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Measuring dialysis parameter, European Patent Office (EPO Board of Appeal), 11 November 2009

Lars de Haas (V.O.) · Wednesday, November 11th, 2009 · Landmark European Patent Cases

In this case the board ruled that a claimed measurement method was excluded as a method of treatment by therapy under Article 53(c) EPC because it encompassed administering a compound that could have a therapeutic effect. It did not matter that the purpose of the relevant claim feature was not therapeutic, or that the proprietor submitted expert testimony that the dose used in practice did not have a therapeutic effect. Since the claim did not limit the dose range a therapeutic effect could not be excluded.

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

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This entry was posted on Wednesday, November 11th, 2009 at 6:24 am and is filed under [Case Law](#), [EPC](#), [Exceptions to patentability](#)

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