

According to the board in **T.818/03** a method claim which does not state sufficiently clearly the steps by which a particular result was achieved might still be considered clear provided the result to be achieved was clearly defined. A claim which defines a method of achieving some less than clearly defined result might also still be considered clear provided the steps that need to be taken to achieve that result are sufficiently clearly defined. However, a claim must be considered to lack clarity if, as here, it sets out insufficiently clearly both the necessary parameters of the method and the relevant characteristic features of the result.

In **T.409/91** the invention related to fuel oils. In the description the use of certain additives was presented as an essential constituent of the fuel oil composition. As this feature was missing in the claims, the board found that they defined some other invention which was not sufficiently disclosed. Although the requirements of sufficient disclosure of the invention (**Art. 83 EPC**) and support by the description (**Art. 84 EPC**) were related to different parts of the patent application, they gave effect to the same legal principle that the extent of a patent monopoly, as defined by the claims, should correspond to the technical contribution to the art (see also chapter **II.C.8.** "The relationship between **Article 83** and **Article 84**"). In **T.30/16** the board held that the technical contribution of an invention did not lie in the fact that the problem was solved, but rather in the combination of features by which it was solved.

In **T.2001/12** the board held that, if doubt that the invention as claimed is capable of solving the problem defined in the application arises because the claim fails to specify those features which are disclosed in the application as providing the solution to the problem, then the description and claims are inconsistent in relation to the definition of the invention, and an objection under **Art. 84 EPC 1973** may properly arise that the claims do not contain all the essential features necessary to specify the invention (see also chapter **II.C.6.** "Reproducibility"). See also **T.1180/14**.

In **T.1055/92** the board stated that since the primary function of a claim was to set out the scope of protection sought for an invention, it was not always necessary for a claim to identify technical features or steps in detail. This primary function of the claims should be clearly distinguished from the requirement that the European patent application had to disclose the invention in such a way that it enabled a person skilled in the art to carry out that same invention. Under **Art. 83 EPC 1973** sufficient disclosure was required of a European patent application but not of an individual claim as such. A claim had to comprise the essential features of the invention; the essential features should in particular comprise those features which distinguished the invention from the closest prior art. See also **T.61/94**.

In **T.914/02** the appellant sought to derive from the alleged sheer complexity of the proposed solution an implied use of technical means, in particular a computer. According to the board, it was doubtful as a matter of principle whether complexity could be used to disqualify an activity as a mental activity (see also chapter **II.A.1.4.2** "Technical considerations and technical implementations"). Rather, it would appear generally that if computer means were indeed indispensable, they should be included in the claim as an essential feature of the invention.