

claim 1 without any undue burden. Hence, case T 1744/14 was different to that underlying T 593/09.

In T 1469/16 the examining division considered that for the main request to comply with Art. 83 EPC, it was necessary that the skilled person, by carrying out the invention, would have achieved the effect of improved coding performance. However, in the board's view the claim 1 did not express such an effect, and the same applied to the other claims of the main request. This meant that if the effect was not achieved over the whole scope of any of the claims, this was not a problem under Art. 83 EPC but might have an impact on the assessment of inventive step (see T 939/92, OJ 1996, 309; G 1/03, OJ 2004, 413 and T 862/11).

4. Knowledge of skilled person relevant for assessing sufficiency of disclosure

4.1. The disclosure is aimed at the skilled person

The claimed invention must be sufficiently disclosed as from the effective date of filing of the application. This disclosure is aimed at the person skilled in the art who may rely on common general knowledge to supplement the information contained in the patent. Textbooks and general technical literature form part of the common general knowledge, which however does not normally include scientific articles and patent literature.

The same level of skill has to be applied when, for the same invention, the two questions of sufficient disclosure and inventive step are being considered (T 60/89, OJ 1992, 268; T 694/92, T 187/93, T 412/93). However, the standard of disclosure required for amendments by Art. 123(2) EPC 1973, namely that of being directly and unambiguously derivable, is inappropriate, the criterion being that it must be possible to reproduce the invention on the basis of the original application documents without any inventive effort and undue burden (T 629/05; cited in T 79/08).

It is the **same skilled person** that has to be considered when construing the subject-matter of a claim. It accordingly follows that the construction of a particular claim should be identical for the assessment of inventive step and sufficiency of disclosure (T 967/09).

Thus, the skilled person may **use his common general knowledge to supplement the information** contained in the application (T 206/83, OJ 1987, 5; T 32/85, T 51/87, OJ 1991, 177; T 212/88, OJ 1992, 28; T 772/89). He may even recognise and rectify errors in the description on the basis of such knowledge (T 206/83, OJ 1987, 5; T 171/84, OJ 1986, 95; T 226/85, OJ 1988, 336). Textbooks and general technical literature form part of the common general knowledge (T 171/84, T 51/87, T 580/88, T 772/89). Common general knowledge does not normally include patent literature and scientific articles (see T 766/91, point 8.2 of the Reasons; T 1253/04, point 10 of the Reasons; see also T 59/18, in which a single patent was relied on and which refers to T 412/09 (series of patents)). Information which can only be obtained after a comprehensive search is likewise not to be regarded as part of the common general knowledge (T 206/83, T 654/90). According to the board in T 475/88, a disputed claim of common general knowledge must