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D E C I S I O N
of 16 May 2002

Case Number: T 0273/00 - 3.5.2

Application Number: 91119633.5

Publication Number: 0486988

IPC: H03J 1/00

Language of the proceedings: EN

Title of invention:
Method for the selection and memorising of tuning information
relating to radioelectric signals

Patentee:
EDICO S.r.l

Opponent:
01: Koninklijke Philips Electronics N.V.

02: Interessengemeinschaft für Rundfunkschutzrechte GmbH
    Schutzrechtsverwertung & Co. KG

Headword:
-

Relevant legal provisions:
EPC Art. 54, 56, 84, 123(2), 123(3)

Keyword:
"Claims - functional features, clear if the skilled person
knows how to implement them"
"Inventive step - (yes), combination of antithetical
possibilities not obvious in the absence of a suggestion in
the state of the art"

Decisions cited:

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Catchword:
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Boards of Appeal

Chambres de recours

Case Number: T 0273/00 - 3.5.2

D E C I S I O N
of the Technical Board of Appeal 3.5.2
of 16 May 2002

Appellant: (Opponent 02)	Interessengemeinschaft für Rundfunkschutzrechte GmbH Schutzrechtsverwertung & Co. KG Bahnstrasse 62 D-40210 Düsseldorf (DE)
Representative:	Eichstädt, Alfred, Dipl.-Ing. Maryniok & Partner Kuhbergstrasse 23 D-96317 Kronach (DE)
Appellant: (Proprietor of the patent)	Edico S.r.l. Via Atanasio Kircher, 7 I-00197 Roma (IT)
Representative:	Eisenführ, Speiser & Partner Martinistrasse 24 D-28195 Bremen (DE)
Former Party: (Opponent 01)	Koninklijke Philips Electronics N.V. Groenewoudseweg 1 NL-5621 BA Eindhoven (NL)
Representative:	Schmitz, Herman Jan Renier Internationaal Octrooibureau B.V. Prof. Holstlaan 6 NL-5656 AA Eindhoven (NL)

Decision under appeal: Interlocutory decision of the Opposition Division
of the European Patent Office posted 17 January
2000 concerning maintenance of European patent
No. 0 486 988 in amended form.

Composition of the Board:

Chairman: W. J. L. Wheeler
Members: M. Ruggiu
B. J. Schachenmann

Summary of Facts and Submissions

I.   The proprietor of the patent and the two opponents
        appealed the interlocutory decision of the opposition
        division concerning maintenance of European patent
        No. 0 486 988 in amended form.

II.   The following prior art documents were considered
        during the appeal:

        D1:   EP-A-0 125 453;

        D2:   EP-A-0 437 731;

        D3:   DE-A-3 034 155;

        D4:   DE-A-3 039 640;

        D5:   DE-C2-3 145 407;

        D6:   DE-A-3 208 760;

        D7:   IT-A-1 107 168;

        D8:   DE-A-3 208 360;

        D9:   "Mikroprozessor steuert UKW-Empfänger" by W.
              Henze, published in FUNKSCHAU, 1978, pages 886
              to 888; and

        D10: EP-A-0 438 694.

        D2 and D10 are European patent applications published
        after the priority date claimed for the patent in suit.

III.   Opponent 01 withdrew its opposition to the patent by a
        fax received on 13 May 2002.

IV.   Opponent 02 and the proprietor of the patent took part
        to oral proceedings before the board on 16 May 2002.

        The appellant opponent 02 requested that the decision
        under appeal be set aside and that the European patent
        No. 0 486 988 be revoked.

        The appellant proprietor requested that the appeal of
        opponent 02 be dismissed and that the patent be
        maintained in amended form on the basis of:

        main request:
        claim 1 filed at the oral proceedings with the
        following claims and the description to be adapted, or

        first auxiliary request:
        claims 1 to 6 and description, columns 1 to 5, filed at
        the oral proceedings;
        drawings as in the patent.

V.   Claim 1 of the main request reads as follows:

        "Television signal receiver characterised by control
        means performing a method for selection and
        memorisation of tuning information relating to
        broadcast television channels in said television signal
        receiver, comprising the steps of:

        -       searching, with the receiving and tuning means of
                said receiver, for a broadcast television channel,

        -       when a channel has been found, identifying the

broadcasting station on the basis of a code
present in the channel signal,

- looking for the corresponding programme number of
said broadcasting station in a table stored in a
non-volatile memory of said receiver, said table
containing a numbered list of broadcast channels
in a pre-established order, whereby the list
numbers correspond to programme numbers,

- memorising the tuning information content of said
identified broadcast channel signal in said
non-volatile memory under the corresponding
programme number,

- whereby said pre-established order is a logic
order and has been determined in the site of
manufacturer of the receiver and memorised in said
non-volatile memory, said logic order facilitating
the selection of the memorized tuning information
on behalf of the user,

- whereby said steps are executed automatically with
a system of logic programming using a
microprocessor.

Claim 1 of the first auxiliary request reads as
follows:

"Television signal receiver characterised by control
means performing a method for selection and
memorisation of tuning information relating to
broadcast television channels in said television signal
receiver, comprising the steps of:

-       searching, with the receiving and tuning means of
        said receiver, for a broadcast television channel,

-       when a channel has been found, identifying the
        broadcasting station on the basis of a code
        present in the channel signal,

-       looking for the corresponding programme number of
        said broadcasting station in a table stored in a
        non-volatile memory of said receiver, said table
        containing a numbered list of broadcast channels
        in a pre-established order, whereby the list
        numbers correspond to programme numbers,

-       memorising the tuning information content of said
        identified broadcast channel signal in said
        non-volatile memory under the corresponding
        programme number in an established order in
        accordance with said pre-established order,

-       whereby said pre-established order is a logic
        order and has been determined in the site of
        manufacturer of the receiver and memorised in said
        non-volatile memory, said logic order facilitating
        the selection of the memorized tuning information
        on behalf of the user,

-       whereby said steps are executed automatically with
        a system of logic programming using a
        microprocessor,

-       whereby said established order can be redetermined
        by the user.

VI.   The appellant opponent 02 essentially argued as

follows:

Claim 1 of each request specified that a table of
broadcasting stations and the tuning information
content of an identified broadcast channel were stored
in the same non-volatile memory. However, claims 2
and 5 as originally filed and the passage starting at
column 4, line 26 of EP-A1-0 486 988 (the printed
publication of the application as originally filed)
referred to two distinct memories, a memory R storing
the table and a memory 19 storing the tuning
information of an identified broadcast channel. Thus,
claim 1 of each request was inconsistent with the
content of the application as filed and thereby
contravened Article 123(2) EPC.

Claim 1 of each request also contravened Article 84 EPC
because it defined an apparatus without any apparatus
feature.

The indication of programme numbers in claim 1 of each
request did not mean that programme numbers were
physically stored in memory. Rather, the claim had to
be understood as specifying a correspondence between a
memory area, in which an identification is stored, and
another memory area, in which the corresponding tuning
information is stored. The same correspondence existed
in documents D1, D2, D5 and D10. Furthermore, claim 1
did not define a plug and play television receiver. In
particular, claim 1 did not exclude the possibility
that intermediate steps, not mentioned in the claim, be
carried out manually for controlling the receiver.

Document D5 disclosed a television receiver having all
the features of claim 1 of the main request. In

particular, the receiver of D5 included a microprocessor controlled by software that had been stored at the site of manufacture of the receiver. In a first step, a search was performed to store the tuning information, identification and field strength for each of the received channels in a Table I. In a second step, the software produced a Table II containing a list of broadcast stations and, in a third step, the software assigned each broadcast station of Table II to a key position of the receiver, i.e. to a programme number, which resulted in a table III. Thus, to produce table III, the software necessarily contained information describing the association between the broadcast stations and the key positions or programme numbers. This information had of course been stored in the receiver with the software, at the factory. This was confirmed by the passages of D5 at column 4, lines 51 to 55, which stated that it was not necessary to enter by hand the correspondence between programmes and key positions, and at column 7, lines 39 to 42, which indicated that the receiver was tuned automatically, so as to be ready for use.

Document D1 disclosed a television signal receiver differing from the one specified in claim 1 of the main request only in that the receiver of D1 used logic circuits to perform the steps. At the priority date of the patent in suit, it was obvious to replace the logic circuits by a programmed microprocessor, in particular in view of document D5 which disclosed a microprocessor to perform selection and memorisation of tuning information in a television signal receiver. Furthermore, it was apparent that the correspondence between broadcast stations and programme numbers had been determined and stored in the receiver at the site

of manufacture because the abstract of D1 indicated that the receiver only stored the frequencies of those broadcast stations whose identifications had been entered previously. In any case, for the usual testing of the receiver at the factory, it was necessary to store station identifications in it. Furthermore, entering the station identifications in the receiver after it had left the factory (e.g. by a retailer) would have required that the receiver be unpacked, which was unusual and inconvenient.

Documents D2 and D10 also disclosed television receivers having all the features of claim 1, main request. Although neither D2 nor D10 explicitly mentioned that the identifications of the broadcast stations were stored at the site of the manufacturer, this feature was implicit because the skilled person would immediately consider storing the address data representing the identifications of the broadcast stations at the factory when reading in D2 or D10 that these address data can be pre-stored in a memory.

It was well known and had been usual for more than twenty years to allow the user to determine the association of the received channels with the selection keys of the receiver, i.e. with the programme numbers. The additional feature of the first auxiliary request that the established order could be redetermined by the user was therefore obvious to the skilled person. There was no reason not to allow the user to reorganise the order pre-established in the factory, i.e. to allow re-programming by the user.

VII.   The arguments of the appellant proprietor can be summarised as follows:

The term "memory" as used in claim 1 of each request
had an abstract character. In the particular embodiment
described in the patent in suit, the table of broadcast
channels was stored in a ROM R in the factory and the
tuning information was written in a non-volatile memory
19. The memories R and 19 were both addressed from the
same controller and were both non-volatile and thus
could be regarded as a single non-volatile memory
space.

Claim 1 of each request defined a device. This had to
be accepted because the original claims concerned
devices. Furthermore, it was not required to set out
all constructional details of the device in the claim.

Document D5 disclosed a television signal receiver with
a microprocessor. The receiver of D5 searched for
broadcast television channels and information for all
received channels was stored in a Table I in the order
the channels were found. The microprocessor then
rearranged Table I into an intermediate Table II from
which a Table III showing a numbered list of broadcast
television channels was generated by assigning the
tuning information for each channel to a position of
Table III. Table III formed a programme key memory
containing the television channels that were actually
received, it did not constitute a reference list of all
broadcast television channels as in the invention.
Thus, D5 did not disclose looking in a table for the
programme number corresponding to a broadcasting
station. On the contrary, Table III of D5 was generated
by an algorithm from the information obtained during
the search. Furthermore, the order of the broadcast
stations stored in Table III was not a pre-established
logic order, but corresponded to the field strengths of

the respective stations.

The television signal receiver of document D1 did not
include a microprocessor. Furthermore, the receiver of
D1 included a plurality of separate memories, each of
which only stored the identification of a single
broadcasting station. Thus, D1 did not have a memory
storing a table associating programme numbers with
broadcasting stations. In particular, there was no
mention in D1 that a programme number was stored or
that a programme number could be selected. The various
memories of D1 corresponded to programme labels, but
not to programme numbers, and the programme selection
keys of D1 did not carry numbers but the names or
labels of the programmes. The identifications of the
broadcasting stations could be stored in the various
memories of D1 at different stages and by different
persons, for example during the manufacturing process,
by a retailer, by a service person or even by the user
himself. It was more obvious that the identifications
be stored by a retailer or a service person, because
storage at the site of the manufacturer required that
the manufacturer knew exactly in which country each
individual receiver would be sold, which channels could
be received there and in which subjective order the
majority of the customers wanted to find these channels
on their television sets. Although the television
receivers had to be tested in the factory, this did not
necessarily require that identifications be stored in
the memories of D1. In any case, no evidence of storage
of the identifications in the factory had been
provided. Furthermore, the receiver of D1 required
depression of a key by the user to memorise the tuning
information of a channel. This contrasted with the
invention of the patent in suit which provided a plug

and play receiver, in which memorisation of the tuning information for each channel under the corresponding programme number was fully automatic.

According to document D8, information was stored in a memory of a television signal receiver by reading bar codes on a programming sheet and thus not at the site of manufacturer. D8 also mentioned that, alternatively, the memory storing the information could be an exchangeable or a non-exchangeable fixed memory. However, this did not mean that the information was stored in the memory at the site of the manufacturer.

Document D9 related to a radio receiver, not a television signal receiver. The frequencies, postal codes and names of the broadcasters of whole Germany were stored in a ROM of the receiver of D9. However, the actual selection was made by the user himself.

None of documents D3, D5, D6 and D7 disclosed a table containing a numbered list of broadcast channels in which a corresponding programme number of a given broadcast station identifier could be looked for.

Documents D2 and D10 had been published after the priority date of the patent in suit and thus could only be used to attack novelty. Neither D2 nor D10 disclosed storing a numbered list of broadcast channels in a pre-established order at the site of the manufacturer.

The problem solved by the invention of the patent in suit was not to keep the broadcast stations associated with the same selection keys when the television receiver was moved from one place to another. Rather the invention solved a problem that had not been

considered in the state of the art, namely to assist the user by providing him with a quick recollection of which selection keys were associated with which broadcast stations.

The invention defined in claim 1 of the first auxiliary request combined the pre-established, immutable order proposed by the manufacturer of the receiver with the order desired and determined by the user. These two possibilities were antithetical and thus it was not obvious to combine them. Furthermore, the codes stored in D1 were fixed and could not be changed, and there was no possibility of reorganising the Table III of D5.

Reasons for the Decision

1.   The appeals are admissible.

        Main request of the appellant patentee

2.   *Clarity - Article 84 EPC*

        Claim 1 of the main request specifies a television signal receiver having control means, including receiving and tuning means, a non-volatile memory and a logically programmed microprocessor, to perform a method, i.e. functions, specified in the claim. The functions themselves are specified in a clear manner in the claim and are such that a skilled person would know how to implement them using the "physical" means specified in the claim, i.e. the tuning and receiving means, the non-volatile memory and the logically programmed microprocessor. In such an instance, the board considers that the claim meets the clarity

requirement of Article 84 EPC.

3.   *Amendments - Article 123 EPC*

3.1   According to claim 1, the table containing the numbered
        list of broadcast channels in a pre-established order
        is stored in a non-volatile memory and the tuning
        information content of an identified broadcast channel
        signal is memorised in said non-volatile memory. In the
        particular embodiment described in the patent in suit,
        and in the application as originally filed, the table
        is stored in a ROM memory R while the tuning
        information content is stored in a non-volatile
        memory 19. The board does not see any inconsistency
        between the claim, which specifies a non-volatile
        memory, and the particular embodiment described which
        implements the non-volatile memory using two different
        parts R and 19, it being apparent that the term
        "non-volatile memory" as used in the claim must be
        understood as designating a non-volatile memory space.
        This being so, the board considers that in this respect
        claim 1 of the main request does not extend beyond the
        content of the originally filed application.

3.2   Claim 1 of the main request includes the following
        additional features with respect to granted claim 9:

        -       the pre-established order is a logic order
                facilitating the selection of the memorised tuning
                information on behalf of the user; this feature
                results from the passages at column 1, lines 38
                to 41 and column 4, lines 38 to 41 of the printed
                patent specification of the patent in suit, which
                were already contained in the application as
                originally filed;

-        the pre-established order has been determined at
         the site of manufacturer of the receiver and
         memorised in the non-volatile memory of the
         receiver; this feature results from claim 2 as
         originally filed;

-        the steps are executed automatically with a system
         of logic programming using a microprocessor; this
         feature derives from the passage at column 3,
         lines 14 to 23 of the printed specification of the
         patent in suit, which was already contained in the
         application as originally filed.

3.3   Thus, claim 1 of the main request does not contain
         subject-matter which extends beyond the content of the
         application as filed and satisfies Article 123(2) EPC.

3.4   Claim 1 of the main request contains all the features
         of claim 9 as granted, so that the scope of protection
         has not been extended and Article 123(3) EPC is
         satisfied.

4.   *Inventive step - Article 56 EPC*

4.1   Document D1 discloses a television signal receiver with
         receiving and tuning means and memories, but without a
         microprocessor. The receiver of D1 selects and
         memorises tuning information according to the following
         procedure:

         the receiving and tuning means searches for a broadcast
         television channel;

         when a channel has been found, the broadcasting station
         is identified on the basis of a code (label) present in

the channel signal by means of a decoder 8;

when the user actuates a switch 23, a plurality of
so-called filters 17, 117, 217 are sequentially
addressed by operation of a commutator 22, each filter
comprising a memory 19 which fixedly stores the
identification of a broadcasting station;

the identification stored in memory 19 is compared with
the identification present in the channel signal;

in case of positive comparison, the tuning information
content of the identified broadcast channel signal is
memorised in a non-volatile memory 16, 116, 216.

Each non-volatile memory 16, 116, 216 storing tuning
information for a broadcast channel is associated with
a specific corresponding selection key. The board
regards a selection key as a programme number,
independently of the label of the key. Thus, in the
receiver of D1, there is a one-to-one correspondence
between each memory storing an identification of a
broadcast station and a programme number. In the view
of the board, this one-to-one correspondence
constitutes a table containing a numbered list of
broadcast channels' identifications associated in a
pre-established order with respective programme
numbers. The television receiver of D1 thus looks in
this table to find the programme number corresponding
to a broadcasting station identified.

Document D1 also indicates (see the second paragraph of
the description) that the pre-established order is
fixed and satisfies the need of many television users
to keep a particular broadcasting station always

associated with the same key, independently of the
place at which the receiver is used. The pre-
established order can therefore be regarded as a logic
order facilitating the selection of the memorised
tuning information. However, D1 does not explicitly
disclose that the filters 17, 117, 217 are fitted at
the site of the manufacturer.

D1 also states (see the last paragraph of page 1, the
first paragraph of page 2, and the last two lines of
page 4) that selection and memorisation of tuning
information are effected automatically.

4.2   The user of the receiver of D1 has to actuate a switch
        23 to start the step of memorising the tuning
        information. Thus, D1 discloses a manual step
        (actuation of switch 23) preliminary to the step of
        memorising the tuning information content of the
        identified broadcast channel signal, this last step
        being then carried out automatically, without further
        intervention of the user. This appears to be covered by
        claim 1 of the main request, because the wording of the
        claim does not exclude the possibility that other steps
        than those specified be necessary to effect selection
        and memorisation of the tuning information in the
        receiver.

4.3   Thus, the television signal receiver defined in claim 1
        of the main request differs from the one disclosed in
        D1 in that:

        -(a) the pre-established order (which in the receiver
             of D1 is defined by the information contained in
             the memories of the filters) is determined in the
             site of manufacturer of the receiver and memorised

in the non-volatile memory; and

-(b) the steps of the procedure are executed with a
system of logic programming using a
microprocessor.

4.4   Feature (a) concerns the problem of making the receiver
of D1 operational, which clearly is an obvious problem.

It is notorious that television signal receivers are
usually already operational when they leave the
factory. Therefore, the board takes the view that it
would be obvious to a skilled person to make the
receiver of D1 operational before it leaves the
factory. Furthermore, making the receiver operational
in the factory might be required to test the receiver
effectively before shipment. It is also obvious that
the internal circuitry of the receiver can be easily
accessed at the site of manufacture, before the
receiver is packed, so that it is not difficult to
memorise the identifications of the broadcasting
stations at the factory. Therefore, the board considers
that feature (a) is obvious to the skilled person.

4.5   Feature (b) concerns the implementation of the control
means by a microprocessor, which is an obvious
alternative to the control means disclosed in D1 once
suitable microprocessors have become available. That
such a microprocessor was available at the priority
date of the patent in suit can be seen from document D5
which discloses a television signal receiver in which
selection and memorisation of tuning information is
performed in a sequence of steps under control of a
programmed microprocessor.

In the view of the board, it was therefore obvious to
the skilled person at the priority date to perform the
procedure disclosed in D1 for selecting and memorising
tuning information under control of a system of logic
programming using a microprocessor. Thus, feature (b)
is also obvious to the skilled person.

4.6   For these reasons, the subject-matter of claim 1 of the
main request is obvious to a skilled person and cannot
be considered as involving an inventive step in the
sense of Article 56 EPC. The main request of the
appellant proprietor can therefore not be accepted.

First auxiliary request of the appellant patentee

5.   *Clarity - Article 84 EPC*

The wording of claim 1, first auxiliary request is
considered to be clear in the sense of Article 84 EPC
for the reasons indicated at point 2 above in
connection with the main request.

6.   *Amendments - Article 123 EPC*

6.1   Claim 1 of the first auxiliary request contains all the
features of claim 1 of the main request and, in
addition thereto, specifies that:

-       the tuning information content of an identified
        broadcast channel signal is memorised in the
        non-volatile memory under the corresponding
        programme number in an established order in
        accordance with the pre-established order defined
        by the table; this feature results from claim 1 as
        originally filed and from the passage at column 4,

lines 14 to 41 of the printed specification of the
patent in suit, which was present in the
application as filed;

- said established order can be redetermined by the
  user; which feature directly derives from original
  claim 3 and the passage at column 4, lines 49 to
  54 of the printed specification of the patent in
  suit, which was present in the application as
  filed.

6.2   Dependent claims 2 to 6 have been amended to include
       the features of claims 4 to 8 as granted and the
       description has been amended to be consistent with the
       claims and acknowledge the prior art known from
       documents D1 and D5.

6.3   Thus, for the reasons indicated at points 3.1, 3.2, 6.1
       and 6.2 above, the first auxiliary request does not
       contain subject-matter which extends beyond the content
       of the application as filed and satisfies
       Article 123(2) EPC.

6.4   Claim 1 of the first auxiliary request contains all the
       features of claim 9 as granted so that the scope of
       protection has not been extended and Article 123(3) EPC
       is satisfied.

7.   *Novelty - Article 54 EPC*

7.1   As explained above, document D1 does not disclose a
       television receiver comprising a microprocessor.

7.2   Document D5 discloses a television signal receiver
       comprising a programmed microprocessor and shows in

Figure 4 a table III which associates programme numbers
and identifications of broadcasting stations. However,
D5 indicates that table III is generated in the
receiver after searching has been performed and all
broadcast television channels received have been
identified on the basis of a code present in the
channel signal. D5 does not contain any description of
the algorithm used to generate table III. Thus, the
board takes the view that there is no disclosure in D5
of looking in a table for the programme number
corresponding to a broadcasting station.

7.3   Document D2 discloses a television signal receiver in
        which the tuning information content f'x of an
        identified broadcast channels is memorised in an
        established order in a memory MEM. However D2 does not
        disclose any possibility to subsequently redetermine
        the order in which the tuning information is memorised.

7.4   Document D10 discloses a television signal receiver
        similar to the one disclosed in D2 and which also lacks
        the possibility to redetermine the order of the tuning
        information memorised.

7.5   None of the remaining documents D3, D4 and D6 to D9
        discloses a television receiver in which the tuning
        information of received broadcast channels is memorised
        according to a pre-established order in the receiver
        and which offers the possibility to redetermine the
        order in which said tuning information is memorised.

7.6   Thus, the invention defined in claim 1 of the first
        auxiliary request does not form part of the state of
        the art disclosed in documents D1 to D10 and can be
        regarded as being new. The same applies to the subject-

matter of claims 2 to 6 which are dependent on claim 1.

8.   *Inventive step - Article 56 EPC*

8.1   The board regards document D1 as disclosing the closest
        prior art.

        In addition to features (a) and (b) identified at point
        4.3 above, which have been found to be obvious to the
        skilled person, the television signal receiver defined
        in claim 1 of the first auxiliary request differs from
        the one disclosed in D1 in that:

        -(c) the order in which the tuning information content
             of identified broadcast channels is memorised in
             the non-volatile memory can be redetermined by the
             user.

8.2   Feature (c) solves the problem of allowing the user to
        diverge from the order pre-established in the receiver.

        This problem is not discussed or solved in any of the
        documents D1 and D3 to D9, that can be taken into
        account for the assessment of inventive step.

        Furthermore, the board observes that television signal
        receivers storing the tuning information of the
        received channels in a pre-established order were
        developed to avoid burdening the user of the receiver
        with the task of determining and indicating how he
        wishes the broadcasting stations to be associated with
        the programme numbers, i.e. in which order the channels
        should be memorised. Memorising the broadcasting
        stations in an order determined by the receiver appears
        therefore to be antithetical to memorising them in an

order determined by the user. Therefore, the board
considers that, in the absence of any suggestion in the
state of the art, the skilled person would not have
combined these two opposed possibilities for
determining the order in which the stations are
memorised. Thus, the board concludes that feature (c)
is not obvious to a skilled person.

8.3   The television signal receiver defined by claim 1 of
        the first auxiliary request is therefore considered as
        involving an inventive step in the sense of Article 56
        EPC.

8.4   The subject-matter of claims 2 to 6 of the first
        auxiliary request also involves an inventive step, as
        these claims are dependent on claim 1.

Order

For these reasons it is decided that:

1.   The decision under appeal is set aside.

2.   The case is remitted to the first instance with the
        order to maintain the patent as amended in the
        following version (first auxiliary request):

        -       claims 1 to 6 and description, columns 1 to 5,
                filed at the oral proceedings;

        -       drawings as in the patent.

The Registrar: The Chairman:

M. Hörnell   W. J. L. Wheeler