

disclosed in the application as filed as a general disclosure applicable to all embodiment of the invention and considered the contrary approach adopted by the appellant/opponent as very formalistic, without taking into account the type of **audience** to which the patent is directed.

In T.113/16 the board recalled (with reference to the "Case law of the Boards of Appeal", 8th edition 2016, chapter II.A.6.1) that in interpreting claims, in order to determine their content, the skilled person read them with synthetic propensity, building up rather than tearing down – with the aim of making technical sense of their wording and in a way that takes account of the whole disclosure of the patent. Claims are thus read with a **mind willing to understand**, contextually, and using normal reading skills. The same naturally applied to the description and drawings, bearing in mind their purpose to describe or illustrate by detailed examples the basic concept of an invention claimed. Thus, the skilled person approaches claims, description and drawings as integral and connected parts of a whole disclosure. This applied also to determining the contents of the application as filed. See also T.488/16 and T.516/18. However, see T.916/15, in which the board took the view that the jurisprudence of the boards of appeal referring to "a mind willing to understand" did not apply for the purpose of assessing the allowability of amendments under Art. 123(2) EPC.

A new definition differing from the standard definition known by the skilled person does not add subject-matter, if there is pertinent disclosure in the application as a whole (T.1598/18).

1.3.3 Implicit disclosure

Subject-matter which is implicitly disclosed to the skilled person, using common general knowledge, in the application as filed is part of its content (see G.2/10, OJ 2012, 376). As pointed out in T.860/00, the disclosure implicit in the patent application – i.e. what any person skilled in the art would consider was **necessarily implied** by the patent application as a whole (e.g. in view of basic scientific laws) – is relevant for the requirements of Art. 123(2) EPC 1973 (see also e.g. T.947/05, T.1772/06, T.1041/07, T.1125/07, T.2541/11, T.2273/12, T.389/13, T.2267/14, T.1690/15).

It is essential to identify the actual teaching conveyed by the original disclosure. This approach might lead to the identification of subject-matter which has not been explicitly revealed as such in the application as filed, but nevertheless derives directly and unambiguously from its content. Literal support is not required by Art. 123(2) EPC (see e.g. T.667/08, T.2177/11, T.1728/12, T.801/13, T.640/14).

In T.823/96 the board observed that the term "implicit disclosure" should not be construed to mean matter that does not belong to the content of the technical information provided by a document but may be rendered obvious on the basis of that content. The term "implicit disclosure" relates solely to matter which is not explicitly mentioned, but is a **clear and unambiguous consequence of what is explicitly mentioned** (see also e.g. T.1125/07, T.1673/08, T.583/09, T.2016/11, T.49/13; T.2842/18 refers to this definition as established