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**Datasheet for the decision
of 6 March 2025**

Case Number: T 2179/22 - 3.2.02

Application Number: 11769171.7

Publication Number: 2558153

IPC: A61M25/06, A61M5/32

Language of the proceedings: EN

Title of invention:

POLYMERIC CATHETER NEEDLE TIP SHIELDING DEVICE

Patent Proprietor:

Greiner Bio-One GmbH

Opponent:

Poly Medicure Limited

Headword:

Relevant legal provisions:

EPC Art. 56, 83, 123(2)

RPBA Art. 12(4)

Keyword:

Inventive step - (yes)

Sufficiency of disclosure - (yes)

Amendments - added subject-matter (no)

Late-filed facts - request could have been filed in first instance proceedings (yes)

Decisions cited:

Catchword:



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Case Number: T 2179/22 - 3.2.02

D E C I S I O N
of Technical Board of Appeal 3.2.02
of 6 March 2025

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Decision under appeal:

**Interlocutory decision of the Opposition
Division of the European Patent Office posted on
22 July 2022 concerning maintenance of the
European Patent No. 2558153 in amended form.**

Composition of the Board:

Chairman M. Alvazzi Delfrate
Members: S. Böttcher
 Y. Podbielski

Summary of Facts and Submissions

- I. Both the opponent and the patent proprietor filed an appeal against the interlocutory decision of the opposition division that the patent could be maintained on the basis of auxiliary request 1 (in the written procedure auxiliary request 5).
- II. Oral proceedings before the Board took place on 6 March 2025.
- III. The appellant-patent proprietor requested that the decision under appeal be set aside and the patent be maintained on the basis of auxiliary request 2F filed on 3 January 2022.

The appellant-patent proprietor further requested that the following not be admitted into the appeal proceedings:

- the objection to feature "said needle is slidable within said needle tip shielding device" (feature 1.6 of claim 1 of the former main request) based on an alleged non-compliance with Article 123(2) EPC, and
- the objection of lack of inventive step starting from D18 as closest prior art.

- IV. The appellant-opponent requested that the decision under appeal be set aside and that the patent be revoked.
- V. Claim 1 of auxiliary request 2F reads as follows.

"A catheter instrument (1000), comprising a needle tip shielding device (100),
a needle (303), a needle carrying unit, and a catheter

unit, said catheter unit comprising a catheter hub (200) and a catheter (201), and said needle tip shielding device (100) and said catheter hub (200) being separable from one another;
wherein

- said needle (303) comprising a needle tip (304);
- said catheter hub (200) comprises: a catheter hub distal end and a catheter hub proximal end, said catheter hub distal end having said catheter (201) extending therefrom, and a catheter hub opening, said catheter hub opening defining a catheter hub annular space;
- said needle carrying unit being integrated with the needle tip shielding device (100);
- said needle carrying unit further comprising: a needle carrying unit distal end and a needle carrying unit proximal end, said needle carrying unit distal end having said needle (303) extending therefrom;
- such that when said needle (303) is in the ready position, in which said needle (303) projects into said catheter (201), said needle (303) is partly disposed and slidable within said needle tip shielding device (100), said needle (303) being slidably engaged with said needle carrying unit;
- such that when said needle (303) is in a fully retracted position, in which said needle tip (304) is completely withdrawn from said catheter (201), said needle tip shielding device (100) is distally shielding said needle tip (304) and
- a stop member, preventing said needle tip shielding device (100) from distal movement relative to said needle (303) in the fully retracted position;

characterized in that

-said needle tip shielding device (100) is kept in contact with said catheter unit in said ready position via at least one interface between said needle tip shielding device (100) and said catheter unit; wherein an interface surface of said needle tip shielding device (100) and an interface surface of said catheter hub (200) forms said at least one interface between said needle tip shielding device (100) and said catheter unit,

- said needle tip shielding device (100) being of a first polymeric material, such that the interface surface of said needle tip shielding device (100) is of the first polymeric material, and said catheter hub (200) being of a second polymeric material, such that the interface surface of said catheter hub (200) is of the second polymeric material,

and

wherein said first polymeric material is a thermoplastic polymer comprising covalently bonded O or S atoms and said second polymeric material is polypropylene, polyethylene, or propylene/ethylene copolymer."

VI. The following documents are referred to in this decision.

D4 WO 91/01151 A1

D5 US 4,883,468

D6 US 4,402,685

D7 Erhard, Gunter, "Sliding friction behaviour of Polymer-Polymer material combinations"; Wear, 84 (1983)

D10 US 2004/0225260 A1

D11 WO 2006/062983 A1

D12 US 2006/0188679 A1

D18 WO 2009/010847 A2

VII. The appellant-opponent's arguments may be summarised as follows.

Admittance of added subject-matter objection

The objection against the feature "said needle is slidable within said needle tip shielding device" had not been withdrawn during the oral proceedings before the Opposition division. It had rather been stated that the appellant-opponent did not have any further objections to auxiliary request 1 with regard to Article 123(2) EPC. Hence, the objection against this feature was still in the proceedings.

Added subject-matter

The introduction of the feature "said needle is slidable within said needle tip shielding device" in claim 1 infringed Article 123(2) EPC.

This amendment constituted an unallowable intermediate generalisation as the features that the needle carrying unit was constituted by a hole (102) (page 8, lines 26 to 27) and that the hole had to have a diameter adapted for the needle to be able to slide therein (page 12, lines 10 to 12, Figure 1), had been omitted.

The introduction of the feature that the needle carrying unit was integrated with the needle tip shielding device could not provide support for the above-mentioned amendment. The claim covered embodiments which allowed two sliding movements of the needle, one within the needle carrying unit (due to the feature "the needle being slidingly engaged with said

needle carrying unit") and one within a separate part of the needle tip shielding device. Such an embodiment was however not disclosed in the application as originally filed.

Thus the requirements of Article 123(2) EPC were not met.

Sufficiency of disclosure

The person skilled in the art would not find any sufficient teaching as to which material combinations for the needle tip shielding device and the catheter unit might be viable for the desired effect of minimizing attraction between these parts. While claim 1 defined specific combinations of materials, the patent as granted did not provide enough information to reliably identify combinations of polymeric materials that had the desired low attraction. Therefore, the opposed patent did not disclose the invention in a manner sufficiently clear and complete to be carried out by a person skilled in the art.

Admittance of inventive step objection starting from D18

D18 had been a vital part in the examination proceedings and had already been subject to the opposition brief. Therefore, its disclosure had to be considered when reviewing the decision under appeal. Article 12(4) RPBA was not relevant because the part of the appeal regarding the disclosure of D18 already met the requirement of Article 12(2) RPBA.

The objection of lack of inventive step starting from D18 should therefore be admitted.

Inventive step starting from D4

D4 disclosed a catheter instrument comprising a needle tip shielding device, a needle, a needle carrying unit, a catheter hub and a catheter (Figure 3). In particular, guard 6 was the needle tip shielding device (being of a first polymeric material), and ring 8 together with fluid fitting 3 formed the catheter hub (being of a second polymeric material).

Only the feature "wherein said first polymeric material is a thermoplastic polymer comprising covalently bonded O or S atoms and said second polymeric material is polypropylene, polyethylene, or propylene/ethylene copolymer" was not disclosed in document D4.

The selection of the first and second polymeric materials for the needle tip shielding device and the catheter hub, respectively, was an arbitrary material choice, which required no inventive activity by the person skilled in the art. In particular, no beneficial technical effect was evident for the selected materials according to the distinguishing feature. Therefore, the objective technical problem was the provision of an alternative combination of materials for the needle tip shielding device and the catheter hub.

D4 taught the skilled person that an easy slide between the needle tip shielding device and the catheter hub was required to reduce the risk of malfunction of the catheter instrument (page 4, lines 14 to 17). Thus, document D4 included an indication to search for materials that slid easily relative to each other.

D7 provided experimental results on sliding conditions

between polymeric materials being in contact with each other (introductory part of D7) so that the person skilled in the art would consider the teaching of D7 in combination with document D4. Table 6 of D7 listed various different material combinations, such as HDPE-POM. Applying one of the available material combinations did not require any particular skills and for this reason did not involve an inventive step.

The subject-matter of claim 1 also lacked an inventive step if a technical effect for the distinguishing features was assumed. In that case, the objective technical problem was the provision of suitable materials for the needle tip shielding device and the catheter hub that provided reduced attraction effects therebetween to reduce the risk of malfunction. The person skilled in the art would consider the material combination of HDPE-POM of D7 to be the most suitable solution for the catheter instrument of document D4 as this material combination was mentioned in D7 as being particularly advantageous, not only because of its sliding properties, but also because of its higher wear resistance (page 180).

Thus, the person skilled in the art would select HDPE and POM as an alternative combination of materials for the plastic materials mentioned in document D4 without being inventive.

Based on their general knowledge with regard to materials used for standard catheter hubs (as exemplified by any of the patent (paragraph [0094]), D5 (column 2, lines 29 to 31), D6 (column 1, line 21 and column 2, lines 23 to 33) and D12 (paragraphs [0013] and [0018])) the person skilled in the art would choose HDPE for the catheter hub and POM for the needle tip

shielding device when combining D4 and D7. D10 disclosed the use of POM for a protective device for a needle (paragraphs [0002] and [0078]).

Therefore, the subject-matter of claim 1 was not based on an inventive step in view of the combination of D4 with D7.

Inventive step starting from D11

The distinguishing features with regard to D11 was also the feature concerning the selection of polymeric materials for the needle tip shielding device and the catheter hub.

D11 disclosed that the components of the assembly 10 could be formed from combinations of different plastic materials (page 10, lines 15 to 19).

In order to select an alternative material for the catheter hub 14, the person skilled in the art would use a standard material, for example, polypropylene or high-density polyethylene, as an obvious choice.

In order to select a different material for the coupling housing 16 of the needle tip shielding device 16, 18, the person skilled in the art would use polyamide (-CO-NH-) or polyurethane (-NH-CO-O-) mentioned in D11. Both were thermoplastic materials having a covalent bond O atom. Furthermore, it was mentioned in D11 that also the needle shield 18 could be made of polyamide or polyurethane (page 10, lines 19 to 20).

Thus, the person skilled in the art would arrive at a catheter instrument having all features of claim 1 of

the opposed patent, without being inventive, on the basis of a combination of D11 with the common general knowledge. Consequently, the subject-matter of claim 1 lacked an inventive step.

VIII. The appellant-patent proprietor's arguments may be summarised as follows.

Admittance of added subject-matter objection

The objection concerning the feature "said needle is slidable within said needle tip shielding device" should not be admitted into the appeal proceedings since it did not comply with Article 12(4) RPBA. During the oral proceedings before the Opposition Division, the appellant-opponent had stated that they had no objections under Article 123(2) EPC against auxiliary request 1 (in which this feature was still present). This statement implied that they had withdrawn their objection against this feature.

Added subject-matter

The introduction of the feature "said needle slidable within said needle tip shielding device" without specifying that the needle was slidable in a hole of the needle tip shielding device did not constitute an unallowable intermediate generalisation.

In the description as originally filed, the capability of the needle to slide not only within the needle carrying unit (as specified in claim 1 as originally filed and in present claim 1) but also within the needle tip shielding device was implicitly disclosed in an embodiment wherein the needle carrying unit was integrated with the needle tip shielding device (page

8, lines 23 to 27, Figure 1). That the needle carrying unit was constituted by a hole was rather presented as an optional feature in that passage. The definition "needle carrying unit" implied that the needle was surrounded by at least a part of the structure of this element. According to present claim 1, the needle was slidably engaged with the needle carrying unit and the needle carrying unit was integrated with the needle tip shielding device. Hence, the needle had to be slidable within the needle tip shielding device.

Hence, claim 1 of auxiliary request 2F met the requirements of Article 123(2) EPC.

Sufficiency of disclosure

Claim 1 defined a specific combination of materials of which the catheter hub and the needle tip shielding device should be made. The claim even taught the person skilled in the art from which polymeric materials the material of the catheter hub should be chosen and from which different polymeric materials the material of the needle tip shielding device should be chosen.

With this information and the teaching of paragraph [0095] of the patent, the person skilled in the art was able to carry out the invention.

Furthermore, an objection of insufficient disclosure could not legitimately be based on an argument that the application would not enable a skilled person to achieve a non-claimed technical effect.

Admittance of inventive step objection starting from D18

This objection was submitted by the appellant-opponent for the first time in their statement of grounds of appeal. Pursuant to Article 12(4) RPBA, it should not be admitted into the appeal proceedings.

Moreover, D18 did not deprive the subject-matter of claim 1 of an inventive step, as it did not disclose or render obvious the different polymeric materials of which the catheter hub and the needle tip shielding device should be made.

Inventive step starting from D4

The subject-matter of claim 1 differed from the catheter instrument of D4 at least in the features "wherein said first polymeric material is a thermoplastic polymer comprising covalently bonded O or S atoms and said second polymeric material is polypropylene, polyethylene, or propylene/ethylene copolymer".

This combination of materials, in particular in the specific claimed attribution, had the effect of minimizing long-term adherence of the catheter hub and the needle tip shielding device and was neither known from nor rendered obvious by any of the prior art documents cited.

D7 did not investigate this effect, but related to the forces that occurred in permanent, dynamic sliding of two contact surfaces with varying velocities. Moreover, D7 did not relate to catheter instruments.

Hence, the person skilled in the art was not prompted to combine D4 with D7. The subject-matter of claim 1 involved an inventive step when starting from D4.

Inventive step starting from D11

The subject-matter of claim 1 differed from the catheter instrument of D11 at least in the feature "wherein said first polymeric material is a thermoplastic polymer comprising covalently bonded O or S atoms and said second polymeric material is polypropylene, polyethylene, or propylene/ethylene copolymer".

In D11, the external coupling housing 16 with the needle shield 18 was attached to the catheter adapter 14 by a clip mechanism (Figures 2 and 3). Therefore, the problem of interface surfaces that could adhere after long-term storage of the device could not arise. D11 disclosed a list of materials for the components of the assembly 10 and mentioned that different materials could be combined (page 10, lines 15 to 20). However, this did not prompt the person skilled in the art to select the materials according to the distinguishing features to solve the above-mentioned problem.

The subject-matter of claim 1 involved an inventive step when starting from D11.

Reasons for the Decision

1. Subject-matter of the patent
- 1.1 The patent relates to a catheter instrument (1000) with a catheter unit (200, 201), a needle carrying unit (which does not have a reference numeral), a needle (303) and a needle tip shielding device (100) (see

Figure 1 of the patent).

- 1.2 The clinical utilization of a pointed needle mounted inside a flexible catheter tube is well known in the medical art for the introduction of a catheter. In such a medical instrument, the catheter tube is positioned tightly around the needle in such a way as to allow the needle to slide and telescope along the length of the catheter tube. Before use, the tip of the needle is protruding slightly through the opening of the catheter tube to allow facile penetration through the skin. Upon puncturing of the skin and introduction of the needle, the distal end of the catheter tube is simultaneously brought into place inside the desired target body cavity of the patient, such as the inside of a blood vessel. The needle is then withdrawn by being pulled backwards through the catheter.

- 1.3 In order to circumvent or alleviate the health hazards associated with such a released needle, the catheter instrument of Figure 1 comprises a needle tip shielding device 100 (Figure 5) detachably attached (by protuberances 101) inside the catheter hub 200. It has a resilient arm 103 for protecting the needle tip 304 when it is withdrawn from the catheter unit, i.e. in the fully retracted position. The resilient arm allows the hollow needle 303 to slide back and forth inside the catheter unit when in the ready position, to essentially allow a user to withdraw the hollow needle 303 after insertion of a catheter 201. In the ready position of the catheter instrument (Figure 2), the resilient arm abuts the shaft of the hollow needle 303. In the fully retracted position of the hollow needle 303 (Figure 4), after the needle and the needle tip shielding device have been released from the catheter hub, the resilient arm prevents the hollow needle 303

to be pushed forward relative the needle tip shielding device 100 and simultaneously shields the needle tip 303 from accidental contact.

The needle 303 is longitudinally movable through a hole 102 in the needle tip shielding device 100. The hole 102 has a diameter adapted for the hollow needle 303 to be able to slide therein (column 11, lines 1 to 5, of the patent). In the embodiment of Figure 1, this hole 102 constitutes the needle carrying unit which helps directing the longitudinal movement of the needle (by restricting its movement in a direction perpendicular to the longitudinal direction) (column 7, lines 38 to 48, of the patent).

2. Admittance of added subject-matter objection
 - 2.1 The appellant-opponent did not withdraw their objection against the feature "said needle is slidable within said needle tip shielding device" (feature 1.6 of the then main request) during the oral proceedings before the Opposition Division. They rather stated that they did not have any further objections (in addition to those already discussed in relation to the main request) to auxiliary request 1 with regard to Article 123(2) EPC.
 - 2.2 Given that the objection forms part of the appealed decision (point 3.1.1), the Board does not have discretion not to admit this objection. It is therefore part of the appeal proceedings.
3. Admittance of re-ordering of requests such that auxiliary request 2F became the main request

3.1 At the beginning of the oral proceedings before the Board the appellant-patent proprietor requested that auxiliary request 2F be the new main request. At the time of this request none of the remaining claim requests had been withdrawn and no clear order of the remaining claim requests was given, especially with regard to those which had hitherto been ranked higher than auxiliary requests 2F. The appellant-opponent requested that the re-ordering of requests whereby auxiliary request 2F was made the new main request, not be admitted into the appeal proceedings.

3.2 The Board notes, as explained by the Chairman during the oral proceedings, that the change of order of requests concerns two issues. One is that auxiliary request 2F becomes the main request. The second one concerns the order and fate of any remaining requests - that was in fact the issue objected to by the appellant-opponent, as was confirmed during the oral proceedings.

When admittance of a set of requests (with a given order) is an issue it is up to the Board to consider the admittance of the whole set or separate the issue considering admittance for the single requests (or group of requests) in their order. In this regard, the Board may be guided by the principle of procedural economy and the need to avoid any abuse of procedure.

In its preliminary opinion the Board had expressed the view that two features of claim 1 of the main request, which were also present in numerous other requests, infringed Article 123(2) EPC (points 1 and 2.1 of the preliminary opinion). In auxiliary request 2F this had been addressed, and this request was therefore more promising compared to others. Using this request as a

new main request was thus in line with the principle of procedural economy. The Board therefore decided to admit auxiliary request 2F as the new main request. In doing so it did not render a decision concerning the admittance and order of any of the remaining claim requests.

4. Added subject-matter

4.1 In claim 1 of auxiliary request 2F the features "said needle carrying unit being integrated with the needle tip shielding device" and "said needle is slidable within said needle tip shielding device" (in addition to "said needle is partly disposed within said needle tip shielding device") have been introduced.

4.2 Contrary to the appellant-opponent's view, the omission of the features that the needle carrying unit was constituted by a hole and that the hole had to have a diameter adapted for the needle to be able to slide therein does not constitute an unallowable intermediate generalisation.

In fact, in the application as originally filed, the feature of the needle carrying unit being integrated with the needle tip shielding device is disclosed in the embodiment described on page 8, lines 21-32. The feature "the needle carrying unit is constituted by a hole having a diameter adapted for the needle to be able to slide therein" is presented as an optional feature for said embodiment (page 8, lines 26 to 27). It is further stated that the diameter of the hole has to be only slightly larger than the diameter of the needle to prevent the stop member (i.e. the expansion region 305) from moving through the hole (page 12, lines 10 to 19). Hence, the hole and the size of its

diameter are not inextricably linked with the feature "the needle carrying unit is integrated with the needle tip shielding device" (page 8, lines 23 to 24).

4.3 This latter feature, when read in connection with the feature "said needle being slidably engaged with said needle carrying unit", already implies that the needle must be slidable within the needle tip shielding device. The appellant-opponent's assumption that there could be two separate sliding movements of the needle is rather based on an artificial interpretation of the claim.

4.4 The person skilled in the art would thus understand that the features "said needle carrying unit being integrated with the needle tip shielding device", "said needle being partly disposed within said needle tip shielding device" and "said needle being slidably engaged with said needle carrying unit" as a whole imply that the needle is also slidable within the needle tip shielding device.

Hence, claim 1 of auxiliary request 2F meets the requirements of Article 123(2) EPC.

5. Sufficiency of disclosure

5.1 Claim 1 specifies a specific combination of materials of which the catheter hub and the needle tip shielding device should be made. The claim even recites from which polymeric materials the material of the catheter hub should be chosen and from which different polymeric materials the material of the needle tip shielding device should be chosen.

With this information and the teaching of paragraph

[0095] of the patent, the person skilled in the art is able to carry out the invention.

- 5.2 Furthermore, an objection of insufficient disclosure cannot legitimately be based on an argument that the application would not enable a skilled person to achieve a non-claimed technical effect (see Case Law of the Boards of Appeal, 10th edition/July 2022, II.C.3.2).

The technical effect of reduced attraction is not claimed in claim 1. Hence, the appellant-opponent's objection that this technical effect is not achieved over the whole breadth claimed is not convincing.

- 5.3 Consequently, the requirements of Article 83 EPC are met.

6. Admittance of objection based on D18

- 6.1 D18 had been discussed as D1 in the examining proceedings, and was filed by the appellant-opponent during opposition proceedings. However, an objection on lack of inventive step based on D18 was submitted for the first time in the opponent's statement of grounds of appeal.

- 6.2 This objection could have been submitted with the notice of opposition and should in any event have been submitted in the first-instance proceedings.

The Board therefore decided not to admit the objection based on D18 pursuant to Article 12(6), second sentence, RPBA.

7. Inventive step starting from D4

7.1 It is undisputed that the subject-matter of claim 1 differs from the instrument of D4 (Figure 3) at least in that the material of the needle tip shielding device (the guard 6 in D4) is a thermoplastic polymer comprising covalently bonded O or S atoms and the material of the catheter hub (the ring 8 in D4) is polypropylene, polyethylene, or propylene/ethylene copolymer.

7.2 This combination of materials minimizes the attraction effect between the interface surfaces of the catheter hub and the needle tip shielding device, in particular after prolonged storage of the catheter instrument (paragraphs [0007], [0094] and [0095] of the patent). This solves the problem of reducing the risk for malfunction (paragraph [0044] of the patent).

Hence, contrary to the appellant-opponent's view, the specific selection of the polymeric materials provides a technical effect.

7.3 From page 4, lines 14 to 17, of D4 it can be derived that easy sliding of the guard 6 through the ring 8 is an issue, which is solved by adapting the diameters of these parts. However, this is not the problem to be solved by the subject-matter of claim 1.

7.4 D7 relates to the investigation of perpetual sliding movement between two surfaces being made of various combinations of polymeric materials. One of the material combinations is high density polyethylene (HDPE) for one surface and polyoxymethylene (POM) for the other (Table 1), which represents a possible combination according to the claim. However, D7 does

not refer to catheter instruments and does not address the problem of risk for malfunction of such an instrument due to long-term adherence of its parts. Hence, the teaching of D7 would not prompt the person skilled in the art, even if their common general knowledge with regard to materials used for standard catheter hubs is taken into consideration, to select HDPE for the ring 8 and POM for the guard 6 of the catheter instrument of D4.

7.5 Consequently, the subject-matter of claim 1 involves an inventive step in view of a combination of D4 with D7.

8. Inventive step starting from D11

8.1 It is undisputed that the subject-matter of claim 1 differs from the instrument of D11 (Figure 2) at least in that the material of the needle tip shielding device (the coupling housing 16 in D11) is a thermoplastic polymer comprising covalently bonded O or S atoms and the material of the catheter hub (the catheter adapter 14 in D11) is polypropylene, polyethylene, or propylene/ethylene co-polymer.

8.2 This combination of materials minimizes the attraction effect between the interface surfaces of the catheter hub and the needle tip shielding device, in particular after prolonged storage of the catheter instrument (paragraphs [0007], [0094] and [0095] of the patent). This solves the problem of reducing the risk for malfunction (paragraph [0044] of the patent).

Hence, contrary to the appellant-opponent's view, the specific selection of the polymeric materials provides a technical effect.

8.3 In D11, the external coupling housing 16 with the needle shield 18 is attached to the catheter adapter 14 by a clip mechanism (Figures 2 and 3). Therefore, the problem of interface surfaces that could adhere after long-term storage of the device cannot arise.

8.4 D11 discloses that the components of the assembly 10 could be formed from combinations of different plastic materials (page 10, lines 15 to 19). However, since the above-mentioned problem cannot occur in the device of D11, the person skilled in the art would not be prompted to select a thermoplastic polymer comprising covalently bonded O or S atoms for the housing 16 and polypropylene, polyethylene, or propylene/ethylene copolymer for the adapter 14 of the catheter instrument of D11.

8.5 Consequently, the subject-matter of claim 1 involves an inventive step in view of a combination of D11 with common general knowledge.

9. It follows from the above that none of the appellant-opponent's objections prejudices the maintenance of the patent on the basis of auxiliary request 2F.

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 as amended in the following version:
 - Claims 1 to 8 of auxiliary request 2F filed on

3 January 2022,

- Description: paragraphs 1 to 18, 20 to 37 and 39 to 103 of the patent specification, and paragraphs 19 and 38 filed on 3 January 2022,
- Figures 1 to 9 of the patent specification.

The Registrar:

The Chairman:



A. Chavinier-Tomsic

M. Alvazzi Delfrate

Decision electronically authenticated