any of the well-known methods used in the field, for which no undue burden or inventive skill would be required. The appellant (opponent) argued that the patent in suit did not include any information as to how the "particle size" should be measured, and that this would lead to significant inconsistencies in the results. The board was not convinced by this reasoning, since any possible inconsistency resulting from the choice of a particular measuring method (among a number of well-known available alternatives) would only affect the demarcation of the scope of protection and not the ability to carry out the invention. In this respect the board noted that, in line with a number of decisions in the case law (see e.g. **T 378/11**, dealing precisely with the parameter "particle size"), problems of demarcation had to be dealt with under Art. 84 EPC and not under Art. 83 EPC. Since the feature "particle size" was part of the claims as granted, the board was not competent to assess compliance with Art. 84 EPC (**G 3/14**). The board also noted that there was no requirement in claim 1 to measure the primary particle size and the agglomerate particle size simultaneously rather than sequentially. Furthermore, a number of well-known optical methods were available which would allow both a simultaneous (e.g. visual analysis of the agglomerated particles to estimate the size of the agglomerates and the primary particles identifiable in these agglomerates) and a sequential measurement to be carried out. In any case, the appellant had not provided any evidence in support of its allegations.

In **T 1154/12** the respondent (opponent) contended that the patent lacked sufficient disclosure because it did not define the method which should be used for measuring and calculating the "average particle size" called for in claim 1. The board was not persuaded by this argument. It was undisputed that several methods of measuring or calculating the average particle size were conceivable to the skilled person. Whether or not the use of several kinds of measuring or calculating the average particle size led to different results was, however, a matter of determining the boundaries of the independent claim, i.e. a matter of clarity rather than sufficiency of disclosure (see **T 378/11**).

In **T 2666/17** confirmed and summarised the findings in **T 815/17** (problem if the parameter is ill defined) and noted that surface tension was a well-known parameter which could be measured using known methods. That the measuring method would lead to different results would not prevent the skilled person from reproducing the invention but would simply raise doubts as to whether certain embodiments at the margins of the scope of the protection fall within the forbidden area or not (issue of Art. 84 EPC).

In **T 1960/14** (parameter – melting point of a palm oil fraction), the board stated that the skilled person (common general knowledge) was aware of three suitable standard methods. The respondent (opponent) asserted that these methods provided significantly different results but did not submit any experimental evidence. In view of tests disclosed in D22, the board concluded in agreement with the patent proprietor that all three methods provided very similar results with uncertainty only at the edges of the claimed ranges. **T 1960/14** endorsed the finding in **T 608/07** that for an insufficiency arising out of ambiguity it is not enough to show that an ambiguity exists, in this case at the margins of the claimed melting point range due to the lack of any indication of the measuring method. It will normally be necessary to show that this ambiguity deprived the skilled person of the promise of the invention. In the case at issue, the respondent (opponent) had not submitted any technical evidence to that effect. The respondent in **T 1960/14** also referred