect of the doctrines of equivalents in the three jurisdictions
- **Compare** the distinct litigation arguments and strategies that would be used in each of the three jurisdictions to construe similar claims
- **Explore** the major claim interpretation approaches with interactive panel discussions of real-life cases

Who should attend?

This course is a must-attend event for:

- Patent professionals in private practice, including patent attorneys and lawyers
- Heads of IP, heads of patents and in-house patent counsel at every level
- Patent engineers and inventors

Plus all whose responsibilities include the need to understand the scope of patent coverage in USA, UK and Germany.

Programme

Patent claim construction generally

- In the USA
 - Inherent ambiguities of the all-elements rule
 - Use of intrinsic and extrinsic evidence
 - Counterintuitive interpretation of functional claims
 - USPTO proceedings vs infringement litigation
- In the UK
 - Court's approach to the 'normal' interpretation of the claims ...
 - ... and the (wider) scope of protection under the UK doctrine of equivalents
 - Accepted principles of claim construction (Virgin Atlantic)
 - The approach taken to parameters, numerals and specific claim form
- In Germany
 - Literal infringement and 'functional' interpretation
 - Can 'functional' interpretation result in construction 'below' the wording?
 - Numerals and literal infringement

Doctrines of equivalents and purposive construction

- In the USA
 - Sub-tests for determining equivalents
 - Counterweights to 'equivalence'
 - Vitiating
 - Unintended disavowal
 - Prosecution history estoppel and its variants
- In the UK
 - The groundbreaking judgement in *Actavis vs Lilly*
 - Does a 'variant' vary from the invention in an immaterial way? Or achieve substantially the same result in the same way?
 - Compliance with EPC Article 69 and Protocol
 - UK court's willingness to refer to EPO prosecution history
- In Germany
 - The Schneidmesser questions
 - Relevance of Pemetrexed
 - Has the scope of protection become broader again?
 - Relevance of prosecution history

Arguments and strategy: how to maximise the likelihood of a finding of infringement at each phase of a patent litigation

- Pleadings (Germany, UK, USA)
- Disclosure (UK, USA)
- Expert evidence (UK, USA)
- Trial (Germany, UK, USA)

Comparative case studies

- Presentations of real-life case studies with interactive panel discussions explaining the often dissimilar approaches that were or would be taken in the three jurisdictions for interpreting specific claims

Presenters



Ulrich Blumenroeder

Ulrich Blumenröder is a partner at Grünecker PartG mbB, an IP firm in Munich which focuses equally on both IP-litigation and IP-prosecution. Ulrich is active in all fields of intellectual property but specialises primarily in patent litigation.



Bradley Hulbert

Bradley Hulbert is a founding partner in McDonnell Boehnen Hulbert & Berghoff LLP, an 80-lawyer patent firm based in Chicago. Bradley has been lead counsel in a wide range of successful patent lawsuits and is an adjunct professor of law at the Chicago-Kent Law School.



Matthew Jones

Matthew has extensive experience of acting in large scale UK patent litigation and in multi-jurisdictional patent litigation. Matthew has acted in litigation relating to a wide range of technologies, including electronics, telecommunications, cryptography, optics, mechanical devices, pharmaceuticals and biotechnology.

Before joining EIP, Matthew worked as Senior Counsel for Teva Pharmaceuticals Europe. During his time at Teva, Matthew managed high-profile litigation in the UK, Germany, France and the Netherlands, including Generics [UK] Ltd v Yeda & Teva, which related to the blockbuster drug Copaxone®. Prior to working at Teva, Matthew worked as a solicitor at McDermott Will & Emery and at Taylor Wessing.

Matthew has a degree in Biochemistry from Bristol University and a PhD in Biochemistry (specialising in quantum enzymology) from Leicester University. He has written papers published in peer-reviewed journals and the legal press, and frequently speaks on intellectual property and litigation at business schools, universities and international conferences.

Course date

4 November 2025

Classroom

London

Course code 15038

GBP **699** ~~799~~

EUR **979** ~~1,119~~

USD **1,123** ~~1,279~~

Until 30 Sep

How to book



Online:

ipi.academy/1924

Alternatively contact us to book, or if you have any queries:



Email:

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Phone:

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Discounts

- Booking more than one delegate on any one date qualifies for a **15% discount** on the second and subsequent places.
- Most events qualify for an **early booking discount** prior to 6 weeks before the course date. Be sure to check on our website, where the latest discounts will be shown.

Further information

Fee

The fee includes all meals and refreshments for the duration of the course (for venue-based courses) and a complete set of course materials (provided electronically). If you have any particular requirements, please advise customer services when booking.

Please note

IPI Academy (and our training partners) reserve the right to change the content and timing of the programme, the speakers, the date and venue due to reasons beyond their control. In the unlikely event that the course is cancelled, we will refund the registration fee and disclaim any further liability.

Terms and conditions

The rest of our terms, the event cancellation policy and the terms and conditions are on our website, please visit ipi.academy/content/terms-and-conditions

Reviews



Very interesting. The comparisons between the different jurisdictions were very helpful.



Andreas Leijon
Senior Patent Attorney
Alfa Laval Corporate AB
May 26 2021



All the webinar was very interesting. The webinar was carried out very well. Easy to participate. The speakers very good in maintaining the attention of the participants.



MARIA LUISA MARCHESI
Italian Patent Attorney
Eni SpA
May 26 2021



Lovely!



Joe Gaal
Senior Patent Attorney
Syngenta Ltd
May 16 2017

Run this programme in-house for your whole team

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IPI
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IPI Academy is a training initiative of Falconbury and Management Forum; leading providers of industry training for over 30 years, based in the UK.

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