

necessary to carry out the invention. Therefore, claim 4 as amended was in conformity with Art. 123(2) EPC. See also T 273/10.

In T 1906/11 the board emphasised that classifying an amendment as an "intermediate generalisation" or otherwise, for example as an "omission of an originally claimed feature" or a "multiple selection from two groups of alternative features" did not permit, as such, the drawing of any conclusion about the allowability of this amendment under Art. 123(2) EPC. According to that decision, the only relevant question would be whether a skilled person faced with the amended version of the application or patent, as compared to a skilled person having seen only the version originally disclosed, would derive from that amended version any **additional technically relevant information**. Only if such additional information was derivable can there be an infringement of Art. 123(2) EPC (cited in T 802/13). In T 248/12 the board stated that in respect of the "technical relevance" of the added information, case T 1906/11 could not be understood to define a new standard for judging amendments with respect to Art. 123(2) EPC since this would be at odds with the "gold standard" in G 2/10, OJ 2012, 376. See also T 1791/12 where the board considered that no divergent interpretations of the principles contained in G 2/10 for judging amendments were apparent in T 1906/11. The board in T 1471/10 considered that the ultimate standard for assessing compliance with the requirements of Art. 123(2) EPC in the case of an intermediate generalisation remains the "gold standard" (as set out in chapter II.E.1.3.1; see also T 2392/10, T 1791/12).

In T 2311/10 the board held that, in the case of an intermediate generalisation, the three-point or essentiality test was unhelpful or even misleading. See also T 1840/11, T 2095/12 and T 2489/13. On the three-point or essentiality test in general see in this chapter II.E.1.4.4 above.

In T 284/94 (OJ 1999, 464) the board stated that an amendment of a claim by the introduction of a technical feature taken in isolation from the description of a specific embodiment was not allowable under Art. 123(2) EPC 1973 if it was not clear beyond any doubt for a skilled reader from the application documents as filed that the subject-matter of the claim thus amended provided a complete solution to a technical problem unambiguously recognizable from the application. This criterion was applied e.g. in T 1644/11, T 1818/11 and T 2561/11.

In T 1387/05 the board noted that the same principles were to be applied for both Art. 76(1) EPC and Art. 123(2) EPC 1973. It followed that it was normally not allowable under Art. 76(1) EPC 1973 to extract features from a set of features which were originally disclosed only in combination in a parent application and to claim such extracted features in a divisional application isolated from their context, namely the combination disclosed in the parent application. See also the abstract for the consolidated cases T 1500/07, T 1501/07 and T 1502/07 in chapter II.E.1.9.2 below.