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**Datasheet for the decision  
of 16 April 2012**

**Case Number:** T 1470/09 - 3.2.05

**Application Number:** 00921210.1

**Publication Number:** 1181155

**IPC:** B41F13/36

**Language of the proceedings:** EN

**Title of invention:**

A METHOD AND AN APPARATUS FOR LOCKING THE ROLLERS IN A  
PRINTING UNIT

**Applicant:**

Tetra Laval Holdings & Finance S.A.

**Headword:**

**Relevant legal provisions:**

EPC 1973 Art. 84

**Keyword:**

"Clarity of claims (no)"

**Decisions cited:**

**Catchword:**



Case Number: T1470/09 - 3.2.05

**D E C I S I O N**  
**of the Technical Board of Appeal 3.2.05**  
**of 16 April 2012**

**Appellant:** Tetra Laval Holdings & Finance S.A.  
(Applicant) Avenue Général-Guisan 70  
1009 Pully (SUISSE)

**Representative:** Forsberg, Lars-Ake  
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**Decision under appeal:** **Decision of the Examining Division of the  
European Patent Office posted 16 March 2009  
refusing European patent application No.  
00921210.1 pursuant to Article 97(2) EPC.**

**Composition of the Board:**

**Chairman:** H. Schram  
**Members:** P. Lanz  
M. J. Vogel

## Summary of Facts and Submissions

- I. The appeal is against the decision of the Examining Division posted on 16 March 2009 refusing European patent application No. 00921210.1 on the ground that the subject-matter of claims 1 and 5 of the sole request of the appellant (applicant) was not clear.
- II. The appellant filed amended claims 1 to 7 on 3 June 2009 together with the grounds of appeal.
- III. In a communication dated 3 February 2012 annexed to the Summons to attend oral proceedings the Board expressed its provisional opinion that, *inter alia*, it appeared that the subject-matter of claims 1, 6 and 7 filed on 3 June 2009 lacked clarity (see point 4 of the communication).
- IV. In reply to the Summons the representative of appellant informed the Board on 12 April 2012 that he did "*not intend to participate in the oral proceedings to be held on 16.04.12.*".
- V. Oral proceedings were held before the Board of Appeal on 16 April 2012. For the appellant was present no one.
- VI. Claims 1, 5, 6 and 7 as filed on 3 June 2009 read as follows:

"1. In a roller printing unit, a method, of locking the rollers in associated bearing housings comprising: moving the rollers (2, 3) and said bearing housings (5) translationally in relation to the frame of the printing unit from an open position to a working position, in which the rollers (2, 3) abuts [sic] each other, and automatically mechanically transferring said

translational movement to pivotingly move catches (14) journalled in the bearing houses [sic] (5) until projecting parts of the catches (14) abut against roller bearings (18) of the rollers (2, 3), retaining the rollers (2, 3) in associated bearing housings (5), whereby the pivoting movement to the catches (14) is transferred by cams (17) connected to the frame of the printing unit."

"5. A roller printing unit of the type in which a number of cooperating rollers are suspended in a frame, which roller printing unit comprises a frame (1), rollers (2, 3), bearing housings (5) for roller bearings (18) on the rollers (2, 3) and locking devices for the rollers (2, 3), whereby the bearing houses [sic] (5) have sliding surfaces adapted to linear guides (6) in the frame (1), characterized in that the locking devices each comprises a catch (14) pivotally journalled in the respective bearing housing (5), which catch (14) at an upper portion, facing away from the rollers (2, 3), is in contact with a cam (17) having a sliding surface (16) and which cam (17) is mounted on the frame (1)."

"6. The roller printing unit of Claim 5, wherein the sliding surface (16) is oriented with its highest portion most proximal the working position of the rollers (2, 3)."

"7. The roller printing unit of Claim 5, wherein the catch (14) is spring-biased in a direction towards the open position."

## Reasons for the Decision

1. Clarity of the claims filed on 3 June 2009

Article 84 EPC 1973 provides that the claims shall define the matter for which protection is sought and that they shall be clear and concise and be supported by the description.

The method according to independent claim 1 comprises the step of *"moving the rollers (2, 3) and said bearing housings (5) translationally in relation to the frame of the printing unit from an open position to a working position, in which the rollers (2, 3) abuts [sic] each other [...]"*. While the wording of claim 1 explicitly defines the end point of the claimed movement (ie the *"working position"*), it leaves the starting point of said movement (ie the *"open position"*) undefined. Furthermore, the terminology *"open position"* as such does not imply a clear and unambiguous definition of a starting point of the movement of the rollers and the bearing housings. Thus, claim 1 does not clearly define the matter for which protection is sought, as required by Article 84 EPC 1973.

Moreover, claims 6 and 7 are both drafted as dependent claims of independent claim 5 and refer to the working and the open position, respectively. These terms, however, have no antecedent in claim 5, thereby rendering claims 6 and 7 unclear.

Consequently, claims 1, 6 and 7 do not meet the provisions of Article 84 EPC 1973.

The appellant has neither disputed this, nor filed an amended set of claims in order to overcome the objections raised by the Board.

It follows that the claims are not allowable and that the appeal has to be dismissed for this reason alone.

2. With this state of affairs there is no need to examine whether the amended claims filed on 3 June 2009 meet, *inter alia*, the requirements of Article 123(2) EPC.

**Order**

**For these reasons it is decided that:**

The appeal is dismissed.

The Registrar:

The Chairman:



D. Meyfarth

H. Schram

Decision electronically authenticated