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Datasheet for the decision of 4 November 2025

Case Number: T 2070/22 - 3.5.01

Application Number: 19178549.2

Publication Number: 3584921

IPC: H02M7/00, H01H9/00, H01R13/05, H01R13/514, H01R13/627, H02K5/22

Language of the proceedings: EN

Title of invention:
A LOW AMPERAGE ELECTRIC SWITCH FOR ELECTRICAL TRANSFORMERS

Applicant:
Elettro Maule S.r.l.

Headword:
Electric switch/ELETTRO MAULE

Relevant legal provisions:
EPC Art. 56, 111(1)
EPC R. 103(1)(a), 111(2)
RPBA 2020 Art. 11

Keyword:
Substantial procedural violation (yes - appealed decision insufficiently reasoned)
Reimbursement of appeal fee (yes)

Decisions cited:
T 0042/90, T 1434/06

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Case Number: T 2070/22 - 3.5.01

D E C I S I O N
of Technical Board of Appeal 3.5.01
of 4 November 2025

Appellant: (Applicant)	Elettro Maule S.r.l. Via Vigazzolo 118 36054 Montebello Vicentino (VI) (IT)
Representative:	Trentin, Michele Eureka IP Consulting Via Giovanni Lanza, 40-44 36100 Vicenza (IT)
Decision under appeal:	**Decision of the Examining Division of the European Patent Office posted on 8 July 2022 refusing European patent application No. 19178549.2 pursuant to Article 97(2) EPC.**

Composition of the Board:

Chairman	M. Höhn
Members:	L. Falò
	E. Mille

Summary of Facts and Submissions

I. This is an appeal against the examining division's decision to refuse European patent application No. 19 178 549.2.

II. The application was refused for lack of inventive step (Article 56 EPC) of the main and auxiliary requests.

III. The appellant requested that the decision of the examining division be set aside and a patent be granted in accordance with the refused main or auxiliary request. The appellant also requested oral proceedings "*in case the intention to confirm the refusal of the application is contemplated*".

IV. Claim 1 of the main request reads as follows:

"A low amperage electric switch for high electrical potentials [sic] *transformers comprising:*

a plurality of electrical contact pins (2);

at least one support bar (3) provided with a plurality of through holes (4) adapted to stably receive said electrical contact pins (2),

characterized in that said pins (2) are made by moulding an electrically conductive material and comprise a body (15) with a mainly longitudinal development having a first closed end (16) for the electrical contact of the switch and a second open end (17) for access to an inner space constituting a blind hole (18) configured to receive the end of an electrical wiring cable, said first closed end (16)

being constituted by a full end portion (20) of said body (15)."

Reasons for the Decision

1. The invention concerns a low amperage electric switch for electrical transformers. Looking at Figure 2, the switch includes a support bar (3) with several holes (4) in which pins of conductive material (2) are inserted. Each pin presents an open end providing access to an internal cavity or blind hole (Figures 6, 17, 18, 19) in which an electrical cable can be inserted, and a closed end (Figures 6, 16) constituted of a full end portion (Figures 6, 20). The aim of the full end portion of the pin is to provide better protection against high-inrush currents when compared with hollow pins of the same size.

2. The examining division considered claim 1 of the main request to lack inventive step over document D2, EP 2954547, combined with D13, DE 202008014774, and common general knowledge (point 4 of the decision). When mapping the features of D2 to those of claim 1, the examining division argued as follows:

"*D2, which is considered as the closest prior art, discloses a:*

- low amperage electric switch in fig. 1, 2, for high electrical potentials transformers comprising:

- a plurality of electrical contact pins (2);

- at least one support bar (3) provided with a plurality of through holes (4) adapted to stably receive said electrical contact pins (2),

- comprise a body (5) with a mainly longitudinal development (X-direction) in fig. 3, par. 34, having a first end (lower end) and a second open end (upper end) for access to an inner space constituting a blind hole".

3. The division did not explicitly provide, either in this paragraph or elsewhere, any textual reference to substantiate the finding that the feature of "*having a second open end (upper end) for access to an inner space constituting a blind hole*" was disclosed in D2. The Board cannot moreover identify said feature in the various passages of D2 mentioned in the decision.

4. Looking at page 7 of the decision, last paragraph, it could perhaps be argued that reference numeral 5 in Figure 3 was regarded as indicating a hollow part of the pin: "*The transformer switch pins shown in D2, fig. 3, and the Application, fig. 4, look identical from outside. The purpose will be obviously the same: Fixing the pins 2 in an insulating bar 3, as shown in fig 1 and 2 of D2,* ***inserting the cable end into the upper hollow part indicated as 5 in fig. 3*** *...*".

However, as stated on page 5, lines 12 to 15 of D2 and also apparent from Figure 3, reference numeral 5 indicates the pin's outer surface ("*to reach such result, the pins 2 of the electric switch of the invention have, as observed in the particular of fig. 3, on the outer surface 5...*"). Moreover, the mere fact that the pins in the application and in D2 have the

same external structure does not imply that they are also identical internally.

5. In view of the above, it is not apparent from the decision why the division considered the feature of the pin "*having a second open end (upper end) for access to an inner space constituting a blind hole*" to be disclosed in D2.

6. The identification of the technical differences from the prior art is a fundamental part of the assessment of inventive step under the well-established problem-solution approach. A decision arguing lack of inventive step should generally enable the reader to identify, without undue burden, the passages which are considered to anticipate the claimed features, unless these features cannot contribute to the assessment of an inventive step (for example because they do not contribute to the technical character of the invention).

7. In the present case, the feature in question contributes to the assessment of inventive step, and its disclosure - or lack of it - appears to be central to the division's arguments concerning lack of inventive step (see for example decision page 5, point c)). Accordingly, the Board considers that the decision is insufficiently reasoned, contrary to the requirements of Rule 111(2) EPC. This is a fundamental deficiency which justifies remittal of the case to the department of first instance (Article 111(1) EPC; Article 11 RPBA).

8. A remittal of the case to the department of first instance is not considered to adversely affect the appellant (see e.g. T 0042/90, point 5; T 1434/06,

point 3). Moreover, the appellant requested oral proceedings only in case the Board intended to confirm the decision of the examining division.

Hence no oral proceedings before the Board need to be arranged, and the decision can be taken in writing.

9. Reimbursement of the appeal fee is equitable in view of the substantial procedural violation (Rule 103(1)(a) EPC).

Order

For these reasons it is decided that:

1. The decision of the examining division is set aside.

2. The case is remitted to the department of first instance for further prosecution.

3. The appeal fee is to be reimbursed.

The Registrar: The Chairman:

T. Buschek M. Höhn

Decision electronically authenticated