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PDL Biopharma – humanized antibodies, European Patent Office (EPO Board of Appeal), 14 October 2009

Bart van Weezenbeek · Wednesday, October 14th, 2009 · Landmark European Patent Cases

This decision of the Board of Appeal covers two questions of interest: 1) May an Opposition Division include an obiter dictum in its decision? (The answer in this case is yes.) 2) To what extent is amendment in the background section of the description allowed in a divisional application?

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

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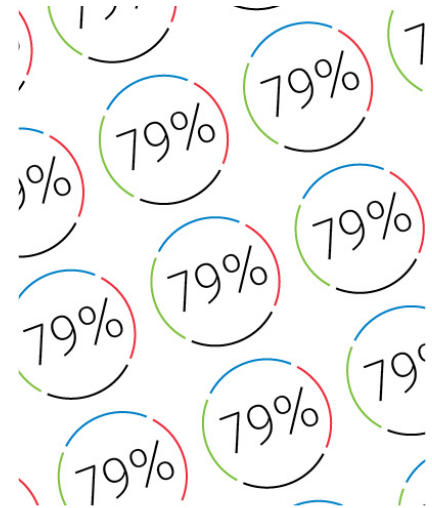
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This entry was posted on Wednesday, October 14th, 2009 at 2:49 am and is filed under [G 1/93](#), [OJ 1994, 541](#)) *The ‘gold standard’ of the European Patent Office’s Board of Appeal is that any amendment can only be made within the limits of what 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).*“>Amendments, [antibodies](#), [Biologics](#), [Case Law](#), [EPC](#)

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