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**Datasheet for the decision
of 17 November 2025**

Case Number: T 0425/24 - 3.2.07

Application Number: 15797069.0

Publication Number: 3377277

IPC: B25J9/16, G05B19/042,
G05B19/418

Language of the proceedings: EN

Title of invention:

A METHOD FOR OPTIMIZING A WORK CYCLE IN A ROBOT SYSTEM

Applicant:

ABB Schweiz AG

Headword:

Relevant legal provisions:

EPC Art. 52(2)(c), 56, 123(2)
RPBA 2020 Art. 12(6), 13

Keyword:

Exceptions to patentability - mental acts (yes)
Inventive step (no)
Late-filed auxiliary request - added subject-matter (yes) -
admittance (no)

Decisions cited:

T 0416/87, T 0717/98, T 0914/02

Catchword:



Beschwerdekammern
Boards of Appeal
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Case Number: T 0425/24 - 3.2.07

D E C I S I O N
of Technical Board of Appeal 3.2.07
of 17 November 2025

Appellant: ABB Schweiz AG
(Applicant) Bruggerstrasse 66
5400 Baden (CH)

Representative: Kransell & Wennborg KB
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Decision under appeal: **Decision of the Examining Division of the
European Patent Office posted on 13 November
2023 refusing European patent application No.
15797069.0 pursuant to Article 97(2) EPC.**

Composition of the Board:

Chairman G. Patton
Members: S. Watson
E. Mille

Summary of Facts and Submissions

- I. An appeal was filed by the applicant ("appellant") against the decision of the examining division to refuse European patent application No. 15797069.0.
- II. The examining division found that the subject-matter of claim 1 of the main request and auxiliary request 1 was excluded from patentability as it related to a method of performing mental acts. The examining division further found that auxiliary requests 2 and 3 did not meet the requirements of Article 123(2) EPC. Auxiliary request 4 was not admitted into the examination proceedings as it *prima facie* did not fulfil the requirements of Articles 56, 84 and 123(2) EPC. The examining division considered that auxiliary request 5 had been withdrawn by the appellant when it did not approve the text in response to a communication under Article 71(3) EPC dated 12 September 2023.
- III. With its statement of grounds of appeal the appellant filed again its main request and auxiliary requests 1 to 5 which were dealt with in the decision under appeal. It also filed a further auxiliary request 4a.
- IV. In preparation for oral proceedings, the board gave its preliminary opinion in a communication pursuant to Article 15(1) RPBA dated 8 July 2025. The preliminary opinion of the board was that the appeal was likely to be dismissed.
- V. In response to the board's preliminary opinion the appellant made further written submissions with letter of 16 October 2025 and filed auxiliary request 6.

VI. Oral proceedings before the board took place on 17 November 2025. At the conclusion of the proceedings the decision was announced.

Further details of the oral proceedings can be found in the minutes.

VII. The final requests of the appellant are that the decision under appeal be set aside and a patent be granted on the basis of the set of claims according to the main request filed on 12 December 2018 or one of auxiliary requests 1, 2, 3, 4, 4a, 5 or 6, whereby auxiliary requests 1, 2 and 3 were filed on 9 January 2023, auxiliary request 4 was filed on 14 February 2023, auxiliary request 4a was filed on 13 March 2024 with the statement of grounds of appeal, auxiliary request 5 was filed on 22 August 2023 and auxiliary request 6 was filed on 16 October 2025.

VIII. The following document which formed part of the decision under appeal is also referred to in this decision:

D1: WO 2015/113203 A1.

IX. Independent claim 1 of the main request reads as follows (amendments shown with respect to claim 1 as originally filed):

"A method for optimizing a work cycle in a robot system (140) comprising at least two manipulators (30, 40) with a common work area (50), the method comprising the steps of:

- defining a layout (150); and
- defining a work area division by dividing the common work area (50) between the at least two manipulators (30, 40);

characterized by repeating at least one of the previous steps to thereby obtain a plurality of different combinations of layouts (150) and work area divisions, and, for each of the plurality of combinations, calculating a cycle time for at least one work cycle."

X. Independent claim 1 of auxiliary request 1 reads as follows (amendments shown with respect to claim 1 of the main request):

"A method for optimizing a work cycle in a robot system (140) comprising at least two manipulators (30, 40) with a common work area (50), the method comprising the steps of:

- defining a layout (150); and
- defining a work area division by dividing the common work area (50) between the at least two manipulators (30, 40), wherein each of the at least two manipulators is allowed to operate only within that part of the common work area that is allocated to the respective manipulator;

characterized by repeating at least one of the previous steps to thereby obtain a plurality of different combinations of layouts (150) and work area divisions, and, for each of the plurality of combinations, calculating a cycle time for at least one work cycle".

XI. Independent claim 1 of auxiliary request 2 reads as follows (amendments shown with respect to claim 1 of the main request):

"A method for optimizing a work cycle in a robot system (140) comprising at least two manipulators (30, 40) with a common work area (50), the method comprising the steps of:

- defining a layout (150); and

- defining a work area division by dividing the common work area (50) between the at least two manipulators (30, 40), wherein each of the at least two manipulators is allowed to operate only within that part of the common work area that is allocated to the respective manipulator;
characterized by repeating at least one of the previous steps to thereby obtain a plurality of different combinations of layouts (150) and work area divisions, and, for each of the plurality of combinations, calculating a cycle time for at least one work cycle,
wherein the step of defining the layout (150) and/or the step of defining the work area division is executed by a computer".

XII. Independent claim 1 of auxiliary request 3 reads as follows (amendments shown with respect to claim 1 of the main request):

"A method for optimizing a work cycle in a robot system (140) comprising at least two manipulators (30, 40) with a common work area (50), the method comprising the steps of:

- defining a layout (150); ~~and~~
- defining a work area division by dividing the common work area (50) between the at least two manipulators (30, 40), wherein each of the at least two manipulators is allowed to operate only within that part of the common work area that is allocated to the respective manipulator;
~~characterized by repeating at least one of the previous steps to thereby obtain~~
 - defining a plurality of different combinations of layouts (150) and work area divisions;~~;~~ and,

- for each of the plurality of combinations, calculating a cycle time for at least one work cycle, wherein the step of defining the layout (150) and/or the step of defining the work area division is executed by a computer".

XIII. Independent claim 1 of auxiliary request 4 reads as follows (amendments shown with respect to claim 1 of the main request):

"A method for optimizing a work cycle in a robot system (140) comprising at least two manipulators (30, 40) with a common work area (50) and a respective maximum work area (10, 20), means (110, 120, 130) for presenting components to the manipulators and at least one fixture (100), the method comprising the steps of:

- defining a layout (150) defined by relative positions of the respective maximum work areas (10, 20), the means (110, 120, 130) for presenting components and the at least one fixture (100); and
- defining a work area division (90) by dividing the common work area (50) between the at least two manipulators (30, 40), wherein the step of defining the layout (150) and/or the step of defining the work area division is executed by a computer, characterized by

- repeating at least one of the previous steps, whereby is defined at least one further layout or at least one further work area division or both of these, to thereby obtain a number of different combinations of layouts (150) and work area divisions, ~~and,~~

- for each of said number ~~the plurality~~ of combinations, calculating a cycle time for at least one work cycle, which is a time needed for the

robot system to execute a given task sequence, wherein each of the manipulators is allowed to operate only within that part of the common work area which is allocated to the respective manipulator according to the work area division of that combination, and
- choosing one combination, from said combinations, based on the calculated cycle times".

XIV. Independent claim 1 of auxiliary request 5 reads as follows (amendments shown with respect to independent claim 8 as originally filed):

"A robot system (140) comprising:
at least two manipulators (30, 40) with a respective maximum work area (10, 20), which is a volume that the respective manipulator constrained by its mechanical structure can reach, and with a common work area(50), which is a part of a maximum work area that each of the manipulators can reach;
at least three means (110, 120, 130) for presenting components to the manipulators;
at least one fixture (100) at which the components are to be assembled; and
a robot controller comprising at least one layout (150) defined by relative positions of the respective maximum work areas (10, 20), the means (110, 120, 130) for presenting components and the at least one fixture (100),
characterized in that the robot controller is configured to:
- define a plurality of work area divisions (90) by dividing the common work area (50) between the at least two manipulators (30, 40),
- define a plurality of different combinations of layouts (150) and work area divisions, and

- calculate a cycle time for at least one work cycle for each of the plurality of combinations, wherein each of the manipulators is allowed to operate only within a volume occupied by the fixture (100) and only within that part of the common work area which is allocated to the respective manipulator according to the work area division of that combination, wherein the cycle time is a time needed for the robot system to execute a given task sequence once, and
- from said combinations, choose one combination for which the shortest cycle time was calculated".

XV. Independent claim 1 of auxiliary request 6 reads as follows (amendments shown with respect to claim 1 as originally filed):

"A method for optimizing a work cycle in a robot system (140) comprising:
at least two manipulators (30, 40) with a respective maximum work area (10, 20), which is a volume that the respective manipulator constrained by its mechanical structure can reach, and with a common work area(50), which is a part of a maximum work area that each of the manipulators can reach; such that each manipulator has an exclusive work area that only the respective manipulator can reach;
means (110, 120, 130) for presenting components to the manipulators;
a fixture (100);
the method comprising the steps of:
- defining a layout (150) defined by relative positions of the respective maximum work areas (10, 20), the means (110, 120, 130) for presenting components and the fixture (100);
and

- defining a work area division (90) by dividing the common work area (50) between the at least two manipulators (30, 40), wherein the step of defining the layout (150) and/or the step of defining the work area division is executed by a computer,
characterized by
- repeating at least one of the previous steps, whereby is defined at least one further layout or at least one further work area division, or both of these, to thereby obtain a number plurality of different combinations of layouts (150) and work area divisions, and
- for each of said number ~~the plurality of~~ combinations, calculating a cycle time for at least one work cycle, which is a time needed for the robot system to execute a task sequence once or an average time needed for the robot system to execute the task sequence when a number of task sequences is executed, wherein the cycle time is calculated while each of the manipulators is allowed to operate only within its exclusive work area and within that part of the common work area which is allocated to the respective manipulator according of the work area division of that combination; and
- running the work cycle in accordance with that combination, from said combinations of layout and work area division, which had the shortest calculated cycle time".

XVI. Independent claim 5 of auxiliary request 6 reads as follows (amendments shown with respect to independent claim 8 as originally filed):

"A robot system (140) comprising:
at least two manipulators (30, 40) with a respective maximum work area (10, 20), which is a

volume that the respective manipulator constrained by its mechanical structure can reach, and with a common work area (50), which is a part of a maximum work area that each of the manipulators can reach; such that each manipulator has an exclusive work area that only the respective manipulator can reach;

means (110, 120, 130) for presenting components to the manipulators;

a fixture (100); and

a robot controller comprising at least one layout (150) defined by relative positions of the respective maximum work areas (10, 20), the means (110, 120, 130) for presenting components and the fixture (100),

characterized in that the robot controller is configured to:

- define a plurality of work area division (90) by dividing the common work area (50) between the at least two manipulators (30, 40),
- define a plurality of different combinations of layouts (150) and work area divisions, and
- calculate a cycle time for at least one work cycle for each of the plurality of combinations, wherein a cycle time is a time needed for the robot system to execute a task sequence once or an average time needed for the robot system to execute the task sequence when a number of task sequences is executed, wherein the cycle time is calculated while each of the manipulators is allowed to operate only within its exclusive work area and within that part of the common work area which is allocated to the respective manipulator according of the work area division of that combination, and
- run the work cycle in accordance with that combination, from said combinations of layout and

work area division, which had the shortest
calculated cycle time".

XVII. The arguments of the appellant which are relevant for the decision are dealt with in detail below in the reasons for the decision.

Reasons for the Decision

1. *Main request - exclusion from patentability - Article 52(2)(c) EPC*

1.1 The appellant contested the examining division's finding that claim 1 of the main request was excluded from patentability under Article 52(2)(c) EPC. The examining division reasoned that the method steps of claim 1 could be carried out exclusively mentally (see decision under appeal, grounds for the decision, point 20.).

The appellant argued that the description as filed clearly set out that the use of a computer was an "overriding requirement" of the claim as defined by decisions T 416/87 and T 717/98, so that the method did have a technical implementation due to the use of a computer.

1.2 The board however agrees with the examining division that claim 1 of the main request is excluded from patentability.

As the examining division notes, it is established case law that if a method may be exclusively carried out mentally, *i.e.* if it is not confined only to a technical implementation, then it is not entitled to

patent protection under the EPC (see Case Law of the Boards of Appeal, 11th edition 2025 ("CLB"), I.A. 6.6.2).

In decisions T 416/87 and T 717/98, referred to by the appellant, it was reasoned that if features are indicated in the description to be of overriding importance, they must be read into the claim, for the purposes of claim interpretation (T 416/87, Reasons 5., T 717/98, Reasons 1.2.1, final paragraph).

The board however is of the view that these decisions are not relevant here because any conclusion on overriding importance has to be determined according to the circumstances of the specific case and neither of the two cases cited deals with exclusions to patentability.

In the present case a computer is not an overriding requirement, in simple cases the method steps can certainly be carried out purely mentally. The board notes further that even complexity of a solution may not necessarily be a bar to a finding that a method consists of performing mental acts, see for example decision T 0914/02, Reasons 2.3.4.

If an appellant has no intention of seeking protection for purely mental implementations, then the technical implementation means should be included in the claim (see T 914/02, Reasons 2.3.4, first paragraph, last sentence).

- 1.3 The appellant has therefore not convincingly demonstrated that the decision under appeal was incorrect on this point.

2. *Auxiliary request 1 - exclusion from patentability - Article 52(2)(c) EPC*

2.1 The examining division found that the amendment made to claim 1 of auxiliary request 1 did not overcome the issue relating to the main request (see decision under appeal, point 21).

2.2 The appellant argued that the introduction of the feature:

"each of the at least two manipulators is allowed to operate only within that part of the common work area that is allocated to the respective manipulator"

required technical means as it required control of the manipulators. This meant that the "work area division" could not be a purely mental idea.

The board disagrees since this understanding of the newly introduced feature presupposes that a work cycle is actually implemented. Claim 1 of auxiliary request 1 however only requires that cycle times are calculated, not that any cycle is in fact carried out. It is possible to mentally divide a layout into two areas, creating a work area division and then calculate cycle times.

2.3 The appellant has therefore not convincingly demonstrated that the decision under appeal was incorrect on this point.

3. *Auxiliary request 2 - claim 1 - Article 56 EPC*

3.1 Claim 1 of auxiliary request 2 differs from claim 1 of auxiliary request 1 in that the following feature is introduced at the end of the claim:

"wherein the step of defining the layout (150) and/or the step of defining the work area division is executed by a computer".

Therefore, this step now requires technical means and the claim as a whole is no longer excluded from patentability under Article 52 EPC.

3.2 It is established case law that when assessing whether a claimed invention meets the requirements of Article 56 EPC, only features which contribute to the technical character can be used to support the presence of inventive step (see CLB, I.D.9.2.1 "Comvik approach").

3.3 In claim 1 of auxiliary request 2, the only feature which is regarded as having technical character is the newly introduced feature. This feature contains three options, one of which is that only the step of defining the layout is executed by a computer.

3.4 The examining division (in relation to the same feature in claim 1 of auxiliary request 4) found that this step did not interact with the non-technical features to produce a further or surprising effect and was well-known in the art, as for example in D1. The examining division concluded that the subject-matter of claim 1 of auxiliary request 4 was not inventive (see decision under appeal, points 27.2 to 27.4).

3.5 The appellant argued (with respect to auxiliary request 4) that the examining division was incorrect on this

point because there was an interaction between the technical and non-technical features as the cycle time calculation was defined by the earlier steps of defining the layout(s) and the work area division(s), this provided the technical effect of "carrying out the optimization of the work cycle for the robot system while consuming less computational resources".

- 3.6 However, claim 1 of auxiliary request 2 requires only that either the step of defining a layout or of defining a work area division is repeated and that a cycle time for at least one work cycle is calculated for each combination, there is no mention of how this is used to optimise a work cycle. Particularly in the case that only a single layout is defined by a computer and all other steps are carried out manually, there is no reduction in computational resources.

The appellant does not contest that document D1 discloses the step of defining a layout being executed by a computer.

The board therefore concludes that the subject-matter of claim 1 of auxiliary request 2 is not inventive in view of document D1 alone (Article 56 EPC).

4. *Auxiliary request 3 - claim 1 - Article 56 EPC*

- 4.1 Claim 1 of auxiliary request 3 differs from claim 1 of auxiliary request 2 as follows:

"A method for optimizing a work cycle in a robot system (140) comprising at least two manipulators (30, 40) with a common work area (50), the method comprising the steps of:

- defining a layout (150), and

- defining a work area division by dividing the common work area (50) between the at least two manipulators (30, 40), wherein each of the at least two manipulators is allowed to operate only within that part of the common work area that is allocated to the respective manipulator;
~~characterised by repeating at least one of the previous steps to thereby obtain~~
- defining a plurality of different combinations of layouts (150) and work area divisions; and
- for each of the plurality of combinations, calculating a cycle time for at least one work cycle,
wherein the step of defining the layout (150) and/or the step of defining the work area division is executed by a computer."

4.2 The board cannot see how the change from "repeating at least one of the previous steps to thereby obtain" to "defining" could overcome the objection to auxiliary request 2. The new formulation of "defining" rather than "repeating steps" remains a non-technical feature and is therefore not able to support an inventive step.

Auxiliary request 3 therefore is also not allowable as the subject-matter of claim 1 does not include an inventive step (Article 56 EPC).

5. *Auxiliary request 4 - claim 1 - Article 56 EPC*

5.1 The examining division considered *inter alia* that the subject-matter of claim 1 was not inventive as in one alternative the only technical feature was that the step of defining a layout was executed by a computer.

The examining division found that this step did not interact with the non-technical features to produce a further or surprising effect and was well-known in the art, as for example in D1 (see decision under appeal, points 27.2 to 27.4).

5.2 The appellant argued that the examining division was incorrect on this point because there was an interaction between the technical and non-technical features, as set out for auxiliary request 2 above (see point 3. of this decision). The appellant was also of the view that claim 1 of auxiliary request 4 was very close in content to claim 1 of auxiliary request 5, which had been found by the examining division to be inventive.

5.3 For the same reasons as given in point 3. above for auxiliary request 2, the board concludes that the subject-matter of claim 1 is not inventive in view of document D1 alone (Article 56 EPC).

The board also notes that claim 1 of auxiliary request 5 is directed to a robot system not a method for optimizing a work cycle in a robot system as in claim 1 of auxiliary request 4. The examining division took into account different features when assessing inventive step of the robot system as this claim included further technical features.

6. *Auxiliary request 4a - admittance - Article 12(6) RPBA*

6.1 The appellant filed auxiliary request 4a with its statement of grounds of appeal, it did not form part of the proceedings leading to the decision under appeal.

According to Article 12(6), second sentence, RPBA, the board shall not admit requests which should have been submitted, or were no longer maintained, in the proceedings leading to the decision under appeal, unless the circumstances of the appeal case justify their admittance.

6.2 In the present case the appellant argues that it was unable to formulate an allowable method claim during the oral proceedings before the examining division, in particular due to time pressure; complexity of the matter; the number, diversity and interrelated character of the objections raised and because it could only react to the examining division's replies to its oral submissions at the oral proceedings themselves.

6.2.1 The board notes that the objections to the main request and auxiliary requests 1 to 3 had all been made in writing, either in the annex to the summons to the oral proceedings before the examining division, or in the minutes of the telephone conversation which took place on 6 February 2023. The board therefore understands the appellant to be referring to objections and arguments relating only to auxiliary request 4 which was filed on 14 February 2023, two days before the oral proceedings before the examining division.

At the oral proceedings, Articles 56, 84 and 123(2) EPC were discussed in relation to this request. It appears that about an hour was spent on Article 123(2) EPC and then at least 30 minutes was spent discussing Article 84 and 56 EPC (see minutes page 3, third paragraph to page 10, final paragraph).

The appellant therefore had sufficient time to understand the objections raised and formulate

arguments. The examining division was not convinced by these arguments (see minutes points 8.3 and 9.4). The appellant then filed an auxiliary request 5, this claim set was still found to lack clarity but the appellant was able to file another request "new auxiliary request 5" which the examining division found to meet the requirements of the EPC (see minutes, page 11, third paragraph to page 12, second paragraph).

At no point did the appellant request more time to formulate a new request including an independent method claim.

In view of the above, auxiliary request 4a could and should have been filed during the examination proceedings and there are no special circumstances in the present case which would justify its admittance into the appeal proceedings.

6.3 *Auxiliary request 5 - Article 123(2) EPC*

6.3.1 In accordance with Article 111(1), second sentence, EPC, a board has the power to examine whether or not the application and the invention to which it relates meets the requirements of the EPC. This also holds true for requirements the examining division has not considered in the examination proceedings or has regarded as fulfilled.

6.3.2 In point 16.5.2 of the communication under Article 15(1) RPBA, the board gave its preliminary opinion that there was no direct and unambiguous disclosure for a robot system having a combination of at least two manipulators, at least three means for presenting components and at least one fixture, so that claim 1 of

auxiliary request 5 did not fulfil the requirements of Article 123(2) EPC.

The claims as originally filed refer to at least two manipulators but make no reference to means for presenting components or to fixtures.

The embodiment disclosed in figures 1 to 3 of the application as originally filed discloses exactly two manipulators, three feeders and one fixture.

The final paragraph on page 9 of the description as filed refers in general to the possibility of modifying the embodiments but does not refer to altering the numbers of each type of device. Instead this passage discusses that the layout may comprise any device present in robot systems, such as cameras, air guns and quality control jigs, and that the feeders disclosed in the figures can be replaced by any appropriate means for presenting components to manipulators.

There is therefore no direct and unambiguous disclosure of a robot system with at least two manipulators, at least three means for presenting components and at least one fixture as claimed in claim 1 of auxiliary request 5.

7. As the board found that auxiliary request 5 did not meet the requirements of Article 123(2) EPC, it was unnecessary to decide whether the disapproval of the text intended for grant constituted an implicit withdrawal of the request as found by the examining division.

8. *Auxiliary request 6 - admittance (Article 13(1) and (2) RPBA)*

Auxiliary request 6 was filed after the notification of the board's communication under Article 15(1) RPBA and, hence, is considered to be an amendment to the appellant's case subject to the conditions of Article 13(2) RPBA (see points IV and V. above).

8.1 According to Article 13(2) RPBA amendments to a party's appeal case made after notification of a communication under Article 15(1) RPBA should not be taken into account unless there are exceptional circumstances, justified by cogent reasons.

It is established case law that even if exceptional circumstances justify the admittance of an amendment, such as a new request, this does not lead to automatic admittance of any requests but is instead a further criteria to be considered by the board when exercising its discretion regarding the admittance. The criteria applicable under both Article 12(4) to (6) RPBA and Article 13(1) RPBA are also applied (see CLB, V.A. 4.5.4e); see also O.J. EPO, 2020, Supplementary publication 2, Rules of procedure of the Boards of Appeal, page 60, "Convergent approach - third level").

8.2 The appellant argued that auxiliary request 6 should be admitted as the new objections raised in the communication according to Article 15(1) RPBA constituted exceptional circumstances. Further the new request was not complex and addressed all open issues.

8.3 The board had raised objections against claim 1 of auxiliary request 5 which was directed to a robot system. Auxiliary request 6 however had a further

independent claim (claim 1) directed to a method for optimizing a work cycle in a robot system. There had been no new objections raised against a method claim, as no method claim was present in auxiliary request 5. Therefore, even if exceptional circumstances according to Article 13(2) RPBA could be considered to exist in relation to the independent claim to a robot system, these circumstances did not appear to justify once again returning to a method claim.

For this reason alone, auxiliary request 6 is not to be taken into account according to Article 13(2) RPBA.

8.4 Furthermore, it also has to be considered whether the amendments made to claim 5 (the robot system) *prima facie* overcome the objection under Article 123(2) EPC to auxiliary request 5 (Article 13(1) RPBA).

8.4.1 The amended robot system claim 5 of auxiliary request 6 defines at least two manipulators with means for presenting components to the manipulators and a fixture.

The appellant argued that although in the original set of claims no feeders or fixtures were present, it was implicit for the skilled person that some fixtures and feeders must be present. Figure 1 disclosed a very specific arrangement of two manipulators, three feeders and one fixture, but this specific arrangement was clearly not essential.

8.4.2 The board concluded that the subject-matter of claim 5 of auxiliary request 6 still represented *prima facie* an unallowable intermediate generalisation with respect to the originally filed documents.

The board does not view the presence of means for presenting components and a fixture in the defined layout as implicitly disclosed in the claims of the application as originally filed. The claims as originally filed defined only that at least two manipulators were present and it is not inherent that means for presenting components and a fixture must also be present within the layout. The original claims do not define any particular type of work cycle for the manipulators, such as to assemble a component, no components at all are mentioned in the claims. The skilled person therefore has no reason to assume an implicit disclosure of feeders and a fixture.

The disclosure pertaining to manipulators with feeders and fixtures is found in figures 1 to 3 and the associated passages of the description. However, in all of these embodiments exactly two manipulators, three feeders and one fixture is disclosed in order to assemble three components together at a fixture (see page 3, lines 6 to 10; page 7, lines 5 to 10 and page 8, lines 3 to 12). There is no suggestion of any other arrangement with differing numbers of feeders or fixtures.

Therefore the board concluded that the claims of auxiliary request 6 do not *prima facie* overcome the objection of added subject-matter raised against auxiliary request 5 (Article 13(1) RPBA).

8.5 The board exercised its discretion under Article 13 RPBA and did not admit auxiliary request 6 into the appeal proceedings.

9. *Conclusion*

As all of the appellant's requests are either not allowable or are not admitted into the appeal proceedings, the appeal must be dismissed.

Order

For these reasons it is decided that:

The appeal is dismissed.

The Registrar:

The Chairman:



G. Nachtigall

G. Patton

Decision electronically authenticated