

temperature, as it was an essential parameter for the test in question. Consequently, the skilled person would immediately consider that "F" meant "Fahrenheit" and make the correction accordingly.

In T 657/11 the board held that the requested correction was obvious. It could not accept the argument of the respondent that the correction was not obvious because the wrong wording of the claim was also to be found in one passage of the description as filed. In fact, apart from this one passage, the rest of the description, the working examples and the figures were in line with the perceived correction. The board also excluded another possible correction because, although theoretically and technically possible, the skilled person would immediately reject it.

In T 141/14 the board held that the amendment of the feature "vanadium" to "vanadium oxide" did not meet the requirements of R. 139 EPC because the proposed correction was only **one of several options** which would occur to the skilled person. As long as there was at least one further possibility of correction, the criterion within R. 139 EPC that "the correction must be obvious in the sense that nothing else would have been intended than what is offered as the correction" was not fulfilled.

In T 606/90 the board allowed a correction pursuant to R. 88, second sentence, EPC 1973, in the opposition proceedings although the correction was not so obvious from the published text of the patent that it was immediately evident that nothing other than the proposed correction could have been intended. The applicant had filed typed amendments to the claims and the description and had also submitted the "working document" with the handwritten corrections for the dossier. The typed version of claim 1 omitted the detail which was now the subject of a request for correction pursuant to R. 88 EPC 1973; the same detail was present in the corresponding passage in the description. When the text was being prepared for publication of the patent, the detail in question was also omitted from the description owing to an **error by the EPO**. The board concluded that the omission in the description should not be taken into account when considering the admissibility of the correction. The reader of the patent would immediately have noticed the need for correction of the error in claim 1 if a transcription error had not likewise been committed by the EPO.

In T 244/19 the appellant (patent proprietor) had argued that it was obviously an error that original claim 6 referred back to just one of the two independent product claims. The board, however, did not consider it immediately evident that nothing other than a reference to both could have been intended.

4.3. No replacement of the description under Rule 139 EPC

Decision G 2/95 (OJ 1996, 555) decided that the complete documents forming a European patent application could not be replaced under R. 88 EPC 1973 (R. 139 EPC). In J 16/13 the board held that this equally applied to the exchange of a description. This followed from the principle that the filing date is inseparable from the description, since it is obvious that allowing an exchange of "only" the description by way of correction would directly result in the separation of the filing date from the description.