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**Datasheet for the decision
of 14 January 2020**

Case Number: T 1602/15 - 3.2.05

Application Number: 07020523.2

Publication Number: 1916104

IPC: B41F9/06, B41F9/02, B41F11/02,
B41F15/42

Language of the proceedings: EN

Title of invention:
Liquid supply apparatus

Patent Proprietor:
Komori Corporation

Opponent:
KBA-NotaSys SA

Relevant legal provisions:

Keyword:
Compliance with the requirements of the EPC (not contested)



Beschwerdekammern

Boards of Appeal

Chambres de recours

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Case Number: T 1602/15 - 3.2.05

D E C I S I O N
of Technical Board of Appeal 3.2.05
of 14 January 2020

Appellant:

(Opponent)

KBA-NotaSys SA
Avenue du Grey 55
Case Postale 347
1000 Lausanne 22 (CH)

Representative:

Koenig & Bauer AG
- Lizenzen - Patente -
Friedrich-Koenig-Straße 4
97080 Würzburg (DE)

Respondent:

(Patent Proprietor)

Komori Corporation
11-1, Azumabashi 3-chome
Sumida-ku
Tokyo (JP)

Representative:

Uexküll & Stolberg
Partnerschaft von
Patent- und Rechtsanwälten mbB
Beselerstraße 4
22607 Hamburg (DE)

Decision under appeal:

**Interlocutory decision of the Opposition
Division of the European Patent Office posted on
23 June 2015 concerning maintenance of the
European Patent No. 1916104 in amended form.**

Composition of the Board:

Chairman

M. Poock

Members:

O. Randl

C. Brandt

Summary of Facts and Submissions

- I. The opponent filed an appeal against the decision of the opposition division on the amended form in which European patent No. 1 916 104 can be maintained.
- II. The oral proceedings before the board took place on 14 January 2020.
- III. The appellant (opponent) requested that the decision under appeal be set aside and the patent be revoked.

The respondent (patent proprietor) requested that the decision under appeal be set aside and the patent be maintained in amended form according to one of auxiliary requests I to VI, filed together with the response to the statement of grounds of appeal by letter dated 7 March 2016, or that the case be remitted to the first instance if a new ground of opposition was introduced.

- IV. The appellant declared that it had no objections against auxiliary request I.

Reasons for the Decision

The respondent withdrew its main request (maintenance of the patent as upheld by the opposition division) during the oral proceedings before the board. Thus, a decision by the board on the main request is not required.

The appellant has not raised any objection against auxiliary request I. The board sees no good reason to raise objections

against this request of its own motion. Therefore, this request is allowed.

Order

For these reasons it is decided that:

1. The decision under appeal is set aside.
2. The case is remitted to the opposition division with the order to maintain the patent in amended form on the basis of:
 - claims 1 to 16 according to auxiliary request I filed with letter dated 7 March 2016,
 - the description page 2 as submitted during the oral proceedings on 14 January 2020 and pages 3 to 6 of the patent specification and
 - figures 1 to 9 of the patent specification.

The Registrar:

The Chairman:



N. Schneider

M. Poock

Decision electronically authenticated