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**Datasheet for the decision  
of 18 January 2018**

**Case Number:** T 1443/13 - 3.5.03

**Application Number:** 08743873.5

**Publication Number:** 2137582

**IPC:** G05B19/414, H02P5/68, H02P5/74,  
H02P8/40, B41F15/08

**Language of the proceedings:** EN

**Title of invention:**  
Multiplexed control of multi-axis machine with distributed  
control amplifier

**Applicant:**  
Illinois Tool Works Inc.

**Headword:**  
Multiplexed control of multi-axis machine/ILLINOIS TOOL WORKS

**Relevant legal provisions:**  
RPBA Art. 12(4)

**Keyword:**  
Main request inadmissible (fresh case)

**Decisions cited:**  
G 0010/93, T 1569/13

**Catchword:**



**Beschwerdekammern**  
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Case Number: T 1443/13 - 3.5.03

**D E C I S I O N**  
**of Technical Board of Appeal 3.5.03**  
**of 18 January 2018**

**Appellant:** Illinois Tool Works Inc.  
(Applicant) 155 Harlem Avenue  
Glenview, IL 60025 (US)

**Representative:** Murgitroyd & Company  
Scotland House  
165-169 Scotland Street  
Glasgow G5 8PL (GB)

**Decision under appeal:** **Decision of the Examining Division of the  
European Patent Office posted on 7 January 2013  
refusing European patent application No.  
08743873.5 pursuant to Article 97(2) EPC.**

**Composition of the Board:**

**Chairman** F. van der Voort  
**Members:** T. Snell  
O. Loizou

## **Summary of Facts and Submissions**

- I. This appeal is against the decision of the examining division refusing European patent application No. 08743873.5, with publication number WO 2008/127826 A1.
- II. The refusal was issued in the form of a "decision according to the state of the file", as requested by the applicant in a letter dated 7 November 2012, in which the applicant also informed the examining division that it would not be represented at the oral proceedings scheduled for the next day. The impugned decision refers to the communication dated 30 July 2012. This communication contains, *inter alia*, an objection that the subject-matter of claims 1 and 9 does not involve an inventive step starting out from document D2 (Articles 52(1) and 56 EPC), D2 being the document JP 7 314361 A.
- III. The appellant filed a notice of appeal against the above decision. The appellant requested that the decision under appeal be set aside and that a patent be granted on the basis of claims 1 to 13 of a main request filed together with the statement of grounds of appeal.  
  
Oral proceedings were conditionally requested.
- IV. In a communication accompanying a summons to oral proceedings, the board gave a preliminary opinion that the request on file was not admissible pursuant to Article 12(4) of the Rules of Procedure of the Boards of Appeal (RPBA). No written response to the board's communication was received.

- V. Oral proceedings were held on 18 January 2018 in the absence of the appellant, who had informed the board by fax the day before that it would not attend.

At the end of the oral proceedings, after due deliberation, the chairman announced the board's decision.

- VI. Claim 1 of the **main request** reads as follows:

"A stencil printer (10) for printing viscous material on a substrate, the stencil printer comprising:

    a frame (12);  
    a stencil (18) coupled to the frame;  
    a print head (20), coupled for the frame, to deposit viscous material over the stencil;  
    a substrate support (28) constructed and arranged to hold the substrate; and  
    a control apparatus (38) for controlling movement of at least one of the stencil (18), the print head (20) and the substrate support (28) along multiple axes of motion, the control apparatus (38) comprising  
        a distributed control motor amplifier (40),  
        a first motor (44) constructed and arranged to provide movement along a first axis of motion,  
        a second motor (46) constructed and arranged to provide movement along a second axis of motion,  
        a first relay (48;50) having a switch (52) coupled to the distributed control motor amplifier (40), a first contact (54) coupled to the first motor (44), a second contact (56) coupled to the second motor (46), and a coil for receiving an actuation signal, and  
        a direct current source (42) that provides a direct current signal;

wherein the first relay (48;50) is configured to be manipulated in response to the actuation signal between a first state in which the switch (52) is electrically connected to the first contact (54) and a second state in which the switch is electrically connected to the second contact (56);

wherein the first relay (48;50) comprises an additional contact (64;66) coupled to the direct current source (42); and

wherein the first relay (48;50) is constructed and arranged such that when the relay is in the first state, the direct current signal is applied to the second motor (46);

wherein the distributed control motor amplifier (40) includes a motor output (34) coupled to the switch (52) of the first relay (48), the motor output (34) being constructed and arranged to provide power for a selected one of the first and second motors (44;46), and wherein the distributed control motor amplifier (40) is configured to disable the motor output (34) for a short time period to allow the currents in the relay contacts (54,56) to decay prior to activation of the relay, and to re-enable the motor output (34) after another short time period after the activation of the relay to allow the relay contacts (54,56) to settle."

## **Reasons for the Decision**

### *1. Main request - admissibility*

- 1.1 Claim 1 of the main request differs from claim 1 in the version refused by the examining division in that the following features have been added:

"wherein the distributed control motor amplifier (40) includes a motor output (34) coupled to the switch (52) of the first relay (48), the motor output (34) being constructed and arranged to provide power for a selected one of the first and second motors (44;46), and wherein the distributed control motor amplifier (40) is configured to disable the motor output (34) for a short time period to allow the currents in the relay contacts (54,56) to decay prior to activation of the relay, and to re-enable the motor output (34) after another short time period after the activation of the relay to allow the relay contacts (54,56) to settle."

- 1.2 In accordance with Article 12(4) RPBA, the admissibility of requests which could have been filed before the first instance is at the discretion of the board.
- 1.3 The main purpose of appeal proceedings is to assess the correctness of the impugned decision rather than to give a ruling on substantive matters which have not previously been examined (cf. G 10/93, OJ EPO 1995, 172, point 4 of the reasons), i.e. matters consisting of a "fresh case".
- 1.4 Amended claim 1 of the main request has been filed for the first time in these appeal proceedings. This claim now incorporates subject-matter that has never previously been claimed. With respect to inventive step, the appellant comments in the statement of grounds of appeal as follows:

"the objective of the distinguishing features is to avoid excessive arcing in the relay contacts, and to allow the relay contacts to settle prior to re-enabling the power, thereby mitigating against degradation of

the contacts. Neither the problem nor its solution are mentioned in D2 or in the other prior art of record".

1.5 The board notes that neither this problem nor its solution have been discussed at any point during the examination procedure, nor has any previous claim on file (independent or dependent) included any of these distinguishing features. An entirely fresh case has therefore resulted. If the request were to be admitted, the board would have to remit the case to the examining division, *inter alia* in order that a further search can be carried out. This, however, would be entirely contrary to procedural expediency and to the purpose of the appeal procedure noted above. Clearly, if the applicant had wished to pursue this subject-matter, it should have filed corresponding amendments during the examination procedure. Instead, the applicant chose not to attend the oral proceedings before the examining division and requested a decision on the state of the file. It was therefore clear that the applicant did not wish to submit any further amendments or requests in the examination procedure (cf. also T 1569/13, point 4 of the reasons).

1.6 The appellant made no submissions regarding the admissibility of the main request.

1.7 For the above reasons, the board decides that the main (and only) request is not admissible (Article 12(4) RPBA).

## 2. *Conclusion*

As there is no allowable request, it follows that the appeal is to be dismissed.



**Order**

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

The appeal is dismissed.

The Registrar:

The Chairman:



G. Rauh

F. van der Voort

Decision electronically authenticated