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

Bart van Weezenbeek · Tuesday, September 15th, 2009 · 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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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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