

In T.521/12 claim 1 could be given different interpretations, in particular, with respect to the relationship between the features of the claim preamble and the features recited in the characterising part. However, as the only issue was sufficiency of disclosure, an interpretation of the claim wording was required only as far as it was relevant for deciding whether Art. 83 EPC was complied with. It was therefore implicit, in the board's view, that the expression "portion of electronic information" in feature (g) could not cover any possible type and format of electronically stored data, but was to be given a meaningful interpretation determined by the function it was expected to perform in the context of the claimed subject-matter. The skilled person wishing to implement the claimed invention would therefore exclude as meaningless and not consistent with the teaching of the application any type of "electronic information" which because of its content and/or format was irrelevant, or unsuitable.

T.658/04 summarised the case law about what forms part of the common general knowledge. The board considered that an expert opinion submitted by the appellant (patent proprietor) which contained general considerations (not supported by verifiable facts) did not form part of the common general knowledge (see also chapter I.C.2.8.1 "Definition of common general knowledge"). See also T.842/14 (quoting G.1/92, OJ 1993, 277), which concerned the requirements that a chemical composition of a commercially available product designated by a trademark in the claim be part of the common general knowledge of the skilled person; and T.2196/15 for an example of difficulties in proving the common general knowledge.

In T.443/11 the board noted that during the course of the proceedings the examining division had argued that claim 1 had to be taken literally. The board disagreed with this statement, since it was established case law of the boards of appeal that claims should be interpreted in the manner that they would be understood by a person skilled in the art. In the context before it the board considered that the skilled person would understand (mathematical operations implemented in electronic devices).

In T.1516/14 the board stated that the consideration as to whether or not a particular feature distinguished the claimed subject matter from the prior art, or indeed whether or not it was merely a statement of something that was inherently true, played no role in assessing sufficiency of disclosure. Nor was it for the board to speculate as to why a particular feature was added to the claim in examination proceedings. The **subjective intentions of the patentee** are relevant for the purposes of interpreting the claims only to the extent that these intentions were explicitly formulated in and therefore derivable from the patent specification itself. The board did not rely solely on internal logic or syntax of the claim to arrive at the conclusion that Art. 83 EPC was satisfied; referring a question in this respect to the Enlarged Board was not justified. See also chapter II.A.6.1 about the contribution of T.1516/14, concerning interpretation of claims and the skilled person's approach meaning as being a purely technical approach.

In T.1845/14 the measurement method for determining the short chain branching distribution (SCBD) was defined in claim 1 to be crystallisation analysis fractionation (CRYSTAF®). As regards the disputed SCBD parameter, the board came to the conclusion that determining an SCBD using the CRYSTAF® technique would have been