

BARDEHLE PAGENBERG helps BMW AG achieve final success against NPE before German Federal Court of Justice

With its final judgment dated July 5, 2022, the German Federal Court of Justice rejected the appeal of the NPE (non-practicing entity) London Optical Car Systems Ltd. against the revocation of the German patent DE 103 02 541 in its entirety at first instance. The patent relates to a device in a car for the optical monitoring of the surrounding traffic.

In late 2017, the BMW group was attacked by London Optical Car Systems Ltd. because of an alleged infringement of the patent-in-suit by various optical traffic assistance systems in vehicles sold by BMW AG.

In response, the car manufacturer filed a nullity complaint against the patent-in-suit with the German Federal Patent Court in early 2018, *inter alia* on the grounds of a lack of patentability in view of prior art documents not considered in the examination procedure and a public prior use by a car model from 2002. [With its judgment of March 12, 2020, the 1st Nullity Senate of the German Federal Patent Court declared the patent-in-suit, including various auxiliary requests by the patent proprietor, null and void in its entirety.](#) The patent proprietor filed an appeal against this decision with the German Federal Court of Justice. After an oral hearing, the German Federal Court of Justice confirmed all aspects of the first-instance revocation with its judgment dated July 5, 2022.

This dispute once again ([BARDEHLE PAGENBERG successfully defends BMW's emergency call system "Intelligent Emergency Call" in preliminary injunction proceedings against Synchronicity IP GmbH | BARDEHLE PAGENBERG](#)) proves that BMW AG calmly counters attacks by NPEs based on questionable patents and, if necessary, is always ready to vigorously fight back in elaborate nullity proceedings through all instances in order to ward off such attacks.

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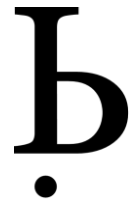
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10th Civil Senate of the German Federal Court of Justice

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