

---

# Kluwer Patent Blog

## Imperceptibly different image/HOURPLACE, European Patent Office (EPO Board of Appeal), 30 September 2009

Ferry van Looijengoed · Wednesday, September 30th, 2009 · Landmark European Patent Cases

The appellant in this case filed a statement of grounds against the decision of the examining division to refuse a patent application. For the main request this statement only stated that it was believed that the application met the requirements of the European Patent Convention and maintained the arguments presented in the examination procedure. For an auxiliary request, the appellant provided further arguments. The Board of Appeal decided that the appeal as a whole was admissible. However, the main request was not, since the appellant's arguments were already dealt with in the decision of the examining division and the Board could not understand immediately from the statement of grounds why the decision was allegedly incorrect. As regards to the auxiliary request, the Board considered that the problem mentioned in the application was non-technical. The scope of the claims would cover subject-matter where the only relevant effect would be non-technical. Therefore, the Board found it necessary to reformulate the problem such that non-technical aims would be part of the problem for application of the problem and solution (see T 641/00). After doing so, the claimed subject-matter was held non-inventive.

Click [here](#) for the full text of this case. A summary of this case will be posted on <http://www.KluwerIPCases.com>.

---

*To make sure you do not miss out on regular updates from the Kluwer Patent Blog, please [subscribe here](#).*

### Kluwer IP Law

The **2022 Future Ready Lawyer survey** showed that 79% of lawyers think that the importance of legal technology will increase for next year. With Kluwer IP Law you can navigate the increasingly global practice of IP law with specialized, local and cross-border information and tools from every preferred location. Are you, as an IP professional, ready for the future?

Learn how **Kluwer IP Law** can support you.

79% of the lawyers think that the importance of legal technology will increase for next year.

**Drive change with Kluwer IP Law.**

The master resource for Intellectual Property rights and registration.



2022 SURVEY REPORT  
The Wolters Kluwer Future Ready Lawyer  
Leading change



This entry was posted on Wednesday, September 30th, 2009 at 2:47 am and is filed under [Case Law](#), [electricity](#), [electronics](#), and [electromagnetism](#) and includes control systems, medical electrical engineering, electrical energy systems, high-performance electronics, robotics, electric motors, digital and analogue circuits, circuit topologies, oscillators, amplifiers, filters, semiconductor components, silicon-based components, semiconductor systems, sensors, transistors, passive components, MEMs, smartcards, signal processing systems, digital signal processing, coding techniques, computer-related inventions, computer technology, embedded software, telecommunications, GSM/UMTS/CDMA systems and typologies, telecommunications coding techniques, positioning technologies, TFT/LCD/Plasma/(O)LED displays, Plasma physics, Solar cells, Semiconductor physics, Deposition techniques, etching techniques, thin film techniques, epitaxy techniques, Plasma processing, MRI, Thermodynamics, Nuclear physics, Nuclear energy, Nuclear applications in medicine, Geophysics, Aerodynamics, Sustainable energy technologies, Computational physics”>[Electrical Engineering](#), [EPC](#), [Exceptions to patentability](#)

You can follow any responses to this entry through the [Comments \(RSS\)](#) feed. Both comments and pings are currently closed.