

by weight" did not change the technical teaching or constitute a new technical function in relation to the claimed concentration range; from a technical perspective, the scope of protection remained the same even after the amendment (see T 112/10). The board added that its decision was consistent with the boards' case law on novelty and rounding values (see T 234/09 or T 1186/05).

In T 1986/14 claim 6 of the main request was amended by including the features "glycerin in an amount ranging from 50% to 90% by weight of the composition". The appellant argued that the amount of glycerin in claim 6 found a basis in the application as originally filed, which read "glycerin moisturizer can be present individually in an amount ranging from about 50.00% to about 90.00% by weight". The board held that it was undisputed that 50% and 50.00% differed in their accuracy. For this reason, the values 50.00% and 90.00%, on their own, could not provide a basis for the features 50% or 90%. The applicant argued, however, that the use of the term "about" in the passage mentioned above indicated that it was not intended to restrict the claimed amount to ranges defined by end points with four significant figures. For the board, the feature "about 50.00% to about 90.00%" disclosed a range with two end points, namely 50.00% and 90.00%, and an area of undefined boundaries around them. No other end point, such as 50% or 50.0%, was either implicitly or explicitly disclosed.

In T 2203/14, the upper limit of the range relating to the thickness of the corrosion resistant layer in claim 1 as filed "approximately 5 microns" was amended to "approximately 5.0 micrometers" in view of prior art disclosing a value of 5.2. The board recalled that according to case law, when comparing a value from the state of the art with a claimed value, the state of the art value had to be given the same accuracy as the one claimed (citing T 871/08 of 8 December 2011, and T 175/97). Therefore, "approximately 5.0" and "approximately 5" could – in the case at issue – not have the same meaning. The application as filed consistently mentioned only the value of 5 micrometers for the corrosion resistant layer. The fact that the upper limit of another layer in the application as filed was given as 5.0 and 5 had no bearing on the value at issue since the two layers were not linked to such a degree that a certain accuracy for one layer would inevitably imply the same accuracy for the other layer. The board concluded that the amended value "approximately 5.0" was not directly and unambiguously derivable from the application as filed.

## 1.6. Combination of features pertaining to separate embodiments or lists

1.6.1 Combination of features pertaining to separate embodiments; application as filed is not a "reservoir"

### a) Principles

The content of an application must not be considered to be a reservoir from which features pertaining to separate embodiments of the application could be combined in order to **artificially create a particular embodiment** (T 296/96, T 686/99, T 1206/01, T 3/06, T 1206/07, T 1041/07, T 1239/08, T 1648/11, T 1799/12, T 1853/13, T 1775/14). In the absence of any **pointer** to that particular combination, this combined selection of features