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**Datasheet for the decision  
of 17 September 2024**

**Case Number:** T 1172/22 - 3.2.08

**Application Number:** 07011196.8

**Publication Number:** 2014254

**IPC:** A61C13/00, A61C13/12

**Language of the proceedings:** EN

**Title of invention:**

Method and sintered product for forming a dental bridge

**Patent Proprietor:**

Nobel Biocare Services AG

**Opponent:**

Ivoclar Vivadent AG

**Relevant legal provisions:**

EPC Art. 84

**Keyword:**

Claims - clarity (no)



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Case Number: T 1172/22 - 3.2.08

**D E C I S I O N**  
**of Technical Board of Appeal 3.2.08**  
**of 17 September 2024**

**Appellant:** Ivoclar Vivadent AG  
(Opponent) Bendererstrasse 2  
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**Representative:** Uexküll & Stolberg  
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**Respondent:** Nobel Biocare Services AG  
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**Representative:** Hoffmann Eitle  
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**Decision under appeal:** **Interlocutory decision of the Opposition  
Division of the European Patent Office posted on  
14 February 2022 concerning maintenance of the  
European Patent No. 2014254 in amended form.**

**Composition of the Board:**

**Chairwoman** P. Acton  
**Members:** C. Vetter  
F. Bostedt

## Summary of Facts and Submissions

- I. The appeal was filed by the opponent (appellant) against the interlocutory decision of the opposition division finding that, on the basis of auxiliary request 2 then on file, the patent in suit met the requirements of the EPC.
- II. The opposition division had decided, *inter alia*, that claim 1 of this request fulfilled the requirement of clarity under Article 84 EPC.
- III. The oral proceedings before the Board were held by videoconference.
- IV. The appellant (opponent) requested that the decision under appeal be set aside and that the European patent be revoked.

The respondent (patent proprietor) requested that the appeal be dismissed and the patent be maintained in the text considered allowable by the opposition division (main request), or in the alternative, that the patent be maintained on the basis of the claims according to one of the 1st to 14th auxiliary requests filed with the reply to the appeal on 16 November 2022.

- V. Claim 1 of the main request reads as follows (feature designation added by the Board; amendments with respect to the text as granted highlighted):

A method of manufacturing a dental bridge (1), the method comprising:

**[a]** providing a pre-sintered blank (3) made from a green body of ceramic material;

**[b]** performing a machining operation on the pre-sintered blank (3) that transforms it into an intermediate product (4) comprising

**[c]** a bridge structure (5) and a support body (6) linked to the bridge structure (5) by several retaining sections (7) that extend from the support body (6) to the bridge structure (5); and

**[d]** performing a sintering operation on the intermediate product (4) while the retaining section or retaining sections (7) still link(s) the support body (6) to the bridge structure (5),

**[e]** wherein the bridge structure forms an arch (8) and the intermediate product (4) comprises said several retaining sections (7) that connect the support body (6) to the bridge structure (5) and said retaining sections (7) are shaped as spokes that extend from the bridge structure (5) towards a common hub (9) in the support body (6), and

**[f]** at least one of the retaining sections (7) has a part (19) with a reduced cross section where it meets the bridge structure (5),

**[g]** wherein the part (19) that has a reduced cross section constitutes a sudden reduction or weakening of the at least one retaining section (7).

Feature **[g]** is also contained in claim 1 of the 1st to 14th auxiliary requests, respectively.

VI. The arguments of the parties relevant to the decision are set out below in the Reasons for the Decision.

## Reasons for the Decision

1. Main request - clarity
  - 1.1 During the proceedings before the opposition division, features **[f]** and **[g]** were added to claim 1 as granted, which read as follows:

**[f]** and at least one of the retaining sections (7) has a part (19) with a reduced cross section where it meets the bridge structure (5),  
**[g]** wherein the part (19) that has a reduced cross section constitutes a sudden reduction or weakening of the at least one retaining section (7).
  - 1.2 These features originate from the description, in particular from paragraph [0021] of the patent in suit, which corresponds to page 13, lines 7 to 14 of the application as originally filed.
  - 1.3 The respondent argued that the term "sudden" in feature **[g]** was not a relative term and referred to paragraph [0021] of the patent in suit, which in its view distinguished between a "sudden reduction" on the one hand and spokes that "gradually become thinner" on the other. The respondent concluded that "sudden" meant "not gradual" and was therefore clear.
  - 1.4 However, the expression "not gradual" is not stated in the claim, and "sudden" is not *per se* synonymous with "not gradual". Indeed, a sudden reduction in cross-section also results from a gradual reduction if the gradient is (sufficiently) steep.

1.5 The lack of clarity lies in the fact that it is not possible for the skilled person to draw a line where the reduction in cross-section is so steep that it becomes "sudden". Consequently, the term "sudden" in feature **[g]** is a relative term which does not allow a clear distinction to be made between those embodiments which are covered by the claim and those which are not.

1.6 The respondent further argued that even if the term "sudden" was relative, it would still be clear to the skilled person in the context of the disclosure. Since claim 1 referred to "machining", and since the skilled person knew the intended function of the part having a reduced cross-section, it was clear to the skilled person that the term "sudden" implied a specific geometry.

1.7 However, both aspects referred to by the respondent also apply to the embodiment of Figure 13 of the patent in suit, for which it is common ground that the part with a reduced cross-section does not constitute a sudden reduction of the at least one retaining section. Indeed, this embodiment is also obtained by machining and fulfils the intended function of facilitating the removal of the retaining sections from the bridge structure (patent, column 4, lines 34 to 36; column 7, line 51 to column 8 line 5; column 11, lines 48 to 55).

Therefore, the context of the disclosure does not render the term "sudden" clear in a sense that would allow a clear distinction from a gradual reduction in cross-section.

1.8 Consequently, the subject-matter for which protection is sought is not clear from the wording of claim 1,

contrary to the requirement of Article 84, second sentence, EPC.

2. Auxiliary requests - clarity

2.1 Feature **[g]** is also included in claim 1 of each of the 1st to 14th auxiliary requests.

2.2 The respondent has not provided any arguments as to how the additional amendments in claim 1 of the 1st to 14th auxiliary requests could render the expression "sudden reduction or weakening" clear within the meaning of Article 84, second sentence, EPC.

2.3 Since claim 1 of all these auxiliary requests contains the wording considered to be not clear in claim 1 of the main request, all these requests are not allowable for the same reason as the main request.

**Order**

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

1. The decision under appeal is set aside.
2. The patent is revoked.

The Registrar:

The Chairwoman:



C. Moser

P. Acton

Decision electronically authenticated