

features other than the disclosed one with the subject-matter of the application for the first time, was irrelevant since a specifically disclosed feature had not been replaced by its function. Instead, a general claim had been limited using a feature that the skilled person would, on the basis of common general knowledge in the art, directly and unambiguously derive from the originally filed version of the application.

#### 1.8.2 Generalisation and claim category

In T.784/89 (OJ 1992, 438) the patent application as filed explicitly disclosed a computer-controlled method for producing a particular effect. By reference to another patent application an apparatus was implicitly disclosed comprising a programmable component which, when suitably programmed, was used for the claimed method. The board considered that only this specific combination had been disclosed. To claim an apparatus for carrying out that method was considered an inadmissible extension of the application because the claim covered apparatus which could also be used in other methods and to achieve other effects. The only allowable claim was for an apparatus for carrying out a method comprising a programmable component which could be suitably programmed to carry out the method.

#### 1.8.3 No generalisation of an effect obtained for particular embodiments

In T.3/03 the board decided that an amendment consisting in the generalisation of an effect obtained for particular embodiments was not admissible. In the case in point, the results obtained for particular embodiments could not be generalised since the particular circumstances of use, including the type of additive used, determined whether or not filterability was improved.

#### 1.8.4 Amendments to preamble of claim by substituting general term for specific term

According to T.52/82 (OJ 1983, 416), an amended claim does not contain subject-matter which extends beyond the content of the application as filed if the preamble to the claim has been amended by substituting an appropriate more general term, which is apt to define a feature common to both the closest prior art described in the application as filed and the invention which is the subject of the application, for a specific term which is not apt to define that feature of the prior art (see also T.285/07).

### 1.9. Intermediate generalisations

#### 1.9.1 Principles

According to established case law (as summarised e.g., in T.219/09 or T.1944/10), it will normally not be allowable to base an amended claim on the extraction of isolated features from a set of features originally disclosed only in combination, e.g. a specific embodiment in the description or drawings of the original application (T.1067/97, T.714/00, T.25/03, T.2095/12, T.1365/16).