| 7.1.3 | Repeatability | 417 |
|-------|--|-----|
| | Broad claims | 417 |
| 7.2. | Level of disclosure required for medical use – plausibility | 418 |
| 7.2.1 | | 418 |
| 7.2.2 | Evidence of therapeutic effect | 420 |
| | a) Plausibility of therapeutic effect | 420 |
| | b) Consequences of plausibility for whether post-published documents | |
| | considered | 421 |
| | c) Consideration of post-published documents limited: cannot remedy | |
| | a fundamental insufficiency of disclosure | 423 |
| | d) Whether opponents can cite post-published documents | 424 |
| | e) Types of evidence of a therapeutic effect and consideration of | |
| | clinical trials | 424 |
| 7.2.3 | Pharmaceutical compositions | 425 |
| 7.2.4 | Field of pharmaceutical combinations (drug-drug interactions) | 426 |
| 7.2.5 | Medicament directed to a specific group of patients | 426 |
| 7.3. | Level of disclosure required for antibodies | 426 |
| 7.4. | Factors contributing to a finding of undue burden | 429 |
| 7.5. | | 432 |
| 7.6. | Deposit of living material | |
| 7.6.1 | Substantive law questions | 434 |
| 7.6.2 | Procedural law questions | 435 |
| | a) Conversion into deposit under the Budapest Treaty | 435 |
| | b) Late submission of deposit number | 435 |
| | c) Biological material deposited by a person other than the applicant | 435 |
| 8. | The relationship between Article 83 and Article 84 EPC | |
| 8.1. | Article 83 EPC and support from the description | 436 |
| 8.2. | Article 83 EPC and clarity of claims | 438 |
| 8.2.1 | Minority – or earlier – case law | 439 |
| 8.2.2 | Majority case law | 439 |
| | a) Currently predominant approach | 439 |
| | b) Case law before the now established approach. | 441 |
| | c) Recent debate around the majority and minority lines of case law | |
| | and alleged divergence in the case law | 441 |
| 9. | Evidence | 441 |
| 9.1. | Consequences of a strong or weak presumption for sufficiency of disclosure | 442 |
| 9.2. | Objection of insufficient disclosure rejected – examples | 443 |
| 9.3. | Burden of proof on the opponent – special cases | 445 |
| 9.4. | Taking account of doubts | 445 |
| 9.5. | Burden of proof wrongly allocated at first instance | 446 |
| 9.6. | Consequence of an invention going against generally accepted scientific | |
| | principles | 446 |
| 9.7. | Miscellaneous – argument based on potential effects on competition | |
| | rejected by the board | 448 |