

(OJ 1994, 541) had been made explicitly for the addition of undisclosed limiting features limiting the scope of protection and did not provide a criterion for establishing whether or not an amendment extended beyond the content of the application as filed. The board concluded that, other than for the purposes envisaged in G 1/93, a "technical contribution" was of no relevance when deciding on the allowability of amendments under Art. 123(2) EPC. Instead, the gold standard set out in G 2/10 was the only criterion that had to be applied. See also T 1465/15, which, in reply to an argument of the appellant (proprietor) based on T 1253/07 and T 1621/16, likewise highlighted the gold standard (G 2/10).

### 1.6.3 Deletion of elements from lists – shrinking the lists without singling out a combination of features

According to the boards' consistent case law, the guiding principle is that deleting meanings of residues in a generic chemical formula must not lead to the selection, in the respective lists, of a particular combination of single, specific but originally undisclosed meanings of residues (see T 615/95 and T 859/94).

In T 615/95 there were three independent lists of sizeable length specifying distinct meanings for three residues in a generic chemical formula in a claim. One originally disclosed meaning was deleted from each of the three independent lists. The board stated that the present deletions did not result in singling out a particular combination of specific meanings, i.e. any hitherto not specifically mentioned individual compound or group of compounds, but maintained the remaining subject-matter as a generic group of compounds differing from the original group only by its smaller size. Such a **shrinking of the generic group** of chemical compounds was not objectionable under Art. 123(2) EPC 1973, since these deletions did not lead to a particular combination of specific meanings of the respective residues which was not disclosed originally or, in other words, did not generate another invention. (See also T 948/02, which refers in detail to this case law and which did not allow the amendment of a generic chemical formula. For another decision distinguishing its case from T 615/95, see T 1150/15; see also T 894/05, T 888/08).

In T 50/97 the board explained that in the case at issue the shrinking of the lists of alternative definitions disclosed in the application as filed was not objectionable as that limitation did not result in singling out a particular combination of specific definitions, i.e. a hitherto not specifically mentioned sub-class of compounds, but maintained the remaining subject-matter of claim 1 as generic lists of alternative definitions differing from the original lists only by their smaller size (with reference to T 615/95 and T 859/94).

In T 942/98 the board held that, through the **deletion of all other meanings**, residues X1, X2 and R5 had been narrowed down to a single meaning, leading to a combination of specific meanings of residues not disclosed in the application as filed. Consequently, claim 1 as filed did not in itself provide adequate support for claim 1 as amended (cited by T 2013/08 in connection with the established case law concerning "singling out").