

Decision of the Enlarged Board of Appeal dated 8 April 2004

G 2/03

(Language of the proceedings)

Composition of the Board:

Chairman: P. Messerli

Members: R. Teschemacher

C. Andries

G. Davies

B. Jestaedt

A. Nuss

J.-C. Saisset

Patent proprietor/Appellant I: GENETIC SYSTEMS CORPORATION

Opponent 02/Appellant II: Dade Behring Marburg GmbH

Opponent 01/Respondent: Roche Diagnostics GmbH

Headword: Disclaimer/GENETIC SYSTEMS

Article: 52, 53, 54(2)(3)(4), 56, 57, 60(2), 84, 87(1), 112(1), 123(2)(3), 139(2) EPC

Rule: 27(1)(b), 29(1) EPC

Keyword: "Allowability of disclaimers - delimitation against state of the art under Article 54(2) and (3)(4) - accidental anticipation - exclusion of subject-matter not eligible for patent protection" "Drafting of disclaimers - requirements of clarity and conciseness"

The "Headnote", "Summary of facts and submissions", "Reasons for the decision" and "Order" in G 2/03 are the same as in G 1/03 (see this issue, p. 413 ff).