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**Datasheet for the decision
of 11 October 2013**

Case Number: T 2262/12 - 3.4.02

Application Number: 04100446.6

Publication Number: 1450189

IPC: G02B6/38

Language of the proceedings: EN

Title of invention:

Optic fiber connector secondary latch

Applicant:

ITT Manufacturing Enterprises LLC

Headword:

Relevant legal provisions:

EPC Art. 84

Keyword:

Claims - clarity after amendment (no)

Decisions cited:

Catchword:



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Boards of Appeal
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Case Number: T 2262/12 - 3.4.02

D E C I S I O N
of Technical Board of Appeal 3.4.02
of 11 October 2013

Appellant: ITT Manufacturing Enterprises LLC
(Applicant) 1105 North Market Street, Suite 1300
Wilmington, DE 19801 (US)

Representative: Esser, Wolfgang
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Intellectual Property
Cannonstrasse 1
71384 Weinstadt (DE)

Decision under appeal: **Decision of the Examining Division of the European Patent Office posted on 3 May 2012 refusing European patent application No. 04100446.6 pursuant to Article 97(2) EPC.**

Composition of the Board:

Chairman: A. Klein
Members: H. von Gronau
L. Bühler

Summary of Facts and Submissions

- I. The appeal is directed against the decision of the examining division to refuse European patent application No. 04100446.6. The examining division had based the refusal in particular on the ground that the subject-matter of independent claim 1 extends beyond the content of the application as filed.
- II. The appellant requested that the decision under appeal be set aside and that a patent be granted on the basis of the amended claims 1 to 6 filed with the statement of grounds of appeal.
- III. Independent claim 1 as filed with the statement of grounds of appeal reads as follows:

"An optic fiber connector (12) for insertion into a terminus coupling (16), wherein the connector includes a housing (22) with substantially rectangular cross section and a housing body (24) having a through passage (90), an optic fiber terminus (96) lying in said passage and urged rearward when lying in said coupling and mated to a second terminus device (20), and an optic fiber (102) extending through said terminus and trailing rearwardly therefrom, said housing including a primary latch (26) with a front end (30) merging with a front portion of said housing body and with a latch middle (34) forming a pair of largely rearwardly-facing latch shoulders (40) and with a latch rear end forming a latch handle (42) that can be resiliently depressed to move down said latch shoulders to positions out of line with a pair of largely forwardly-facing coupling shoulders (44) of said terminus coupling, characterized in:
said primary latch (26) having a frontend (30) with a

width similar to the width of the plane surface of the housing (22), a middle portion (34) forming a pair of largely rearwardly-facing latch shoulders 40, and a rear end forming a latch handle (42); a secondary latch (50) having a width substantially similar to the width of said latch handle (42) which has a secondary latch frame (60) that is slideably mounted on said housing between forward and rearward positions, said secondary latch having a wedge part (52) that is mounted on said secondary latch frame and that lies against a lower surface (56) of said latch handle in said forward position, to thereby prevent said latch handle from moving downward and said frame of said secondary latch includes a sleeve (60) that extends around said housing body and that has a sleeve top (63), and a beam (62) that has a beam middle (64) that lies on said sleeve top and that has a front beam portion (66) that projects forward of said sleeve top and that forms said wedge part."

- IV. As the appellant had announced with fax of 8 October 2013, it did not attend the oral proceedings summoned by the Board on 11 October 2013, at the end of which the decision was announced.

Reasons for the Decision

1. Clarity of independent claim 1 (Article 84 EPC)
 - 1.1 Amended independent claim 1 comprises the definition that the primary latch (26) has a front end (30) with a "width similar to the width of the plane surface of the housing". Further, the claim defines that a secondary latch (50) has a "width substantially similar to the

width of said latch handle (42)".

- 1.2 These definitions in amended claim 1 are not clear and therefore do not meet the requirements of Article 84 EPC.
 - 1.2.1 It is not clear from the claim wording what a plane surface of the housing is and where it can be found.
 - 1.2.2 The term "similar" is a vague expression that does not define clearly the relationship between the front end of the latch and the plane surface of the housing. It is not clear which difference in width can be regarded as similar and which difference cannot be regarded as similar.
 - 1.2.3 The term "substantially similar" used in relation to the width of the secondary latch with respect to the latch handle is even less clear. Also here it is not clear which difference in width can be regarded as substantially similar. It is noticed in this respect that the description allows for a "30% increase" of the width of the connector with the secondary latch in place (see column 4, lines 43 to 48 of the description as published).
- 1.3 The applicant did not provide any arguments against the above clarity objections, as notified in the communication attached to the summons to oral proceedings.
2. Added subject-matter (Article 123(2)EPC)

In view of the above conclusion the finding of the examining division, that the subject-matter of independent claim 1 extends beyond the content of the

application as filed, does not need to be decided by the board.

Order

For these reasons it is decided that:

The appeal is dismissed

The Registrar:

The Chairman:



A. Counillon

A. Klein

Decision electronically authenticated