

Amended subject-matter that amounts to a generalisation of a particular embodiment disclosed in the original application but is still more specific than the original definition of the invention in general terms is often called an "intermediate generalisation" (see e.g. [T 461/05](#), [T 191/04](#); see also [T 2311/10](#)) and sometimes an "intermediate restriction" (see [T 461/05](#), [T 879/09](#), [T 2537/10](#)). Other decisions understand "intermediate generalisation" to refer to an undisclosed – and thus unallowable – combination of selected features lying somewhere between an originally broad disclosure and a more limited specific disclosure ([T 1408/04](#)). An intermediate generalisation is different from a simple generalisation (as e.g. in [T 910/03](#), [T 404/03](#)), since in the former case a definition of the invention in general terms forms part of the original disclosure ([T 461/05](#)).

In [T 1238/08](#) the board observed that it would be contrary to the purpose of Art. 123(2) EPC to allow undisclosed intermediate generalisations only because the application as originally filed had not been drafted to contain appropriate fall-back positions.

An intermediate generalisation is justified only **in the absence of any clearly recognisable functional or structural relationship** among the features of the specific combination (see e.g. [T 1067/97](#), [T 25/03](#), [T 876/05](#), [T 1587/12](#), [T 1561/14](#), [T 2003/14](#), [T 879/18](#)) or if the extracted feature is **not inextricably linked with those features** (see e.g. [T 714/00](#), [T 2154/11](#), [T 2287/11](#), [T 775/17](#)). See also e.g. [T 1397/09](#), [T 2172/11](#), [T 2095/12](#), [T 2489/13](#), [T 2313/13](#), [T 1469/15](#), [T 152/16](#) and [T 1365/16](#), which refer to both criteria; see also the abstracts on [T 1500/07](#) and [T 500/11](#) below.

The board in [T 962/98](#) held that an intermediate generalisation was admissible only if the skilled person could recognise without any doubt from the application as filed that those characteristics were **not closely related** to the other characteristics of the working example and applied directly and unambiguously to the more general context (often cited, see e.g. [T 1144/08](#), [T 313/09](#), [T 879/09](#), [T 2185/10](#), [T 500/11](#), [T 2489/13](#), [T 1002/14](#), [T 978/15](#)). In other words, in order to be acceptable, this intermediate generalisation had to be the result of unambiguous information that a skilled person would draw from a review of the example and the content of the application as filed.

In [T 461/05](#) the board found that claim 4 as amended defined subject-matter which was less general than that defined by claim 1 in the original version but more general than the particular embodiment corresponding to case 2a as disclosed in the description and the subject-matter of claim 6 as originally filed. The amendment comprised the omission of certain characteristics of the combination of features of the particular embodiment. The board held that the provisions of Art. 123(2) EPC 1973 precluded such an amendment only where the amendment presented the skilled person with new information which did not follow directly and unambiguously from the application as originally filed. A restriction of a claim by adding a number of features from a particular embodiment originally disclosed did not in itself introduce such new information. By contrast, the omission of the remaining features of the embodiment would introduce new information if the **omitted features were necessary to carry out the particular embodiment** of the invention. In the case in hand, the board saw no reasons why these omitted features would be