This section looks at the case law on parameters, which often addresses them in the context of methods of measuring them. Parameters are also dealt with elsewhere in this chapter: II.C.6.6.4 "Forbidden area of the claims" and II.C.8.2. "Article 83 EPC and clarity of claims".

5.5.1 Ambiguous parameters

a) Essential parameters

In **T 815/07** (absorbent article defined by reference to a parameter range to be measured by a specified method) the board pointed out (Catchword) that the purpose of a parameter contained in a claim is to define an essential technical feature of the invention. Its significance is that the presence of this technical feature contributes to the solution of the technical problem underlying the invention. The method specified for determining the parameter should therefore be such as to produce **consistent values**, so that the skilled person will know when he carries out the invention whether what he produces will solve the problem or not. This decision was cited (and endorsed) in **T 120/08**, **T 593/09** and **T 1305/15**. According to **T 593/09** ("ill-defined ("unclear", "ambiguous") parameter"), the assertion that the skilled person is unable to determine whether he is working within the claimed scope as such is not a valid basis for denying sufficiency of disclosure (see point 4.1.4 of the Reasons). What is decisive is whether the parameter is so ill-defined that the skilled person is not able, on the basis of the disclosure as a whole and using his common general knowledge, to identify (without undue burden) the technical measures (e.g. selection of suitable compounds) necessary to solve the problem underlying the patent at issue. The board in **T 1845/14** (see below) disagreed with some of the findings made in these decisions. Neither **T 256/87** (point 17 of the Reasons) nor **T 815/07** (point 6 of the Reasons) was followed by **T 1960/14** in relation to the issue whether the skilled person would know whether he was working within or outside the scope of the claim.

In **T 59/18** the relaxation ratio was an essential feature affecting the final properties of the obtained film and, thus, was relevant for solving the technical problem addressed in the patent. Therefore in accordance with the decisions **T 593/09** and **T 2403/11**, the lack of clarity of the term "relaxation ratio" necessarily affected the sufficiency of disclosure since it was not possible to realize the process for preparing the claimed multilayer film without knowing how to achieve, to measure and to control this ratio.

In **T 147/12** the board held that the conclusion reached in **T 815/07** could not be applied to the present case. In **T 815/07**, claim 1 had pertained to an absorbent article comprising an absorbent core and a crotch region defined by its absorbent capacity relative to the absorbent core's total absorbent capacity, the absorbent capacity being determined by test method A. The board had found that the structure of the article claimed would have an effect on the actual amount of liquid absorbed. Because the patent did not provide adequate information about the tested articles as regards their structure, materials or regions, the test method defined in claim 1 resulted in totally arbitrary values for the crotch region's absorbent capacity. The claimed subject matter was therefore not sufficiently disclosed. In **T 147/12**, however, the alkali metal content only depended on its method of