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**Datasheet for the decision
of 22 April 2024**

Case Number: T 1593/21 - 3.3.10

Application Number: 10798670.5

Publication Number: 2512528

IPC: A61L9/01, A61L101/32, C11D3/00,
C11D3/37, C11D3/02

Language of the proceedings: EN

Title of invention:

HARD SURFACE CLEANING COMPOSITION HAVING A MALODOR CONTROL
COMPONENT AND METHODS OF CLEANING HARD SURFACES

Patent Proprietor:

The Procter & Gamble Company

Opponent:

Henkel AG & Co. KGaA

Headword:

Relevant legal provisions:

EPC Art. 56, 100(b), 100(a)
RPBA 2020 Art. 12(2), 12(4), 12(6)

Keyword:

Sufficiency of disclosure (yes)
Inventive step (yes)
Late-filed documents - admission (no)

Decisions cited:

Catchword:



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Case Number: T 1593/21 - 3.3.10

D E C I S I O N
of Technical Board of Appeal 3.3.10
of 22 April 2024

Appellant: Henkel AG & Co. KGaA
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Decision under appeal: **Decision of the Opposition Division of the
European Patent Office posted on 13 July 2021
rejecting the opposition filed against European
patent No. 2512528 pursuant to Article 101(2)
EPC.**

Composition of the Board:

Chairman P. Gryczka
Members: A. Zellner
F. Blumer

Summary of Facts and Submissions

- I. The opponent lodged an appeal against the decision of the opposition division to reject the opposition against the European patent No. 2 512 528 (Article 101(2) EPC).
- II. Notice of opposition has been filed on the basis of Article 100(a) EPC for lack of inventive step (Article 56 EPC) and of Article 100(b) EPC for lack of sufficiency of disclosure.
- III. Reference is made to the following documents:
- D1: WO 2010/075120 A1
 - D2: EP 0 971 025 A1
 - D4: EP 0 957 156 A1
 - D5: US 4,515,705
 - D6: JP 2002-336337 A
 - D6a: English machine translation of D6
 - D7: Sigma-Aldrich, Sicherheitsdatenblatt, 2-Ethoxybenzaldehyd, 22 November 2021
 - D8: ThermoFisher Scientific, Safety data sheet, 2-Isopropyl-5-methyl-2-hexenal, 19 February 2020
 - D9: Toronto Research Chemicals, Safety data sheet - Version 5.0, 5-Methylfurfural, 9 May 2017
 - D10: IFF, Safety data sheet, Floral Super, 7 May 2015
 - D11: VIGON, Safety data sheet, Florhydral®, 29 November 2015
 - D12: ThermoFisher Scientific, Safety data sheet, o-Anisaldehyde, 18 January 2018
 - D13: Lluçh Essence, Safety data sheet, Trans-4-decenal, 28 January 2021
 - D14: ROTH, Safety data sheet, Cinnamaldehyde, 9 April 2021

D15: Henkel, Report of analysis, submitted
23 November 2021

- IV. In the decision under appeal, the opposition division held that the patent as granted disclosed the claimed subject-matter in a manner sufficiently clear and complete for it to be carried out by a person skilled in the art (Article 83 EPC), and that the claimed subject-matter was based on an inventive step, considering the disclosure of document D1 as closest prior art (Article 56 EPC).
- V. The opponent appealed this decision and argued that the opposition division erred in their decision when holding the claimed subject-matter to be sufficiently disclosed (Article 100(b) EPC), and when holding the claimed subject-matter to be based on an inventive step (Articles 100(a) and 56 EPC).
- VI. In a communication under Article 15(1) RPBA the board informed the parties about its preliminary opinion that the respondent's main request appeared to meet the requirement of Articles 83 EPC. The board further informed the parties about the points to be discussed during the oral proceedings, in particular in relation to inventive step.
- VII. Claim 1 of the main request (patent as granted) has the following wording:

"1. A hard surface cleaning composition comprising:

(a) an acidic component;

(b) a surfactant selected from the group consisting of nonionic surfactants, anionic surfactants, cationic

surfactants; amphoteric surfactants, zwitterionic surfactants, and mixtures thereof; and
(c) a surface modifying polymer;
(d) an aqueous carrier

characterized in that the composition further comprises:

(e) a malodor control component comprising an effective amount of two or more volatile aldehydes for neutralizing a malodor, wherein said two or more volatile aldehydes are selected from the group consisting of 2-ethoxy benzylaldehyde, 2-isopropyl-5-methyl-2-hexenal, 5-methylfuran-2-carbaldehyde (5-methyl furfural), (2E)-3-Phenylprop-enal (cinnamic aldehyde), (4E)-4,8-dimethyldeca-4,9-dienal (floral super TM), 3-(3-isopropylphenyl)butyraldehyde (florhydral), 2-methoxybenzaldehyde (o-anisaldehyde), 3-(7,7-dimethyl-4-bicyclo[3.1.1]hept-3-enyl)propanal (pino acetaldehyde), trans-4-decenal, and mixtures thereof; and

wherein said two or more volatile aldehydes are present in an amount from 0.015% to 1%, by weight of said hard surface cleaning composition; and
wherein the composition has a pH of above 2.0, as measured at 25°C."

Independent claim 12 of the main request is directed to a method of cleaning a hard surface or an object, which comprises *i.a.* the step of applying the hard surface cleaning composition of claim 1 onto said hard-surface or said object.

VIII. The appellant argued essentially as follows:

Documents D7 to D15 should be admitted into the

proceedings. They are *prima facie* relevant and were filed in response to the arguments of the opposition division in the impugned decision, in particular to their conclusion to attribute a technical effect to the presence of specific aldehydes in the claimed hard surface cleaning composition.

The contested patent does not disclose the alleged claimed invention in manner sufficiently clear and complete for it to be carried out by a person skilled in the art. The patent does in particular not contain any example showing the effect of neutralizing a malodor when the aldehydes according to claim 1 are in a claimed composition. It is known, however, that under (strong) basic or (strong) acidic, or even aqueous conditions, which are encompassed by the claim, the chemical reactions responsible for neutralizing malodor will not take place or will be reversible.

The provision of a claimed composition is not based on an inventive step. Document D1 is closest prior art. The claimed composition differs from compositions disclosed therein in that it comprises two or more selected volatile aldehydes, in an amount for neutralizing a malodor. This effect, however, has not been shown and is not credible. The resulting technical problem, *i.e.* the provision of an alternative hard surface cleaning composition, is solved in an obvious manner. The aldehydes are known as components of cleaning compositions, in particular from documents D2, D4, D5 and D6, and the skilled person would use them to supplement the ingredients of a composition according to document D1.

IX. The respondent argued essentially as follows:

Documents D7 to D15 should not be admitted into the proceedings. They could have been filed earlier and are not *prima facie* relevant.

The claimed invention is sufficiently disclosed in the contested patent. The description discloses examples showing the technical effect according to the claim, and makes it credible that the effect of neutralizing a malodor is also achieved by the selected aldehydes when incorporated in a cleaning composition according to claim 1.

The claimed composition is also based on an inventive step. The claimed cleaning composition differs from the disclosure of document D1 in that it contains two or more very specific aldehydes, which can neutralize malodor. The technical problem of providing an improved cleaning composition is solved in a non-obvious manner, because - even if the aldehydes as such are known in the field of cleaning compositions - there is no teaching in the prior art directing the skilled person to incorporate them into a composition as disclosed in D1 in order to provide a composition capable of neutralizing a malodor.

- X. The appellant (opponent) requests that the decision under appeal be set aside and that the patent be revoked.

- XI. The respondent (patent proprietor) requests that the appeal be dismissed and the patent be maintained as granted, or, as an auxiliary measure, that the patent be maintained on the basis of one of the first, second and third auxiliary requests as filed with the reply to the statement setting out the grounds of appeal. The respondent further requested that documents D7 to D15

not be admitted into the proceedings.

XII. Oral proceedings before the board were held on 22 April 2024. The decision to dismiss the appeal was announced at the end of the proceedings.

Reasons for the Decision

1. The appeal is admissible.

Documents D7 to D15 - non-admission

2. Documents D7 to D15 were submitted by the appellant with the statement setting out the grounds of appeal. The appellant relied on these documents when arguing insufficiency of disclosure and lack of inventive step.

3. According to the appellant, the documents were submitted in response to the opposition division's arguments in the contested decision, and in particular to demonstrate that the technical effect relied upon by the opposition division in their decision was not caused by the aldehydes in the composition according to claim 1 of the main request.

4. The appellant further submitted that documents D7 to D14 only reflected common general knowledge, and the documents should also be admitted for this reason.

5. Finally, the appellant argued that document D15 could not have been filed earlier since its preparation required time-consuming and laborious experiments, which was particularly challenging during an ongoing pandemic. The document was highly relevant, however, since it demonstrated that - although a malodor reduction could be achieved when an aldehyde according

to claim 1 was combined with butylamine, and when both of these were in pure form - no malodor reduction could be achieved when the aldehyde was incorporated into a hard surface cleaning composition as claimed, such as composition XII of the patent in suit. The data thus showed that the alleged invention was not sufficiently disclosed. It also demonstrated that the claimed subject-matter did not show a particular technical effect to be taken into consideration for inventive step.

6. The respondent requested not to admit the documents, because there was no reason for filing them at this late stage in the proceedings, and because none of them was *prima facie* relevant for the outcome of the proceedings. According to the respondent, none of documents D7 to D14 were made available to the public before the filing date of the contested patent. Also, the compositions according to document D15 comprised only one of the volatile aldehydes listed in claim 1 of the main request, rather than two or more as required in a composition according to claim 1.
7. The board does, for the following reasons, not admit documents D7 to D15 into the proceedings:
 - 7.1 The documents are not part of the evidence on which the decision under appeal was based (Article 12(2) RPBA), because they were filed only with the statement setting out the appellant's grounds of appeal. They are thus an amendment to the appellant's case and their admissibility is at the discretion of the board (Article 12(4) RPBA). According to Article 12(6), second sentence, RPBA, the board shall not admit requests, facts, objections or evidence which should have been submitted, or which were no longer

maintained, in the proceedings leading to the decision under appeal, unless the circumstances of the appeal case justify their admittance.

- 7.2 Documents D7 to D15 should have been submitted in the opposition proceedings.
- 7.2.1 Objections based on Article 100(b) and (a) EPC in combination with Article 56 EPC have been raised by the opponent at the beginning of the opposition proceedings. In the annex to the summons to attend oral proceedings the opposition division informed the parties on 28 November 2019 of its preliminary opinion that the arguments brought forward by the appellant were not considered to prejudice the maintenance of the patent as granted. This preliminary opinion was confirmed during the oral proceedings before the opposition division on 31 May 2021, which is reflected in the impugned decision (see points 1. and 2. of the impugned decision). This outcome could not have come as a surprise to the appellant.
- 7.2.2 The filing of documents D7 to D15 is thus not occasioned by any change in the factual or legal basis of the case. On the contrary, the appellant refers to these documents when arguing that the aldehydes according to claim 1 of the main request were, when present in the hard surface cleaning composition, not able of neutralizing a malodor. This feature, however, is already present in claim 1 of the patent as granted, which was already objected to by the appellant in the notice of opposition (Article 100(a) and (b) EPC).
- 7.2.3 The appellant argued that the generation of experimental data disclosed in D15 was time-consuming and laborious. No further information was provided,

however, which particular difficulties prevented the appellant from filing experimental data within the period of 18 months between the opposition division's preliminary opinion and the date of the oral proceedings before the opposition division.

7.3 The appellant has not referred to any circumstances of the appeal case, which might justify the admittance of documents D7 to D15 at this stage of the proceedings. The board can also not see any such circumstances. The board does also not follow the appellant's view that the documents were *prima facie* relevant. Each of documents D7 to D15 only relates to a single aldehyde, or to compositions comprising a single aldehyde. This is in particular the case for the experimental data disclosed in D15. According to claim 1 of the patent in dispute, however, the claimed composition must comprise an effective amount of two or more of the volatile aldehydes.

7.4 In conclusion, the board decides not to admit documents D7 to D15 into the appeal proceedings (Article 12(6) RPBA).

Main request (patent as granted)

Sufficiency of disclosure (Article 100(b) EPC)

8. The appellant argued that not every hard surface cleaning composition according to claim 1, which comprised an aldehyde selected from the list under point (e) of the claim, could neutralise malodor. Since not all of the claimed compositions thus provided the alleged effect, the claimed invention was not sufficiently disclosed.

9. In order to support this objection, the appellant submitted that the contested patent did not provide a single example showing the alleged technical effect, but merely provided an explanation of well known and basic chemistry concerning potential reactions of aldehydes with either an amine or a sulfur-containing compound. The skilled person was aware that some of these reactions could not be carried out under certain conditions which were, however, within the scope of claim 1. In particular, the appellant argued that the reaction of an aldehyde with an amine malodor compound would not work under basic conditions, and that the reaction of an aldehyde with a sulfur-based malodor compound would not work under neutral conditions. The claimed composition was only required to have a pH of above 2.0, it therefore also covered non-working embodiments.
10. The appellant also submitted that the contested patent did not provide an example of a malodor reaction in aqueous medium. It was known from document D2, however, that the reaction of aldehydes with primary amines was reversible under aqueous conditions and pH values above 2.0, *i.e.* under conditions according to claim 1. It was also known that this led to breaking up the products which did initially form between the amine and the aldehyde. Consequently no permanent malodor reduction could be achieved.
11. The appellant further argued that the aldehydes listed in claim 1 were incompatible with (strong) acids, (strong) bases and/or oxidising agents, although these conditions were encompassed by the claim.
12. Finally, the appellant argued by reference to document D15, that malodor reduction could not be achieved when

using florhydral (one of the aldehydes according to claim 1) was incorporated into a hard surface cleaning composition.

13. The respondent argued that the contested patent contained a detailed description of ways to carry out the invention, *i.e.* cleaning compositions as well as examples of aldehyde combinations showing the required effect of neutralizing malodor. The respondent furthermore argued that the appellant had not provided any evidence to the contrary, in particular no experimental data of any composition as claimed.
14. The board comes to the following conclusion:
 - 14.1 Claim 1 of the main request is directed to a hard surface cleaning composition. The composition comprises components (a) to (e) and has a pH of above 2.0. The malodor component (e) comprises two or more volatile aldehydes - these aldehydes being selected from a list containing nine compounds, and mixtures thereof - which are present in the composition in an amount from 0,015% to 1% by weight of the composition. Furthermore, the malodor component (e) comprises "*... an effective amount of (the) aldehydes for neutralising a malodor ...*".
 - 14.2 In order for the main request to meet the requirements of Article 83 EPC, the skilled person has to be able to provide a composition comprising the ingredients (a) to (e), with component (e) being present in an amount of from 0,015% to 1% by weight, and having a pH of above 2.0. It was not disputed that the skilled person was able to provide such a composition.

14.3 In addition, the composition comprises the aldehydes of component (e) "*... in an effective amount (...) for neutralising a malodor ...*". The appellant disputed that this effect can always be achieved. The appellant argued in particular that not every combination of the listed aldehydes was efficient in neutralising a malodor, especially not permanently.

14.4 The appellant has not provided experimental data of a hard surface cleaning composition according to claim 1 of the main request comprising the ingredients (a) to (e), in particular of a composition comprising two or more of the volatile aldehydes, in order to demonstrate that the effect of neutralising a malodor cannot be achieved. The appellant merely argued that the effect could not be achieved.

14.5 This argumentation is, however, not convincing. According to the description of the contested patent, the nine aldehydes according to claim 1 as such lead to a reduction of butylamine as well as butanethiol in gaseous phase within a period of 40 seconds and 30 minutes, respectively. Butylamine and butanethiol are, according to the description of the contested patent, exemplary compounds for an amine- or a sulfur-based malodor. Other aldehydes, *i.e.* aldehydes not according to claim 1, do not provide the same effect (see paragraph [0140] and Table 6). This was not disputed by the appellant. The contested patent also discloses that malodor control components comprising a mixture of aldehydes as cited in claim 1 were prepared (Accord A to C, see paragraphs [0102], [0103] and [0104]), and that these malodor components also achieved a reduction of butylamine as well as butanethiol in the gaseous phase (see paragraphs [0145]

to [0147] and Table 7). This was also not disputed.

14.6 The appellant argued that the contested patent did not provide an example of a hard surface cleaning composition as claimed, *i.e.* a composition comprising all of the components according to claim 1, wherein the aldehydes had the effect of neutralising malodors when present in the final composition. The contested patent did in particular not contain an example of an aqueous composition.

14.7 It is correct that the contested patent, despite disclosing malodor neutralising effects of the selected aldehydes as such, as well as of malodor control components (e) comprising these aldehydes, does not disclose experimental data showing that the aldehydes according to component (e), when present in a composition as claimed, comprising additionally all of components (a) to (c) according to claim 1, neutralize malodor. The contested patent does, however, contain information which components to select and how to prepare the claimed compositions (see the description starting from paragraph [0009], in particular paragraphs [0131] to [0139]). In view of this disclosure, the experimental data provided for the individual aldehydes (see table 6) and combinations thereof (see table 7), and given the fact that the appellant has not provided any experimental data to the contrary, the appellant's argument that the claimed effect cannot be achieved is not convincing.

14.8 The appellant also argued that some of the reactions referred to in the contested patent could not be carried out under certain conditions.

- 14.9 The board notes, however, that claim 1 does not refer to any particular reaction conditions. It does also not require that every malodor - no particular malodor is mentioned in the claim at all - can be neutralised with any of the claimed compositions. Furthermore, paragraphs [0107] to [0114] of the contested patent suggest conditions under which malodor neutralisation can be achieved. The appellant has not provided any arguments or even experimental data showing that the skilled person would not be able to follow this teaching, or would not be able to avoid certain conditions. This argument is thus also not convincing.
- 14.10 For these reasons, the board concludes that the appellant has not convincingly shown a lack of sufficiency of disclosure of the invention claimed in the main request (Article 83 EPC). The opposition division's decision concerning this objection is thus correct.

Inventive step (Articles 100(a) and 56 EPC)

15. The opposition division acknowledged the presence of an inventive step of a composition according to claim 1 of the main request. Document D1 was considered to be closest prior art. The differing feature was seen in feature (e) of claim 1, *i.e.* in the presence of an effective amount of two or more volatile aldehydes for neutralising a malodor, wherein the two or more aldehydes are selected from a list consisting of nine specific compounds which are present in an amount from 0,015% to 1% by weight of the composition, and wherein the composition has a pH of above 2.0. The opposition division saw the technical problem in the provision of a hard surface cleaning composition with improved reduction of malodor, *i.e.* a reduction of the

concentration of malodor components. The opposition division concluded that none of documents D2, D4, D5 or D6 suggested the skilled person to provide the claimed solution in order to solve the technical problem.

16. The appellant contested the opposition division's conclusion and argued that the objective technical problem was the provision of a mere alternative to known hard surface cleaning compositions. According to the appellant, the skilled person found the claimed solution to this problem already in document D1 itself, but also in documents D2, D5 and D6. The claimed solution was thus not based on an inventive step, Article 56 EPC.

17. The appellant's argumentation is not convincing. The board comes, for the following reasons, to the conclusion that the provision of a hard surface cleaning composition according to claim 1 of the main request is based on an inventive step:

The contested patent

- 17.1 The contested patent relates to hard surface cleaning compositions having a malodor control component (see paragraph [0001]). According to the description, the invention delivers good malodor reduction and limescale removal performance whilst not being corrosive (see paragraph [0008]). According to the contested patent, this objective is achieved by the provision of a hard surface cleaning composition according to claim 1, comprising a malodor control component (e) comprising two or more selected aldehydes for neutralizing a malodor (see paragraph [0093] and claim 1).

The closest prior art

- 17.2 Both parties concurred with the opposition division in that document D1 is the closest prior art. The board does not see any reason to differ. The document relates to liquid compositions for cleaning a variety of hard surfaces found in and around the house providing good limescale removal performance and having reduced or even no corrosiveness (see page 1, lines 5 to 10).

Differing features

- 17.3 The composition according to claim 1 of the main request differs from the disclosure of document D1 (see in particular claim 1 and examples VII to XV of D1) in that it additionally comprises component (e), *i.e.* a malodor control component comprising an effective amount of two or more volatile aldehydes for neutralizing a malodor, wherein said two or more volatile aldehydes are selected from the group consisting of nine specific aldehydes in an amount of from 0.015% to 1.0%, and wherein the composition has a pH of above 2.0, as measured at 25°C. This was also undisputed between the parties.

Objective technical problem

- 17.4 According to the appellant, the disputed patent did not disclose a working example of a hard surface cleaning composition including a component (e) that neutralises malodor in combination with the other components according to claim 1 of the main request. The appellant submitted that the technical effect relied upon by the respondent, *i.e.* the neutralisation of a malodor, cannot be achieved when the aldehydes are incorporated into a hard surface cleaning composition which also

comprises the components (a) to (d). The effect relied upon by the opposition division was thus not shown. The objective technical problem could thus only be seen in the provision of alternative hard surface cleaning composition.

- 17.5 The respondent, by reference to tables 6 and 7 of the contested patent, argued that the aldehydes according to component (e) of claim 1 were selected in order to neutralize a malodor, which was in particular caused by the presence of amine- and sulfur-based compounds. According to the respondent, it was also shown that the combination of two or more of the selected aldehydes led to a reduction of malodor-causing compounds, due to neutralization of these compounds. As a result, the objective technical problem had to be seen in the provision of a hard surface cleaning composition with improved properties in view of neutralizing malodor.
- 17.6 The board is not convinced by the appellant's argumentation. As set out in point 14.5 of this decision, the aldehydes according to claim 1 lead to a reduction of butylamine as well as butanethiol in gaseous phase within a period of 40 seconds and 30 minutes, respectively, whereas the other tested aldehydes do not provide the same effect (see paragraph [0140] and Table 6). Also, table 7 discloses that combinations of two of these aldehydes can reduce malodor (see also paragraphs [0145] to [0149]). The description of the contested patent also discloses that the malodor control component (*i.e.* component (e) according to claim 1) delivers genuine malodor neutralization and does not function merely by covering up masking odors (see paragraph [0093]). The description furthermore discloses how malodor neutralization is achieved, *i.e.* via chemical reactions

(see paragraph [0094]). The board thus considers it credible that two or more of the selected aldehydes can neutralize malodor.

- 17.7 The objective technical problem which has been solved with respect to the disclosure of document D1 is thus the provision of an improved hard surface cleaning composition, with malodor neutralising properties.

Solution to the technical problem

18. The solution to the technical problem is the provision of a hard surface cleaning composition according to claim 1 of the main request, comprising a malodor component (e) which comprises "... an effective amount of two or more volatile aldehydes for neutralizing a malodor ...", and wherein the aldehydes are selected from the list containing nine individual compounds.

Inventiveness of the claimed solution

19. The solution provided is not suggested in the prior art.
- 19.1 Document D1 does not mention the problem of reducing a malodor, and mainly seeks to provide compositions with improved limescale removal performance (see page 1, lines 5 to 10 and page 2, lines 12 to 20). Although the document discloses that perfume can be added to the claimed compositions (see page 17, lines 10 to 15), and refers to document D4 - which discloses *i.a.* aldehydes according to claim 1 in that respect (see paragraph [0117]), it does not disclose for what purpose. They may be added, as submitted by the respondent, to provide a pleasant smell to the compositions, rather than to mask or even neutralize a malodor. They may

also be added due to aesthetic considerations, as suggested by D4 (see paragraph [0119]). Document D1 can thus not guide the skilled person to the claimed solution of the objective technical problem.

- 19.2 Documents D2, D4, D5 and D6/D6a disclose aldehydes according to component (e) of claim 1 of the main request (see D2: paragraph [0113], lines 36, 50 and 53; D4: paragraph [0117]; D5: column 1, line 67; D6a: paragraph [0023], lines 5 and 22). These documents, however, do not suggest their use for neutralizing malodor. They can thus also not provide the skilled person with a suggestion to solve the technical problem by the addition of two or more of the aldehydes according to claim 1 of the main request to a cleaning composition as disclosed in document D1.
20. The provision of a composition according to claim 1 of the main request, comprising a malodor component (e) which comprises "*... an effective amount of two or more volatile aldehydes for neutralizing a malodor ...*", wherein the aldehydes are selected from the list containing nine individual compounds, as a solution to the technical problem of providing an improved hard surface cleaning composition having malodor neutralising properties, compared to a solution as disclosed in document D1, in particular claim 1 and examples VII to XV thereof, is therefore based on an inventive step.
21. Independent claim 12 relates to a method of cleaning a hard surface or an object. The method comprises a step of applying the hard surface cleaning composition of claim 1 onto the hard-surface or the object. The method is thus based on an inventive step for the same reasons

as claim 1. This was not disputed.

22. The main request meets, for these reasons, the requirements of (Article 56 EPC).

23. The arguments brought forward by the appellant do, for the reasons set out above, not prejudice the maintenance of the main request (patent as granted).

Order

For these reasons it is decided that:

The appeal is dismissed.

The Registrar:

The Chairman:



C. Rodríguez Rodríguez

P. Gryczka

Decision electronically authenticated