

characterising the salt that was necessarily used in the claimed method (see also the summary in chapter II.E.1.6.1c) below).

f) Peptide fragments

In T.703/16 the board held that a peptide fragment constituted a discrete physical entity, made up of individual amino acids and having defined physical end points, which was not comparable to a range of a quantitative parameter within which the invention can be performed (distinguishing its case from T.2/81 and T.1063/96).

1.5.2 Forming a range with isolated value taken from example

a) Principle

In T.201/83 (OJ 1984, 481) the board came to the conclusion that the amendment of the concentration range for a claimed mixture, such as an alloy, was admissible on the basis of a value described in a specific example, provided that the skilled person could have readily recognised that this value was **not so closely associated with the other features of the example** as to determine the effect of that embodiment of the invention as a whole in a unique manner and to a significant degree. In the case at issue, the new limit could be deduced from the original documents.

As pointed out in T.1556/16, limiting an originally disclosed broader range using an isolated value taken from an example may be allowed, if it does not present the skilled person with information that goes beyond the content of the original disclosure. In the case in hand, after a detailed analysis of the application's disclosure, as understood by the skilled person, the board held that the skilled person was not presented, by the particular selection, with new information.

b) Amendment allowed

The board in T.876/06 applied the principle established in T.201/83 and came to the conclusion that the skilled person could have recognised in the application as originally filed that the weight ratio of liquid rubber to solid rubber was not so closely associated with the other features of the examples as to determine the effect of the invention as a whole in a unique manner and to a significant degree. Thus, it was permissible to use the particular value used in several examples to limit the range of the weight ratio of liquid rubber to solid rubber. The limitation of the claim represented merely a quantitative reduction of a range to a value already envisaged within the document and not an arbitrary restriction providing a technical contribution to the subject-matter of the claimed invention.

In T.1188/10 the new range of 0,006% to 0,015% was formed by taking, as end points, single values from examples 2 and 4 relating to the use of LAE as preservative in two different specific food products at different growth temperatures. In order to assess whether this new range complied with Art.123(2) EPC it had to be considered whether a skilled person, in analogy to T.201/83, would generalise these values in the sense that he would recognise them as not only associated with the specific food products and