

Kluwer Patent Blog

EPO: T755/14, European Patent Office, Board of Appeal, 21 May 2015

Lars de Haas (V.O.) · Thursday, February 11th, 2016

In a decision to refund an additional search fee, an EPO board rejected a determination of non-unity based on a priori technical differences, which determined different problems solved by different dependent claims without determining patentability with respect to the available prior art found for the independent claim. Instead, lack of unity should be decided based on posteriori technical differences with the available prior art, including prior art mentioned in the patent application. Only features that distinguish from the available prior art can qualify as “special technical features” to show lack of unity.

A full summary of this case has been published on [Kluwer IP Law](#).

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