

Art. 123(3) EPC. However, contrary to the proprietor's line of argument, it was not the opponent but the proprietor who, in the context in hand, bore the burden of proof that the amendments were allowable. In fact, even if, as proposed by the proprietor, the standards used to assess novelty were to be applied, the burden would still be on it because the amendment at issue involved changes in calculations relating to an unusual parameter (see T 1764/06 and T 1920/09), which made it all the more the proprietor's responsibility to dispel any possible doubt as to whether the the scope of protection had been extended.