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(56) Ermittelter Stand der Technik:  
**US**                                      **5 598 644**      **A**

(54) Bezeichnung: **VERFAHREN, UM LEDER WASSERABWEISEND ZU MACHEN UND DURCH DIESES  
VERFAHREN ERHALTENE LEDER**

(57) Hauptanspruch: Shoe characterized in that it comprises an upper of waterproofed leather (1) or a sole of waterproofed leather (1), wherein the leather (1) is waterproofed by a process, which comprises pressing on the internal surface of the leather (1) at least one semi-permeable membrane (2) whose surface contacting the leather (1) is provided with a glue pattern, characterized in that said semi-permeable membrane (2) is elastic with a grade of elongation higher than 50 % and that the semi-permeable membrane (2) is not porous and carries out the water vapor passage by osmosis.

## Beschreibung

**[0001]** Der X. Zivilsenat des Bundesgerichtshofs hat auf die mündliche Verhandlung vom 30. Januar 2018 für Recht erkannt:

Auf die Berufung der Beklagten und unter Zurückweisung des weitergehenden Rechtsmittels wird das Urteil des 2. Senats (Nichtigkeitssenats) des Bundespatentgerichts vom 22. Oktober 2015 abgeändert und wie folgt neu gefasst:

Das europäische Patent 1 139 805 wird mit Wirkung für das Hoheitsgebiet der Bundesrepublik Deutschland dadurch teilweise für nichtig erklärt, dass die Patentansprüche folgende Fassung erhalten:

## Patentansprüche

1. Shoe characterized in that it comprises an upper of waterproofed leather (1) or a sole of waterproofed leather (1), wherein the leather (1) is waterproofed by a process, which comprises pressing on the internal surface of the leather (1) at least one semi-permeable membrane (2) whose surface contacting the leather (1) is provided with a glue pattern, characterized in that said semi-permeable membrane (2) is elastic with a grade of elongation higher than 50 % and that the semi-permeable membrane (2) is not porous and carries out the water vapor passage by osmosis.

2. Shoe according to the preceding claim, characterized in that the glue pattern of the semi-permeable membrane (2) is thermoadhesive, and that the pressing of said membrane on the leather (1) is a hot-pressing.

3. Shoe according to any of the preceding claims, characterized in that said semi-permeable membrane (2) is made of polyurethane.

4. Shoe according to any of the preceding claims, characterized in that said semi-permeable membrane (2) has a thickness included between 5 µm and 100 µm.

5. Shoe according to any of the preceding claims, characterized in that said semi-permeable membrane (2) is combined with a support sheet (3).

6. Shoe according to the preceding claim, characterized in that the support sheet (3) is made of fabric and is firmly fastened to the membrane (2).

7. Shoe according to any of the preceding claims, characterized in that the glue pattern is formed of a multiplicity of dots having a diameter included between 0,1 mm and 0,8 mm.

8. Shoe according to any of the preceding claims, characterized in that the glue pattern is formed of a multiplicity of dots having a density included between 50 dots/cm<sup>2</sup> and 200 dots/cm<sup>2</sup>.

9. Shoe according to the preceding claims, characterized in that it comprises an upper of waterproofed leather that is made of two or more pieces sewed together.

Es folgen keine Zeichnungen