

overall teaching of the initial application, the amendment contravened Art. 123(2) EPC 1973.

In T 1067/02 the board came to the conclusion that the **unclear** nature of the amendment introduced upon grant in claim 1 as filed, i.e. the introduction of the term "complete", allowed two different interpretations and, although they were both technically sensible, neither of them was directly and unambiguously derivable from the general disclosure of the application as filed. Consequently, claim 1 of the main request extended beyond the overall teaching of the application as originally filed.

In T 2298/09 the board held that, although the alternatives g2 and g3 remained **without a clearly derivable meaning**, it was not disputed that their introduction into claim 1 added information to the teaching of this claim. The group of features (g) encompassing these alternatives could not be ignored when examining these amendments under Art. 123(2) EPC.

See also the related topic "Claim interpretation when assessing compliance with Article 123(2) EPC" in chapter II.E.1.3.9 above.

1.11.9 Characteristic described for intermediate product added to the claimed end product

In T 314/07 the question arose whether the amendment of the claim directed to the absorbent material was directly and unambiguously derivable from a passage of the application as filed not describing the final absorbent material as such but the preparation of the intermediate film used therefor. The particular characteristics of the intermediate film described in the application as filed could be automatically transferred to the final absorbent material only if these characteristics would remain unchanged throughout the process of preparing the absorbent material (see also T 320/10). The board concluded that Art. 123(2) EPC was infringed.

1.12. Errors in the disclosure

1.12.1 Calculation errors

In T 13/83 (OJ 1984, 428), a case decided prior to G 3/89 (OJ 1993, 117) and G 11/91 (OJ 1993, 125) (see chapter II.E.4. "Correction of errors in the description, claims and drawings – Rule 139 EPC" below), the board held that a correction of an erroneous technical calculation was allowable under Art. 123(2) EPC 1973 if the amendment would be regarded by the skilled reader as clearly implied by the disclosure of the application as filed. If more than one arithmetical possibility of correction could be envisaged, the correction chosen had to be the one which the application as a whole clearly implied (see also T 784/96, which cites T 13/83). See also T 1242/07 in which the board found that the correction of an obvious calculation error satisfied the requirements of Art. 123(2) EPC.