Kluwer Patent Blog

Perfused microtissue/MIT, European Patent Office (EPO Board of Appeal), 04 September 2009

Bart van Weezenbeek \cdot Tuesday, September 15th, 2009 \cdot Landmark European Patent Cases

Following decision G 1/03, the Board concluded that a disclaimer that is used to remove subject-matter falling under the prohibition of Article 53(a) EPC in combination with Rule 28(c) EPC, is allowable.

The full summary of this case has been published on Kluwer IP Law.

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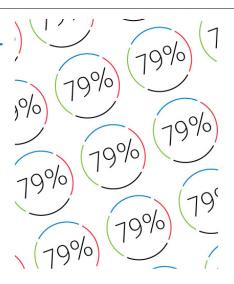
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This entry was posted on Tuesday, September 15th, 2009 at 2:35 am and is filed under Art. 123(2) of the European Patent Convention (EPC), a European patent (application) may not be amended in such a way that it contains subject-matter which extends beyond the content of the application as filed. Adding subject-matter which is not disclosed would give an applicant an unwarranted advantage and could be damaging to the legal security of third parties. (G 1/93, OJ 1994, 541) *The 'gold standard'* of the European Patent Office's Board of Appeal is that "any amendment can only be made within the limits of what a skilled person would derive directly and unambiguously, using common general knowledge, and seen objectively and relative to the date of filing, from the whole of the documents as filed" (G 3/89, OJ 1993,117; G 11/91, OJ 1993, 125).">Added matter, Biologics, Case Law, Disclaimer, EPC, Exceptions to patentability

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