

## The European Patent Convention

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#### **Rule 43<sup>[49]</sup>**

#### **Form and content of claims**

[Art. 78, 80, 82, 84](#)  
[R. 50](#)

#### Cross-reference list

EPC	EPC 1973
R. 43	<a href="#">R. 29</a>

(1) The claims shall define the matter for which protection is sought in terms of the technical features of the invention. Wherever appropriate, claims shall contain:

(a) a statement indicating the designation of the subject-matter of the invention and those technical features which are necessary for the definition of the claimed subject-matter but which, in combination, form part of the prior art;

(b) a characterising portion, beginning with the expression "characterised in that" or "characterised by" and specifying the technical features for which, in combination with the features stated under [sub-paragraph \(a\)](#), protection is sought.

(2) Without prejudice to [Article 82](#), a European patent application may contain more than one independent claim in the same category (product, process, apparatus or use) only if the subject-matter of the application involves one of the following:

(a) a plurality of interrelated products,

(b) different uses of a product or apparatus,

(c) alternative solutions to a particular problem, where it is inappropriate to cover these alternatives by a single claim.

(3) Any claim stating the essential features of an invention may be followed by one or more claims concerning particular embodiments of that invention.

(4) Any claim which includes all the features of any other claim (dependent claim) shall contain, if possible at the beginning, a reference to the other claim and then state the additional features. A dependent claim directly referring to another dependent claim shall also be admissible. All dependent claims referring back to a single previous claim, and all dependent claims referring back to several previous claims, shall be grouped together to the extent and in the most appropriate way possible.

(5) The number of claims shall be reasonable with regard to the nature of the invention claimed. The claims shall be numbered consecutively in Arabic numerals.

(6) Except where absolutely necessary, claims shall not rely on references to the description or drawings in specifying the technical features of the invention. In particular, they shall not contain such expressions as "as described in part ... of the description", or "as illustrated in figure ... of the drawings".

(7) Where the European patent application contains drawings including reference signs, the technical features specified in the claims shall preferably be followed by such reference signs relating to these features, placed in parentheses, if the intelligibility of the claim can thereby be increased. These reference signs shall not be construed as limiting the claim.

<sup>[49]</sup> See decisions of the Enlarged Board of Appeal [G 2/03](#), [G 1/04](#) (Annex I).

Last updated: 1.4.2014

## EXHIBIT 1010

## European Patent Convention (EPC 1973)

A revised version of the European Patent Convention entered into force on 13 December 2007. The [provisions of the revised Convention](#) apply unless the [transitional provisions](#) provide for the applicability of the EPC 1973.

- [EUROPEAN PATENT CONVENTION 1973 - Table of Contents](#)
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### Rule 29

#### Form and content of claims

[Art. 78, §4](#)  
[R. 38](#)

Cross-reference list	
<a href="#">R. 29</a>	<a href="#">R. 43</a>

(1)<sup>45</sup> The claims shall define the matter for which protection is sought in terms of the technical features of the invention. Wherever appropriate claims shall contain:

(a) a statement indicating the designation of the subject-matter of the invention and those technical features which are necessary for the definition of the claimed subject-matter but which, in combination, are part of the prior art;

(b) a characterising portion - preceded by the expression "characterised in that" or "characterised by" - stating the technical features which, in combination with the features stated in [sub-paragraph \(a\)](#), it is desired to protect.

(2)<sup>46</sup> Without prejudice to [Article 82](#), a European patent application may contain more than one independent claim in the same category (product, process, apparatus or use) only if the subject-matter of the application involves one of the following:

(a) a plurality of inter-related products;

(b) different uses of a product or apparatus;

(c) alternative solutions to a particular problem, where it is not appropriate to cover these alternatives by a single claim.

(3) Any claim stating the essential features of an invention may be followed by one or more claims concerning particular embodiments of that invention.

(4) Any claim which includes all the features of any other claim (dependent claim) shall contain, if possible at the beginning, a reference to the other claim and then state the additional features which it is desired to protect. A dependent claim shall also be admissible where the claim it directly refers to is itself a dependent claim. All dependent claims referring back to a single previous claim, and all dependent claims referring back to several previous claims, shall be grouped together to the extent and in the most appropriate way possible.

(5) The number of the claims shall be reasonable in consideration of the nature of the invention claimed. If there are several claims, they shall be numbered consecutively in Arabic numerals.

(6) Claims shall not, except where absolutely necessary, rely, in respect of the technical features of the invention, on references to the description or drawings. In particular, they shall not rely on such references as: "as described in part ... of the description", or "as illustrated in figure ... of the drawings".

(7) If the European patent application contains drawings, the technical features mentioned in the claims shall preferably, if the intelligibility of the claim can thereby be increased, be followed by reference signs relating to these features and placed between parentheses. These reference signs shall not be construed as limiting the claim.

<sup>45</sup> See decisions of the Enlarged Board of Appeal [G 1/03](#), [G 2/03](#) (Annex I).

<sup>46</sup> Amended by decision of the Administrative Council of 13.12.2001 which entered into force on 02.01.2002 (OJ EPO 2002, 2 ff).

