

obtaining better shrink or shrink and heat-seal characteristics for the laminate of the invention. See also in this chapter I.D.7.2 "Try and see situation".

In T.253/92 the subject-matter of claim 1 related to a process for the manufacture of a permanent-magnet alloy. In the board's view, a skilled person would have regarded it as obvious to try out a variety of alloys known from the prior art to be of similar composition to those of the better examples and to measure their magnetic properties.

In T.423/09 the board stated that the enhanced effect did not emerge from routine tests but from the practice to be followed according to the rules and recommendations of the handbook. The skilled person following the recommended practice prescribed in this handbook, and thus acting only routinely would inevitably obtain this enhanced effect, which therefore could not be taken as an indication of inventive step.

In T.237/15 the technical problem was the provision of a treatment regimen for human patients based on oral administration of suberoylanilide hydroxamic acid. The board found that the determination of the optimum dosage regimen required to achieve the therapeutic effect in the (human) patient was a matter of routine experimentation for the skilled person. It held that such routine tests did not require inventive skill and could consequently not establish an inventive step. See also in this Chapter I.D.9.21.12 "Animal testing and human clinical trials".

#### 9.21.8 Simplification of complicated technology

In T.61/88 the board indicated that, in the face of an optimal but sophisticated solution to a technical problem, the skilled person could not be denied the capacity to recognise that less complicated alternatives generally achieved less perfect results and consequently to envisage such alternatives, at least in situations in which the advantages of decreased complexity could reasonably be expected to outweigh the resulting loss of performance (T.817/94).

In T.505/96 the board concluded that the simplification of complicated technology in situations in which the advantages of decreased complexity could reasonably be expected to outweigh the resulting loss of performance must be considered to be part of the normal work of the person skilled in the art.

#### 9.21.9 Choice of one of several obvious solutions

##### a) Arbitrary choice from a host of possible solutions

A merely arbitrary choice from a host of possible solutions cannot be considered inventive if not justified by a hitherto unknown technical effect that distinguishes the claimed solution from the other solutions (T.939/92, OJ 1996, 309; T.739/08; T.1175/14; T.2554/16; T.1448/15; T.115/18; T.1984/15; T.1862/15). In T.400/98 the board stated that applying one of the possible solutions which were available to the skilled person required no particular skills and hence did not involve an inventive step (see also T.107/02). In