

Name, surname .....  
Street, streetnumber .....  
Postcode, city .....  
Country .....

Date: ....., 2012

FAX: (+49) (0) 89 - 2399 - 4560

"Amicus curiae letter in the case G02/12, EP 1211926"

To the Enlarged Board of Appeal, case G02/12  
European Patent Office, EPO  
80298 Munich, Germany

Dear Members of the Boards of Appeal

I have long been concerned about the European Patent Office (EPO) granting an increasing number of patents on conventional plants and animals. It is therefore with satisfaction that I have noted the European Parliament resolution of 10 May 2012 on the patenting of essential biological processes (<http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+TA+P7-TA-2012-0202+0+DOC+XML+V0//EN>).

In it the Parliament "calls on the EPO also to exclude from patenting products derived from conventional breeding and all conventional breeding methods, including SMART breeding (precision breeding) and breeding material used for conventional breeding" (point 4)

Furthermore the resolution calls on the EPO not only take into consideration the mere wording of the claims of a patent application, but to also take into account the content of the patent, the purpose of the invention and all connected applications (the so-called "whole content approach").

I expect that the Enlarged Board of Appeal will take this clear statement into consideration and the EPO will stop granting patents on conventional breeding methods, products thereof and breeding material as well as patents on plants and animals.

Kind regards

.....