

be backed up by evidence. As a rule, demonstrating that the knowledge in question can be obtained from a textbook or monograph will be sufficient.

In T.2704/18 the board dealt in detail with the part played by the skilled person in the assessment under Art. 83 EPC and reiterated that they could supplement the information in the application (gathered from evaluating the claims, description and drawings) with common general knowledge and could also correct any errors identified (see T.169/83, T.206/83 and T.629/05).

In T.2305/11 the application did not give details of how to determine the essential feature (maximum solubility pressure of at most 1 000 bar), but the board accepted the appellant's argument that the skilled person knew of suitable methods. It nevertheless found that crucial information was missing because the application did not disclose that, in many cases, no maximum could be found, or how to proceed in those cases. No useful guidance could be found in the description, and the appellant had failed to show how the skilled person could use his common general knowledge to fill in the gaps in disclosure or overcome the lack of guidance.

In T.2004/14 (absorbent article), the board decided that, in the absence of any indication in the patent in regard to the method (and the test conditions) of determining the absorption capacity, the skilled person would not be able to reliably and repeatedly determine the crucial condition set out in claim 1. The blotter-method was not the only applicable test known by the skilled person and, even if it were, at least the value for the draining pressure to be applied in order to expel interstitial fluids would still be lacking. That, allegedly twenty-four patent publications disclosed the blotter-method did not convince the board since these patents were solely from two corporations. Moreover, it was likely that they would, when applying such a non-standardised blotter-method, perform the test under different conditions, which was exactly what standards aimed to avoid.

In accordance with the established case law (see e.g. T.206/83, T.1040/03), a detailed disclosure is not necessary if the skilled person, who has common general knowledge at his immediate disposal, is capable of putting the invention into practice without the burden of exercising inventive skill. This principle obviously extends to all variants encompassed by a claim (T.1018/05, cited also in T.2301/12 in respect of variants clearly outside the scope of practical application of the claimed subject-matter and values of a parameter not obtainable).

The patent must provide guidance enabling the skilled person to identify the process features decisive in **overcoming a prejudice**. The skilled person should not have to work this out himself (T.419/12).

In T.377/17 the board held that the case law since T.171/84 and T.206/83 had clearly answered the question what sources of information were to be considered for the purposes of Art. 83 EPC, namely only the patent specification (including any sources cited in it) and common general knowledge, i.e. the knowledge potentially available to any skilled person in the field. This did not include secret know-how of individual makers of aerated concreted. How a head of a laboratory would have used such inside know-how to