skilled person to reliably achieve, without undue burden, the technical effect of expression in any plant cell of any plant structural gene under the control of any plant promoter. Further cases where more than one example was required can be found in this chapter II.C.7.4.

In **T 19/90** (OJ 1990, 476) the claimed invention was defined by the incorporation of an activated oncogene sequence into the genome of non-human mammalian animals in general. The examining division refused the application on the grounds that in the light of the differences among different animals, it could not be assumed that the sole example given – mice – could be extended to all other non-human mammalian animals and the claims were thus unrealistically broad. The board disagreed.

In **T 636/97** it was emphasised that it is a fundamental principle of patent law that a claim can validly cover broad subject-matter, even though the description of the relevant patent does not enable every method of arriving at that subject matter to be carried out. Otherwise no dominant patent could exist, and each developer of a new method of arriving at that subject matter would be free of earlier patents. In **T 694/92** (OJ 1997, 408) the board held that, where an invention relates to the actual realisation of a technical effect anticipated at a theoretical level in the prior art, a proper balance must be found between, on the one hand, the actual technical contribution to the state of the art by said invention, and, on the other hand, the terms in which it is claimed, so that, if patent protection is granted, its scope is fair and adequate. The board highlighted the interrelation between the requirements of Art. 84, 83 and 56 EPC 1973. See also **T 187/93**.

In **T 2249/16** the contested decision had found fault with the claims on the grounds that they covered an extremely large number of possible of compounds or methods and were also broad in comparison with the examples. The board held that this was not enough alone to establish insufficient disclosure.

On broad claims, see in particular chapter II.C.7.3. below, which deals with antibodies defined by functional features.

7.2. Level of disclosure required for medical use – plausibility

7.2.1 Principles established by the case law

The case law reported below includes the landmark decisions establishing the applicable principles and examples of decisions subsequently taken in specific cases that recapitulate and apply those principles.

The boards of appeal have recognised that in the context of the requirement of sufficiency functional features require particular attention, as such features are defined by means of an effect that has to be achievable (see **G 1/03**, point 2.5.2 of the Reasons, cited by **T 2015/20**).

According to the established case law of the boards of appeal, attaining the claimed therapeutic effect is regarded as a functional technical feature of claims relating to a further