

considered too broad compared to any use disclosed in the description. Other decisions in turn consider both aspects (see e.g. T.297/05).

In T.695/16 the board noted that characterising features a and b in claim 1 were clear to the skilled person, i.e. their structural form, function and interrelation were clear. In the description there was at least a verbatim repetition of the characterising features of claim 1. Thus said features were also disclosed in a clear manner in the description, thereby supporting the wording of claim 1, and the scope of the claims was not broader than justified by the extent of the description. Since features a and b were per se clear, a specific denomination of these in the part of the description directed to the specific embodiment depicted in the figures was not mandatory. Any reading of the description and viewing of the figures had to be done with the knowledge that features a and b were present and interacted.

The description and drawings are used to interpret the claims. For case law in relation thereto see in this chapter II.A.6.3.

5.2. Restrictions on generalising the technical information and examples adduced in the description

The question of the extent to which the technical information and examples adduced in the description may be generalised in the formulation of the claims is usually examined in the context of the requirements of Art. 83 EPC (see in particular chapter II.C.5: "Clarity and completeness of disclosure"). Sometimes though it is also considered in the context of the requirement for support by the description. See also chapter II.C.8: "The relationship between Article 83 and Article 84 EPC".

In T.2231/09 the patent concerned a method of representing and analysing images. Claim 1 of the main request set out that "... at least one said descriptor element is derived using only a subset of pixels in said image." The appellant had put forward an interpretation according to which a "subset" could correspond to all pixels in the image, which the board considered inconsistent with essential parts of the described embodiments. The board stressed that, while a certain degree of generalisation may be permitted, features as claimed should make it possible to clearly identify features of embodiments that are covered by the terms of a claim. Moreover, the generalised subject-matter as claimed should make it possible to understand the technical problem to be solved. The terms of a claim should be commensurate with the invention's technical contribution to the art. The board regarded the division of the image into regions and subsets as essential for achieving the technical effect underlying the invention. Therefore, claim 1 was not supported by the description and did not comply with Art. 84 EPC 1973.

In T.659/93 the board held that the requirement that the claims should be supported by the description meant that they had not only to contain all the features presented as essential in the description, but had also to reflect the applicants' effective contribution by enabling the skilled person to carry out their teaching throughout the field to which they applied (similarly T.332/94 with reference to T.409/91, OJ 1994, 653).