

In T.547/17 the board agreed that the two distinguishing features of the claim at issue contributed to maximising the output current, however, this did not mean that the resulting output current was more than the sum of the individual contributions of the two ratios. The mere fact that both features contributed to maximising the same physical quantity (here the output current) was not sufficient to conclude that there was synergy between them. The board further agreed with the respondent that the two ratios according to the distinguishing features were interrelated. However, whether there was synergy between two features was a matter of whether their technical effects produced a combined technical effect which was greater than the sum of their individual technical effects, and not simply a matter of geometrical interrelation.

#### **9.4. Combination of teachings**

In T.1014/07 the examining division considered the subject-matter of claim 1 as obvious for the reason that each of the claimed features had been disclosed in the prior art. However, the board stated that the mere existence of teachings in the prior art is not a conclusive reason for explaining that the skilled person would have combined these teachings in order to solve the problem that he or she is confronted with. For the determination of the obviousness or non-obviousness of claimed subject-matter, it is not decisive that teachings are known – it must be decided whether or not the skilled person would have combined the known teachings such as to arrive at the claimed subject-matter when attempting to solve the underlying technical problem. Thus, the combination of known teachings may result in non-obvious subject-matter, namely when the skilled person is not motivated, for example by promptings in the prior art, to make such a combination. Under these circumstances the presence of any special effect arising from the combination is not necessary to establish an inventive step (see also T.1861/16).

#### **9.5. Technical disclosure in a prior art document**

In line with the established case law of the boards of appeal, when investigating inventive step it should be borne in mind that the technical disclosure in a prior art document should be considered in its entirety, as it would be done by a person skilled in the art and that it is not justified arbitrarily to isolate parts of such document from their context in order to derive from them technical information which would be distinct from the integral teaching of the document (T.56/87, OJ 1990, 188; T.768/90; T.223/94; T.115/96; T.717/96; T.414/98). According to T.95/90, **different parts of text in a document** can be combined if there is nothing to stop the skilled person from doing so. Any ex post facto analysis of a document, i.e. any attempt to misinterpret the disclosure of the prior art so as to distort the proper technical teaching of the disclosure in order to arrive at the claimed subject-matter, should be avoided since this would conceal the real technical contribution of the invention (T.1967/08).

#### **9.6. Features not contributing to the solution of the problem**

According to the established case law of the boards of appeal, features which do not contribute to the solution of the problem set in the description are not to be considered in assessing the inventive step of a combination of features (T.574/92). In