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**Datasheet for the decision
of 11 February 2022**

Case Number: T 0953/19 - 3.5.02

Application Number: 08001359.2

Publication Number: 1956702

IPC: H02M3/24, H02M3/335, H02M7/00

Language of the proceedings: EN

Title of invention:
Power supply apparatus

Applicant:
Portwell Inc.

Relevant legal provisions:
EPC Art. 123(2)

Keyword:
Amendments - extension beyond the content of the application
as filed (yes)



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Case Number: T 0953/19 - 3.5.02

D E C I S I O N
of Technical Board of Appeal 3.5.02
of 11 February 2022

Appellant: Portwell Inc.
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Decision under appeal: **Decision of the Examining Division of the
European Patent Office posted on 23 November
2018 refusing European patent application No.
08001359.2 pursuant to Article 97(2) EPC.**

Composition of the Board:

Chairman H. Bronold
Members: C.D. Vassoille
A. Bacchin

Summary of Facts and Submissions

- I. This is an appeal of the applicant (appellant) against the decision of the examining division to refuse European patent application no. 08 001 359.2.
- II. In the reasons for the decision under appeal the examining division found *inter alia* that the subject-matter of claim 1 of the then main request did not meet the requirements of Article 123(2) EPC.
- III. In their statement of grounds, the appellant requested that the decision under appeal be set aside and that a patent be granted on the basis of the sole request comprising claims 1 to 5, filed with the statement of grounds of appeal.
- IV. In a communication under Article 15(1) RPBA 2020, the board informed the appellant *inter alia* that claim 1 according to the sole request seemed to violate Article 123(2) EPC.
- V. With letter of 2 February 2022, the appellant withdrew their request for oral proceedings and informed the board that they were not attending the scheduled oral proceedings.
- VI. Claim 1 of the main request reads as follows:

"A DC power supply apparatus, installed in a casing (30), said DC power supply apparatus comprising a DC power input transformer (10) for converting DC power of different external voltage values into a single DC voltage, said DC power input transformer coupled with a

DC voltage adapter (20) by an electric extension cord (11), wherein said DC power input transformer (10) and said DC voltage adapter (20) [sic] installed separately at different locations of said casing (30);

said single DC voltage value is transmitted to said DC voltage adapter (20) through said electric extension cord (11), and divided into different DC voltage outputs through said DC voltage adapter (20), for supplying different DC voltages to related electronic components in said casing (30)."

VII. The appellant's arguments as far as they are relevant for the present decision can be summarised as follows:

Claim 1 as originally filed was amended by introducing two additional features, namely "casing" and "different external voltage values".

As regards the replacement of the term "electronic system" by the term "casing" in claim 1, reference was made to page 4, line 3 of the description as filed. This passage literally disclosed the term "casing" such that the corresponding amendment was admissible.

Reasons for the Decision

1. The appeal is admissible.
2. *Decision in the written procedure*

The appellant withdrew their request for oral proceedings, see point IV above.

The present decision is based on grounds and evidence on which the appellant had the opportunity to present their comments. The appellant's arguments on the merits of the case were duly taken into account by the board both in the communication under Article 15(1) RPBA 2020 and in the present decision. Thus, the principle of the right to be heard under Article 113(1) EPC is fully respected.

The present decision is therefore issued in writing without holding oral proceedings.

3. *Amendments - Article 123(2) EPC*
 - 3.1 Claim 1 contravenes Article 123(2) EPC, because the amendments introduced result in the application containing subject-matter which goes beyond the content of the application as filed.
 - 3.2 Claim 1 of the appellant's sole request introduces *inter alia* the following amendments (underlining added by the board):

"A DC power supply apparatus, installed in a casing
(30)~~a computer system~~ [...]"

wherein said DC power input transformer (10) and said DC voltage adapter (20) installed separately at different locations of said casing (30)~~computer system~~ [...], and

for supplying different DC voltages to related electronic components in said casing (30)~~computer system~~."

3.3 The board concurs with the appellant that the term "casing" is literally disclosed on page 4, line 3 of the description as filed, which reads as follows:

"The power supply apparatus of the invention is installed in a casing 30, ...".

Present claim 1, however, not only recites that the DC power supply apparatus is installed in a casing. Rather, it additionally claims that the DC power input converter and said DC voltage adapter are installed separately at different locations of the casing and that different DC voltages are to be supplied to related electronic components in said casing.

Replacing the original term "electronic system" or the term "computer system" according to former claim 1 with the term "casing" throughout claim 1 has no direct and unambiguous basis in the application as filed.

In particular, the DC power supply apparatus in the original application is exclusively disclosed as being installed in an electronic system, which according to original claim 2 can be a computer system. Thus, from the application as filed, the person skilled in the art directly and unambiguously understands that the DC

power supply apparatus forms part of an electronic system that in turn can be a computer system.

A casing is clearly something different from an electronic system or a computer system and the application as filed does not contain any hint to the effect that the electronic system or the computer system are to be understood as equivalent to the casing.

In particular, the only part of the original disclosure presented by the appellant to support their amendments to claim 1, i.e. the description on page 4, line 3, merely states that the power supply apparatus of the invention is installed in a casing, which cannot be understood to imply that the casing is used in the context of the application in such a way that it corresponds to the electronic system or the computer system.

The amendments thus result in subject-matter for which there is no basis in the application as filed.

- 3.4 The board has therefore come to the conclusion that claim 1 contravenes Article 123(2) EPC.

Conclusion

4. Given that claim 1 of the sole request contravenes Article 123(2) EPC, the appeal had to be dismissed.

Order

For these reasons it is decided that:

The appeal is dismissed.

The Registrar:

The Chairman:



K. Götz-Wein

H. Bronold

Decision electronically authenticated