

physically meaningful one, **experiments** had had to be performed which needed more than common general knowledge, and the results thereof would not have been available on the date of filing. The request for correction was therefore refused.

In T 438/99 the board held that the fact that a term or phrase could not be interpreted or construed because it was unresolvably ambiguous did not necessarily mean that its deletion was a permissible amendment under Art. 123(2) EPC 1973. There remained a residual clear meaning in the ambiguous term, e.g., as in this case, that a specific direction was taught, and suppressing that fact resulted in a different technical teaching. Therefore, the second condition of R. 88 EPC 1973 (immediately evident that nothing else would have been intended than what is offered as the correction) was not met by the offered correction of deleting the feature without replacement.

T 1728/07 concerns the correction of an error in a structural formula representing oxazoline derivatives. The board recalled that according to R. 139 EPC, second sentence, it must be immediately apparent to the skilled person that (i) an error has occurred and (ii) how it should be corrected. With respect to requirement (ii), it must be decided whether the corrected feature is directly and unambiguously derivable from the content of the application as originally filed taken as a whole. This requirement was found by the board to be fulfilled.

In T 423/08 there was an obvious mistake in the original wording of one of the claims, in that either "gemäß" (according to) or "vor" (before) was superfluous. Although deleting "gemäß" made sense when considered in isolation, it was incompatible with the wording of claim 1. Deleting "vor" was thus not open to objection under Art. 100(c) EPC.

In T 1508/08, the board concluded that the second condition for allowability of a correction under R. 139 EPC was not met. In its view, not only did the correction fail to solve the existing problems of a lack of clarity, but it actually made things **even less clear**. That was one reason why the skilled person would not have contemplated the correction made by the appellant proprietor. Even if it were assumed in the appellant's favour that the skilled person would have contemplated this correction, it was not the only one possible, but rather one of at least three conceivable corrections.

In T 455/09 the board held that in the case at issue the skilled person could not exclude one of two options with certainty, so that it was not directly and unambiguously evident that nothing else could have been intended other than the proposed correction. For another case where other corrections were equally possible, see T 923/13.

In T 2303/10 the board held that it would be obvious to the skilled person that the first of the two alternative corrections mentioned by the examining division was totally incompatible with what was disclosed in the application as originally filed, whereas the second was technically feasible and entirely consistent with the disclosure and therefore allowable.

T 163/13 concerned the correction of "72EF" to "72°F". The board held that the only possible correction having a technical meaning in the present context was the