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Epo guidelines inventive step hindsight training plans 2020

When was ippis established. Concept of programme evaluation. What is ed plan 2.0. Who invented exercise book. What is epcf model.

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It should be remembered that an invention which at first sight appears obvious might in fact involve an inventive step. Once a new idea has been formulated, it can often be shown theoretically how it might be arrived at, starting from something known, by a series of apparently easy steps. Examiners should be wary of exÅ ApostÅ Åfacto analysis of this kind. When combining documents cited in the search report, they should always bear in mind that the documents produced in the search have, of necessity, been obtained with foreknowledge of what matter constitutes the alleged invention. In all cases they should attempt to visualise the overall state of the art confronting the skilled person before the applicant's contribution, and should seek to make a "real-life" assessment of this and other relevant factors. They should take into account all that is known concerning the background of the invention and give fair weight to relevant arguments or evidence submitted by the applicant, without the benefit of hindsight. An invention which at first sight appears obvious might in fact involve an inventive step. Once a new idea has been formulated, it can often be shown theoretically how it might be arrived at, starting from something known, by a series of apparently easy steps. The examiner must be wary of ex post facto analysis of this kind. When combining documents cited in the search report, it always has to be borne in mind that the documents produced in the search have, of necessity, been obtained with foreknowledge of what matter constitutes the alleged invention. In all cases the examiner must attempt to visualise the overall state of the art confronting the skilled person before the applicant's contribution, and must seek to make a "real-life" assessment of this and other relevant factors. The examiner has to take into account all that is known concerning the background of the invention and give fair weight relevant arguments or evidence submitted by the applicant. If, for example, an invention is shown to be of considerable technical value, and particularly if it provides a technical advantage which is new and surprising and which is not merely achieved as a bonus effect in a "one-way street" situation (seeÅ ÅGeÅÅÅVII.Å Å10.2), and this technical advantage can convincingly be related to one or more of the features included in the claim defining the invention, the examiner has to be hesitant in pursuing an objection that such a claim lacks inventive step. Many decisions of the boards of appeal warn against an ex post facto approach when assessing inventive step (see also the Guidelines GeÅÅÅVII. 8 eÅÅÅ November 2018 version). This applies especially to inventions which at first sight seem obvious, to combination inventions and where the proposed solution is supposedly "simple". Correct application of the problem and solution approach avoids this inadmissible ex post facto analysis which draws on knowledge of the invention (TÅ Å24/81.Å ÅOJA Å1963.Å Å133. TÅ Å564/89. TÅ Å645/92. TÅ Å795/93). When assessing inventive step, an interpretation of the prior art documents as influenced by the problem solved by the invention, where the problem was neither mentioned or even suggested in those documents, must be avoided, such an approach being merely the result of an a posteriori analysis (TÅ Å5/81. OJA Å1982. 249. TÅ Å63/97. TÅ Å170/97. TÅ Å414/98). In TÅ Å970/00 the board stated that any ex post facto analysis, and in particular any conclusion going beyond what the skilled person would have objectively inferred from the prior art, without the benefit of hindsight knowledge of the invention, is of necessity at variance with a proper application of the problem and solution approach. Any attempt to interpret the disclosure of the closest prior art so as to distort or misrepresent, based on hindsight knowledge of the invention, the proper technical of the disclosure in such a way that it artificially meets specific features recited in the claim under consideration must fail, especially as this would risk unfairly and tendentiously concealing the technical contribution of the invention and prejudice the subsequent objective determination of the technical problem solved by the claimed invention (see also TÅ Å266/07. TÅ Å1486/10). In TÅ Å2201/10, the board found that the examining division had taken an ex-post-facto approach to analysing the facts. Even assuming that the proposed solution could be derived from common general knowledge, it went against the very essence of the teaching in the closest prior art and, therefore, would not realistically have been chosen. The problem and solution approach required that documents not relating to the technical field of the invention be disregarded, and it also precluded any analysis according to which the skilled person would have modified the closest prior art in a manner contrary to its very purpose. In other words, a finding that a claimed invention deviated from what was, in light of the aim pursued, the essence of a prior-art disclosure was enough by itself to conclude that it was inventive over that prior art (see also TÅ Å2057/12). In TÅ Å855/15 the board held that for the assessment of obviousness no argument was required as to whether the skilled person would select a document. A consideration as to whether the skilled person would select a particular document in order to arrive at the invention as claimed would amount to hindsight reasoning, because the skilled person would have to be assumed to know the invention. The board in TÅ Å2057/12 agreed with the board in TÅ Å855/15 insofar as the closest prior art belonged to the same or a neighbouring technical field of the skilled person or to his common general knowledge. Argumentation or evidence should be provided as to why the skilled person in a specific technical In fact, it would have foreseen to select a document in a remote field of technology such as the nearest previous art or if it would have really considered adapting an earlier art disclosure that originates in its technical field to implement it in a remote technical field.

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