

particular sequence"; the list of fragment lengths was actually **not independent** from the list of amino acid sequences. The combination of the value "20 or more consecutive amino acids" with the amino acid sequences SEQ ID NOs 4, 6, therefore only limited the original disclosure in the parent application. This limitation did not create new subject-matter.

T.119/15 distinguished its case from T.1511/07 (see the summary in point a) above), as it did not relate to lists within the meaning of T.1511/07. Similarly, in T.2695/16 the board did not accept the argument of the appellant that the combination of amendments resulted from a selection from two lists of compounds.

c) Disclosure of combination in an individualised manner – pointers

(i) Combination not individualised in the application as filed – examples

In the board's view in T.686/99 the application as filed disclosed in an undifferentiated way different categories of base oils without any pointer regarding the selection of one particular category thereof. Priority was not given to ester oils from the original host of equivalent base oils. Therefore the board came to the conclusion that combining in claim 1 a base oil mandatorily comprising ester oils with the hydrofluorocarbons listed in claim 1 resulted from a multiple selection within two lists of alternative features, namely of ester oils from the list of base oils and of hydrofluorocarbons from the list of refrigerants, thereby generating a fresh particular combination. In the **absence of any pointer to that particular combination**, this combined selection of features did not, for the person skilled in the art, emerge clearly and unambiguously from the content of the application as filed.

In T.714/08 claim 1 of the main request had been amended so as to limit the first oxidation base to paraphenylenediamine and the list of couplers to 12 compounds, but the specific combination of paraphenylenediamine with each of those couplers could not be derived directly and unambiguously from the application as filed. The board did not accept the argument that the application as filed had already individualised paraphenylenediamine as a preferred first oxidation base. In its view, the cited passage related solely to a specific example. The case differed from those concerning restrictions applied to lists of substituents in Markush-type chemical formulas (see T.615/95 or T.50/97; see the abstracts in this chapter II.E.1.6.3 below); the restrictions there had not resulted in singling out particular combinations but had retained the generic nature of the chemical formula defining the claimed products.

In T.407/10 the board at first concurred with the appellant that, whereas the combination of e.g. two features only originally disclosed in lists of equivalent alternatives was normally found to violate Art. 123(2) EPC, there might be other combinations of features which although not explicitly disclosed in the application as filed were nevertheless derivable from the presence of an (explicit or implicit) pointer thereto. For instance, the fact that certain features were disclosed as preferred in the original application acted as a pointer for the skilled person, as the combination of preferred features was obviously the best way of achieving the technical effects that the invention aimed to provide (see e.g. T.68/99). However, this jurisprudence did not consider the combination of a feature not originally