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Patent case: Euro-Celtique S.A. vs. Acino Pharma AG, James Pool Ltd. et al., EPO

Bart van Wezenbeek (Hoffmann Eitle) · Saturday, August 13th, 2022

It has long been held that a prior art disclosure of a chemical compound would disclose this chemical compound in all grades of purity and that novelty could only be achieved if the claimed level of purity could not be reached in the prior art. However, in the current decision the view that such an assessment should be performed in the light of inventive step and not with respect to novelty has been confirmed.

Case date: 01 June 2022

Case number: T 0043/18

Court: European Patent Office (EPO), Board of Appeal

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

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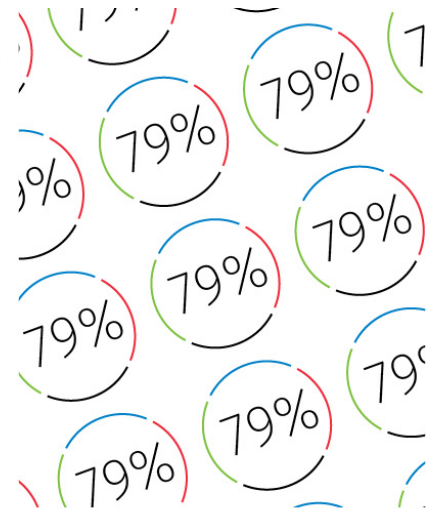
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