

As for the amount of detail needed for a sufficient disclosure, this depends on the correlation of the facts of the case to certain general parameters, such as the character of the technical field and the average amount of effort necessary to put into practice a certain written disclosure in that technical field, the time when the disclosure was presented to the public and the corresponding common general knowledge, and the amount of reliable technical details disclosed in a document (see T 158/91; T 694/92, OJ 1997, 408; T 639/95; T 36/00; T 1466/05; T 2220/14).

### 7.1.3 Repeatability

An invention may also be sufficiently disclosed where results are **not exactly repeatable**. Variations in construction within a class of genetic precursors, such as recombinant DNA molecules claimed by a combination of structural limitations and functional tests, were immaterial to the sufficiency of disclosure provided the skilled person could reliably obtain some members of the class without necessarily knowing in advance which member would thereby be made available (T 301/87, OJ 1990, 335).

The claimed subject-matter in T 657/10 included an "elite event", i.e. a particular event resulting from a random method (for which the expectations always range from nil to high) and having at least one surprising, advantageous property. There was ample jurisprudence of the boards of appeal on "elite events". Although the specific random methods and resulting products with (normal) average properties might well be known in the prior art, the presence of a particular product with an unexpected advantageous property might justify the recognition of an inventive step. However, the disclosure has to enable a skilled person to obtain the particular product resulting from the "elite event" without the need to repeat the random method *de novo*, i.e. he must be able to obtain the particular product without having to rely on pure chance again. In the case before the board these requirements were not fulfilled.

### 7.1.4 Broad claims

The mere fact that a claim is broad is not in itself a ground for considering the application as not complying with the requirement for sufficient disclosure under Art. 83 EPC. Only if there are serious doubts, substantiated by verifiable facts, may an application be objected to for lack of sufficient disclosure (see T 19/90, OJ 1990, 476, point 3.3 of the Reasons). See also T 612/92, T 309/06, T 617/07, T 351/01, T 21/05, T 1188/06, T 884/06 and T 364/06.

In some cases, more technical details and more than one example were found necessary in order to support claims of a broad scope, for example where the essence of the invention was the achievement of a given technical effect by known techniques in different areas of application and serious doubts existed as to whether this effect could readily be obtained for the whole range of applications claimed, more technical details and more than one example may be required (see T 612/92; T 694/92, OJ 1997, 408; T 187/93 and T 923/92). In T 694/92 incomplete guidance was given. The claimed subject-matter concerned a method for genetically modifying a plant cell. In fact, the board held that the experimental evidence and technical details in the description were not sufficient for the