

over the essentiality test was that it was a single test for all types of amendment. See also T.422/16 (agreeing with T.1852/13 in the context of Art. 76(1) EPC) and T.833/16.

1.4.5 Removal of set of features

In T.211/95 the examining division had refused a divisional application on the grounds that a set of features from the original claim of the parent application was entirely missing from the claim of the divisional application. The board was unable to accept this. It held that the requirements under Art. 76(1) EPC 1973 would be met if it was obvious for the skilled person that there were **two technically unconnected teachings** which could be claimed separately, and if the skilled person clearly saw that the set of features according to the subject-matter claimed in the parent application was **not essential** to the subject-matter claimed in the divisional application. In the case at hand, the subject-matter of the divisional application was directly and unambiguously disclosed in the parent application. See also T.341/06 and T.694/07.

1.4.6 Removal of a feature indicating the intended purpose

In T.448/03 the claim as granted referred to an "apparatus for ejecting liquid or powdered medium", whereas claim 1 and the description as originally filed referred to an "apparatus for impulse fire extinguishing". The board observed that according to case law, "for" had to be interpreted as meaning "suitable for" and thus "for" did not limit the use of the apparatus to extinguishing fire exclusively. However, the fact that the apparatus was suitable for a given use or was suitable to contain a specific medium implied specific requirements regarding the material the apparatus was made of and its capacity to contain the volume of medium which was necessary to achieve the expected effect, which was to extinguish fire. See also T.1143/17 where the board held that the feature "usable in a process of extrusion coating ..." could only be removed without extending the subject-matter if all compositions defined by amended claim 1 could be used in such a process.

In T.653/03, the original term "diesel engine" in claim 1 was replaced by the term "combustion engine". Thus, the suitability of the claimed method had been generalised. The board did not share appellant 1's view that the intended purpose of the method did not provide a technical contribution to the invention. The technical contribution was that the amended method had to be suitable for any type of combustion engine. Whether the method steps needed real modification or not was irrelevant when the amendment of the claim was not supported by the original application. See also T.923/13 concerning the deletion of the words "for paper containers".

For cases where the removal of a use or purpose feature was considered allowable, see however e.g. T.692/97, T.835/97 and T.235/99. See also T.308/13 where the board came to the conclusion that a certain clause in the description addressed the intended purpose rather than a further functional definition of the claimed compounds and therefore did not need to be included in the claim to avoid an intermediate generalisation.