

to readers skilled in the polymer art as everyday articles were to the public at large. The claim was therefore clear.

In decisions T. 1129/97 (OJ 2001, 273) and T. 274/98 the board emphasised that, to satisfy the clarity requirement, the group of compounds/ingredients according to the claim had to be defined in such a way that the skilled person could clearly distinguish compounds/ingredients that belonged to the claimed group from those that did not (see also T. 425/98 regarding the expression "consisting of a major amount of").

In T. 268/13 the board concluded that a claim to a "method for producing a [...] decorative strip having a [...] structure consisting of a text or graphic symbol [...]" satisfied the requirements of Art. 84 EPC 1973. Although it was impossible to give an entirely general, universally applicable definition of what constituted a symbol, in the case in hand it would be clear whether or not a particular character was a symbol in the given cultural, linguistic or technical context. The claim therefore presented neither somebody wanting to avoid infringing the patent nor a court deciding on infringement with an impossible task.

In T. 1957/14 the board was not persuaded by the appellant's argument that deposited material serves as a surrogate for the description of a sequence, i.e. as an alternative to structural information. In the board's opinion, relying on deposited inbred line material for the definition of the essential features of the invention and requiring it to be analysed in order to identify the relevant alleles was at odds with the principle that, generally, the meaning of a claim, including its essential features, should be clear for the person skilled in the art from the wording of the claim alone.

In T. 1845/11 the board concluded that the term "Asian race" was not clear. Clearly defined objective criteria for patient assignment into racial groups were not available to the skilled person.

In T. 1170/16 it was held that "useful for" in the expression "a liquid absorbent structure useful for absorbent articles" of claim 1 resulted in a lack of clarity. "Useful for" included an element of value with respect to the features it linked. In claim 1 this benefit was not defined and so the reader was left in the dark as to how the structure was useful for the absorbent articles. The board did not accept that "useful for" was synonymous with "for", meaning "suitable for". It had an effect going beyond mere suitability.

In T. 651/05 the board found that the introduction of vague terms created a lack of clarity due to different but equally valid interpretations (see also T. 621/03, T. 127/04). In T. 1534/10 a claim contained the feature "that the data carrier (1) is constructed in a multi-layered manner as a laminate and contains at least two films (4, 5) which are integrated as a cover film (4) or as a core film (5) into the layer construction of the laminated data carrier". The board considered this wording ambiguous because it combined a plural form ("at least two films (4, 5)") with a singular form ("as a cover film (4) or as a core film (5)"), making it unclear whether the "at least two films" were each either a cover film or a core film, or whether together they formed a new film that was then either a cover film or a core film.