

II) Check list for opposition - 1 (polymer claim specific checkpoints)

A As an opponent

Check list for opposition - As an opponent	YES	NO	NOTES
If a third party application defines a polymer by parameters, it may be advisable to file a third party observation during examination regarding the clarity of the claims, rather than filing an opposition of the granted patent since the clarity of the claims (Art. 84 EPC) is not a ground of opposition.			
In opposition proceedings: consider whether or not a clarity issue of a claim leads to an insufficiency of disclosure. In this case, the sufficiency of disclosure of the claim (Art. 83 EPC) may be attacked.			
In the case that the patentee adds parameters from the description into the claims during opposition proceedings, check carefully if the newly added parameter fulfills the clarity (Art. 84 EPC) and sufficiency (Art. 83 EPC) requirements of the EPC.			
In case of a granted product-by-process claim, the burden of proof that the product-by-process parameters result in the same product as mentioned in the prior art generally lies with the opponent. Therefore, often experimental data are required reproducing the prior art teachings. The provision of the data may be in some cases difficult or even impossible. Therefore, consider discussing the provision of comparative examples with the inventor as early as possible.			

III) Check list for opposition – 2 (polymer claim specific checkpoints)

B As a patentee

Check list for opposition - As a patentee	YES	NO	NOTES
In case that the sufficiency of disclosure of a granted patent (according to Art. 83 EPC) is attacked in opposition proceedings, check carefully if the parameter is not "only" an unclear parameter (Art. 84 EPC), which is not a ground of opposition.			
Do not add unclear parameters from the description into the claims during opposition proceedings. Unclearities of the claims introduced during claim amendments in opposition proceedings (not present in the claims as granted) can be rejected based on Art. 84 EPC.			
In case of a granted product-by-process claim the burden of proof that the polymer is not novel/inventive over the prior art generally lies with the opponent.			