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# Kluwer Patent Blog

## EPO: T 1376/1, European Patent Office, Board of Appeal, 26 January 2016

Frits Michiels (V.O.) · Wednesday, January 25th, 2017

The Board of Appeal decided that the invention was not sufficiently disclosed, as no seeds had been deposited and a skilled person could not obtain the claimed plants on the basis of the information in the application. More specifically, it was not possible for the skilled person to ascertain what the parental strain “*Capsicum annuum* NM 1441” actually is, and there was no evidence that this was publicly available at the priority date.

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

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