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Datasheet for the decision of 4 March 2026

Case Number: T 0534/24 - 3.3.03

Application Number: 18211291.2

Publication Number: 3483220

IPC: C08L101/00, C08K5/3475, G02B1/04, G02B5/22

Language of the proceedings: EN

Title of invention:
TRANSPARENT PLASTIC SUBSTRATE AND PLASTIC LENS

Patent Proprietor:
Hoya Lens Thailand Ltd.

Opponents:
Zimmer, Michael
Essilor International

Relevant legal provisions:
EPC Art. 56
RPBA 2020 Art. 12(3), 12(5)

Keyword:
Inventive step - Main request (no) - Auxiliary requests 1, 2, 2A, 3, 4, 4A, 5-8, 9A, 10-12, 12A, 13, 13A, 14, 14A, 15-20 (no)
Statement of grounds of appeal - reasons set out clearly and concisely - Auxiliary request 9 (no)

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Boards of Appeal

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Case Number: T 0534/24 - 3.3.03

D E C I S I O N
of Technical Board of Appeal 3.3.03
of 4 March 2026

Appellant: (Patent Proprietor)	Hoya Lens Thailand Ltd. 853 Phaholyothin Road Prachatipat Thanyaburi Pathumthani 12130 (TH)
Representative:	Hoffmann Eitle Patent- und Rechtsanwälte PartmbB Arabellastraße 30 81925 München (DE)
Respondent: (Opponent 1)	Zimmer, Michael Sperling, Fischer & Heyner Patentanwälte Tolkewitzer Straße 22 01277 Dresden (DE)
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Respondent: (Opponent 2)	Essilor International 147 rue de Paris 94220 Charenton-le-Pont (FR)
Representative:	Jacobacci & Partners France 32, rue de l'Arcade 75008 Paris (FR)
Decision under appeal:	**Decision of the Opposition Division of the European Patent Office posted on 15 February 2024 revoking European patent No. 3483220 pursuant to Article 101(3)(b) EPC.**

Composition of the Board:

Chairman	D. Semino
Members:	D. Marquis
	W. Ungler

Summary of Facts and Submissions

I. The present appeal lies against the decision of the opposition division revoking the European patent No. 3 483 220.

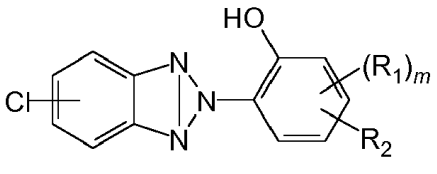
II. The decision of the opposition division was based on the claims as granted (main request) and of auxiliary requests 1, 2, 2A, 3, 4, 4A, 5, 6-9, 9A, 10-12, 12A, 13, 13A, 14, 14A, 15 and 16, whereby auxiliary requests 1 to 16 were filed with letter of 4 October 2021 and auxiliary requests 2A, 4A, 9A and 12A to 14A were filed with letter of 13 October 2023.

Claim 1 as granted read as follows:

"1. A transparent plastic substrate which has a cut rate of light having a wavelength of 410 nm of ≥ 60% and comprises

(i) a resin component constituting the transparent plastic substrate, selected from a thiourethane resin formed of a combination of a polythiol compound and a polyisocyanate compound containing bis(isocyanatomethyl)benzene; and

(ii) 0.10-2.00 parts by mass, per 100 parts by mass of the resin component constituting the transparent plastic substrate, of a benzotriazole compound of the formula (1-1):



(1-1)

wherein R_1 is C_{1-3}-alkyl or C_{1-3}-alkoxy, m is 0 or 1, and R_2 is C_{1-12}-alkyl or C_{1-12}-alkoxy".

Claim 1 of auxiliary request 1 corresponded to claim 1 of the main request amended in that the claim pertained to a plastic lens consisting of the transparent plastic substrate (a) as defined in claim 1 of the main request and "(b) optionally at least one functional layer selected from a scratch resistance improving cured film, an impact resistance-improving primer layer, an anti reflection film and a water repellent film".

Claim 1 of auxiliary request 2 corresponded to claim 1 of auxiliary request 1 wherein the layer (b) is "optionally at least one functional layer selected from a scratch resistance improving cured film containing fine particles of an inorganic material, an impact resistance-improving primer layer containing a polyurethane as a main component, an antireflection film and a water repellent film".

Claim 1 of auxiliary request 2A corresponded to claim 1 of auxiliary request 2 in which the transparent plastic substrate (a) additionally comprises "(iii) a polymerization catalyst".

Claim 1 of auxiliary request 3 corresponded to claim 1 of auxiliary request 1 in which the transparent plastic substrate additionally had "a cut rate of light in the

wavelength range of 380-500 nm of ≥ 35%".

Claim 1 of auxiliary request 4 corresponded to claim 1 of auxiliary request 3 with a layer (b) as defined in auxiliary request 2.

Claim 1 of auxiliary request 4A corresponded to claim 1 of auxiliary request 4 in which the transparent plastic substrate (a) additionally comprises "(iii) a polymerization catalyst".

Claim 1 of auxiliary request 5 corresponded to claim 1 of auxiliary request 1 in which the transparent plastic substrate (a) has "a light transmittance in a wavelength range of 400-700 nm of ≥ 70%".

Claim 1 of auxiliary request 6 corresponded to claim 1 of auxiliary request 2 in which the transparent plastic substrate (a) has "a light transmittance in a wavelength range of 400-700 nm of ≥ 70%".

Claim 1 of auxiliary request 7 corresponded to claim 1 of auxiliary request 3 in which the transparent plastic substrate (a) has "a light transmittance in a wavelength range of 400-700 nm of ≥ 70%".

Claim 1 of auxiliary request 8 corresponded to claim 1 of auxiliary request 4 in which the transparent plastic substrate (a) has "a light transmittance in a wavelength range of 400-700 nm of ≥ 70%".

Claim 1 of auxiliary request 9 corresponded to claim 1 of the main request further amended in that the transparent plastic substrate has "a cut rate of light in the wavelength range of 380-500 nm of ≥ 35%".

Claim 1 of auxiliary request 9A corresponded to claim 1 of auxiliary request 9 in which the transparent plastic substrate further comprises "(iii) a polymerization catalyst".

Claim 1 of auxiliary request 10 corresponded to claim 1 of the main request in which the transparent plastic substrate (a) has "a light transmittance in a wavelength range of 400-700 nm of ≥ 70%".

Claim 1 of auxiliary request 11 corresponded to claim 1 of auxiliary request 9 in which the transparent plastic substrate (a) has "a light transmittance in a wavelength range of 400-700 nm of ≥ 70%".

Claim 1 of auxiliary request 12 corresponded to claim 1 of the main request further amended in that the transparent plastic substrate "consists of" components (i), (ii), "and (iii) optionally at least one additive selected from a benzotriazole compound other than the compound of the formula (1-1), an assistant, and a colorant".

Claim 1 of auxiliary request 12A corresponded to claim 1 of auxiliary request 12 further amended in that it contains "(iii) a polymerization catalyst".

Claim 1 of auxiliary request 13 corresponded to claim 1 of the main request further amended in that the transparent plastic substrate "consists of" components (i), (ii), "and (iii) optionally at least one additive selected from a polymerization catalyst, an internal releasing agent, an antioxidant and a colorant".

Claim 1 of auxiliary request 13A corresponded to claim 1 of the main request further amended in that the transparent plastic substrate "consists of" components (i), (ii), "(iii) a polymerization catalyst; and (iv) optionally at least one additive selected from a an internal releasing agent, an antioxidant and a colorant".

Claim 1 of auxiliary request 14 corresponded to claim 1 of auxiliary request 13 further amended in that the transparent plastic substrate has "a cut rate of light in the wavelength range of 380-500 nm of ≥ 35%".

Claim 1 of auxiliary request 14A corresponded to claim 1 of auxiliary request 13A further amended in that the transparent plastic substrate has "a cut rate of light in the wavelength range of 380-500 nm of ≥ 35%".

Claim 1 of auxiliary request 15 corresponded to claim 1 of auxiliary request 13 further amended in that the transparent plastic substrate has "a light transmittance in a wavelength range of 400-700 nm of ≥ 70%".

Claim 1 of auxiliary request 16 corresponded to claim 1 of auxiliary request 15 further amended in that the transparent plastic substrate has "a cut rate of light in the wavelength range of 380-500 nm of ≥ 35%".

III. The following documents were *inter alia* submitted during the opposition proceedings:

D1: JP 2012 173704 A and machine translation thereof D1a

D3: US 6,187,844 B1

D5: US 6,770,692 B1
D22: US 2007/0241313 A1

IV. The decision under appeal, as far as it is relevant to the present appeal, can be summarized as follows:

- D22 was admitted into the proceedings.

- The claims of the main request were sufficiently disclosed but claim 1 thereof lacked novelty over example 4 of D22 in the light of paragraph 43. The same conclusion applied to claim 1 of auxiliary requests 9, 9A, 10 and 11.

- Claim 1 of auxiliary request 1 did not fulfil the requirements of Article 123(2) EPC. The same conclusion applied to claim 1 of auxiliary requests 3, 5, 7, 12, 12A-14A and 13-16.

- Claim 1 of auxiliary request 2 fulfilled the requirements of Article 123(2) and 84 EPC. It was sufficiently disclosed and novel over D1, D3 and D22 but lacked an inventive step over D3 as the closest prior art. The same conclusion applied to auxiliary requests 2A, 4, 4A, 6 and 8.
- On that basis, the patent was revoked.

V. The patent proprietor lodged an appeal against the decision of the opposition division. They filed auxiliary requests 1 to 16, 2A, 4A, 9A and 12A to 14A with the statement of grounds of appeal and auxiliary requests 17 to 20 with letter of 4 February 2026.

VI. Oral proceedings before the Board were held on 4 March 2026.

VII. The final requests of the parties were as follows:

- The appellant requested that the decision under appeal is set aside and the patent be maintained as granted (main request) or in the alternative on the basis of one of the auxiliary requests 9, 1, 2, 2A, 3, 4, 4A, 5 to 8, 9A, 10 to 12, 12A, 13, 13A, 14, 14A and 15 and 16 filed with the statement of grounds of appeal or auxiliary requests 17 to 20 filed with letter of 4 February 2026 in that order.

- The respondents (opponent 1 and 2) requested that the appeal be dismissed.

Auxiliary requests 1 to 16, 2A, 4A, 9A and 12A to 14A corresponded to the auxiliary requests on which the decision of the opposition division was based.

Claim 1 of auxiliary request 17 corresponded to claim 1 of the main request amended in that the claim pertained to a plastic lens consisting of the transparent plastic substrate (a) as defined in claim 1 of the main request and "(b) optionally at least one functional layer selected from a scratch resistance improving cured film formed on the transparent plastic substrate by using a coating liquid containing fine particles of an inorganic material, an impact resistance-improving primer layer containing a polyurethane as a main component, an antireflection film, and a water repellent film".

Claim 1 of auxiliary request 18 corresponded to claim 1 of auxiliary request 17 in which component (b) was defined as "optionally at least one functional layer selected from a cured film formed on the transparent plastic substrate by using a coating liquid containing

fine particles of an inorganic material, a primer layer containing a polyurethane as a main component, an antireflection film, and a water repellent film".

Claim 1 of auxiliary request 19 corresponded to claim 1 of auxiliary request 17 further amended in that the transparent plastic substrate has "a cut rate of light in the wavelength range of 380-500 nm of ≥ 35%".

Claim 1 of auxiliary request 20 corresponded to claim 1 of auxiliary request 18 further amended in that the transparent plastic substrate has "a cut rate of light in the wavelength range of 380-500 nm of ≥ 35%".

VIII. The parties' submissions, in so far as they are pertinent, may be derived from the reasons for the decision below. The disputed points concerned the question of inventive step of claim 1 of the main request over D5 as the closest prior art and the admittance of auxiliary request 9 into the appeal proceedings. For all remaining auxiliary requests no additional arguments were submitted by the appellant on the issue of inventive step over D5.

Reasons for the Decision

Claims as granted (main request)

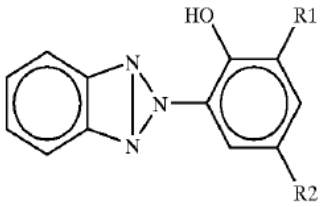
1. Inventive step

1.1 Both respondents saw in D5 a suitable document to be chosen as the closest prior art and considered that its comparative example 1 was a valid starting point to assess the presence of an inventive step for the main request (rejoinder of respondent 1, section VII; rejoinder of respondent 2, section IV.5.3). While the

appellant also considered D5 as the closest prior art for the main request in their statement of grounds of appeal (page 16, section 7.1), they later argued that its comparative example 1 was not a realistic starting point (letter of 4 February 2026, section 4.2).

1.2 D5 concerns the preparation of a plastic base material that cuts off ultraviolet and short wavelength optical radiations harmful to eyes (column 1, lines 5-8). The object of D5 is to suppresses the transmission of not only the ultraviolet radiation of 400 nm or shorter in wavelength, but also the blue color radiation of 400 to 420 nm in wavelength, harmful to eyeballs, while preventing glaring and yet providing a transparent appearance (column 2, line 54-60). The problem generally addressed in D5 is therefore close to that laid out in the patent in suit which is to provide a transparent plastic substrate, a plastic lens, and a transparent plastic member, and particularly a transparent plastic substrate and a plastic lens that have a high cut rate of blue light (paragraph 1).

1.3 The choice of comparative example 1 within D5 was contested by the appellant on the grounds that it used a chlorine containing benzotriazole UV absorber (Tinuvin® 326) which did not correspond to the general teaching of D5 requesting a benzotriazole additive that did not contain a chlorine atom (letter of 4 February 2026, section 4.2, first paragraph). It was argued that the skilled person would have found it more rational to start from example 1 of D5 showing a benzotriazole

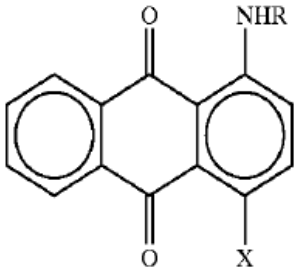


(1)

according to to the formula (1) of claim 1 of D5 which did not contain chlorine.

1.4 In the Board's opinion and in agreement with the case law, a comparative example within a document can generally qualify as the closest prior art if it is a realistic/technically sensible springboard in the same technical field (see Case Law of the Boards of Appeal, 11th Edition 2025, I.D.3.7.2). In this respect, its "comparative" status is not sufficient to be a legal disqualifier for its selection as closest prior art.

1.5 Comparative example 1 of D5 discloses the preparation of a lens in the same manner as that described in example 1 but instead of using a combination of 2-(3,5-ditertiary-pentyl-2-hydroxyphenyl)-2H-benzotriazole (SEESORB 704) and Solvent Violet 13 as benzotriazole of formula (1) and anthraquinone based violet colorant of formula (2)



(2)

as defined in claim 1 of D5, 2-(3-tertiarybutyl-5-methyl-2-hydroxyphenyl)-5-chlorobenzotriazole (Tinuvin® 326) was used as the ultraviolet absorbent with no

addition of an anthraquinone based violet colorant (column 7, lines 7-14).

1.6 As not contested by the parties, the lens disclosed in comparative example 1 corresponds to a transparent plastic substrate as defined in claim 1 of the present main request with components according to (i) and (ii), the sole difference being that its cut rate of light having a wavelength of 410 nm is 58% (as derived from the optical transmittance disclosed in Table 1 of D5) whereas claim 1 of the main request requires a cut rate of light having a wavelength of 410 nm of ≥ 60%. The lens according to comparative example 1 of D5 is therefore structurally close to the transparent plastic substrates according to claim 1 of the main request.

1.7 D5 sets out that the plastics compositions according to to the invention are those which successfully suppress the transmission of ultraviolet radiation of 400 nm or shorter in wavelength and are also free from yellow coloring (column 1, lines 60-64). This objective is reflected in the examples of D5 showing that by contrast with the lens disclosed in example 1 of D5 for which the color hue is said to be slightly bluish but transparent, with a yellowness index (YI) of 1.8 (column 6, lines 40-43), the lens obtained in comparative example 1 is said to be colored yellow, with a higher YI value of 4.2 (column 7, lines 13 and 14). The comparison of these properties thus unequivocally establishes that the lens according to comparative example 1 is a suboptimal alternative to that of example 1 in view of the yellowing and represents the prior art which D5 seeks to improve. In this respect the composition of comparative example 1 is seen as a reasonable representation of the prior art

referred to in D5.

1.8 That prior art of D5 represented by comparative example 1 qualifies as the closest prior art to the present invention, since it is derivable from D5 that it has the same overall purpose as that of the patent in suit, namely produce transparent plastic substrates cutting ultraviolet radiation/light at wavelength of 400 nm of shorter (D5, column 1, lines 60-63) that is defined as ultraviolet radiation harmful to eyes (column 1, lines 21-25) and considering that the patent in suit does not address the issue of yellowing.

1.9 It is thus apparent to the Board that comparative example 1 of D5, in consideration of both its features and its purpose, is not an unrealistic starting point within D5 to address the question of inventive step of claim 1 of the main request.

1.10 Starting from comparative example 1 of D5 the appellant formulated the problem as the provision of transparent plastic substrates which prevents the blue light hazard more effectively (letter of 11 September 2025, page 13, second full paragraph). Blue light hazard is defined in paragraph 2 of the patent in suit as resulting from light rays in the blue region (having a wavelength range of 380-500 nm) whereby light in the low wavelength side around 380-420 nm is said to be the most dangerous for the health of eyes and the one causing damage to the retina.

1.11 While it appears reasonable from this definition to consider that a higher cut rate at 410 nm would decrease the blue light hazard, the examples in the patent give a further confirmation that this is the case. Indeed, the patent in suit shows a comparison of

transparent plastic substrates according to operative claim 1 (examples 1 and 2) obtained from compositions comprising the UV absorber U-1 (2-(3-tert-butyl-2-hydroxy-5-methylphenyl)-5-chloro-2 H-benzotriazole) identified in paragraph 5 of the patent in suit as Tinuvin® 326, which is the UV absorber used as UV absorbent in comparative example 1 of D5. Examples 1 and 2 only differ from one another in the amount of UV absorber (0.20 wt.-% in example 1 and 0.10 wt.-% in example 2) and show that increasing the amount of UV absorber from 0.10 wt.-% to 0.20 wt.-% in a lens of 1.6 mm thickness leads to an increase of cut rate of light having a wavelength of 410 nm (69% in example 2 and 87% in example 1) and also to an increase of the cut rate of blue light, albeit small (40% in example 2 and 41% in example 1). On this basis, the Board agrees with the formulation of the problem as the provision of transparent plastic substrates which prevent the blue light hazard more effectively.

1.12 The question of obviousness starting from the lens shown in comparative example 1 of D5 was whether the skilled person would have generally considered increasing the cut rate of light having a wavelength of 410 nm of ≥ 60%, which is the relevant distinguishing feature over comparative example 1 of D5, in order to prevent the blue light hazard more effectively.

1.13 The patent in suit defines in paragraph 51 the cut rate of light in the blue region (in the wavelength range of 380-500 nm), also named blue light cut rate or the cut rate of blue light linked to the blue light hazard introduced in paragraph 2 of the patent in suit, via measurements of the transmittance of a sample at every 10 nm according to the expression:

$$\text{Blue light cut rate (\%)} = 100 - \frac{\Sigma_{380nm}^{500nm}(T)}{13}$$

This expression shows that the cut rate of blue light is 100 minus the mean of the sum of transmittances at every 10 nm of a given sample over the range of 380-500 nm, thus including the transmittance at 410 nm. The transmittance at 410 nm is also directly related to the cut rate of light at 410 nm (paragraph 52) by the following relationship:

$$\text{Cut rate of light (\%)} = 100 - (\text{transmittance at } 410 \text{ nm})$$

wherein this cut rate is the characterizing feature of operative claim 1 over the closest prior art. It is apparent therefrom that seeking an increase of the cut rate of light at 410 nm has also the effect of increasing the cut rate of blue light over the range of 380-500 nm, which undisputedly is the known range of blue light, and this independently of the specific method of calculation of the blue light cut rate. A skilled person would therefore realize that reducing the transmittance of the polymer composition at 410 nm, which is in the middle of the relevant range, would also solve the problem of providing transparent plastic substrates preventing the blue light hazard.

1.14 The Board considers it credible, as submitted by the respondents (rejoinder of respondent 1, page 49, section IV.5; rejoinder of respondent 2, section 5.3), that the skilled person would have had several known options to reduce the transmittance of a sample at 410 nm such as by increasing the thickness of the sample or by raising the amount of Tinuvin® 326 in its composition. A skilled person would therefore have been able to increase the cut rate of light at 410 nm on a

sample of comparative example 1 of D5 especially since a 2 % increase of the cut rate of light having a wavelength of 410 nm would have been sufficient to obtain a substrate according to operative claim 1.

1.15 The appellant additionally argued that the skilled person would have been turned away from implementing any of these steps as they would also have led to an increase of the yellowing of the substrates over time, as taught in D5 itself (column 1, lines 54-59 and column 7, lines 13/14) (letter of 4 February 2026, page 9, first paragraph). While the passages cited by the appellant in D5 indeed mention yellowing as a disadvantage in the lenses produced in the prior art, yellowing would not steer the skilled person away from adding the required amount of Tinuvin® 326 or increasing the thickness of the substrate in order to solve the problem of providing transparent plastic substrates which prevent the blue light hazard more effectively. Yellowing is indeed not discussed as being a problem for the transparent plastic substrates according to the patent in suit and as such any increase of yellowing in the modified lens of comparative example 1 of D5 would not have been seen as a deterrent when aiming at solving the posed problem.

1.16 The Board therefore finds that operative claim 1 lacks an inventive step starting from comparative example 1 of D5.

Auxiliary request 9

2. Admittance

2.1 In the oral proceedings before the Board both respondents requested that auxiliary request 9 be not

admitted into the proceedings due to a lack of substantiation, as required by Article 12(3) of the Rules of Procedure of the Boards of Appeal (RPBA).

2.2 According to Article 12(3) RPBA the statement of grounds of appeal and the reply shall contain a party's complete appeal case. They shall set out clearly and concisely the reasons why it is requested that the decision under appeal be reversed, amended or upheld, and should specify expressly all the requests, facts, objections, arguments and evidence relied on.

2.3 Under point 16.2 of the impugned decision the opposition division came to the conclusion that the subject-matter of claim 1 of auxiliary request 9 lacked novelty over example 4 of D22. In essence the opposition division came to the conclusion that the amount of the UV-absorber Tinuvin® 326 used in example 4 of D22 would inevitably result in $CR_{380-500}$ values of 35% or higher. The opposition division set out the specific reasons for this conclusion.

2.4 The appellant resubmitted auxiliary request 9 with their statement setting out the grounds of appeal. Under section 13 of the aforementioned statement the appellant pointed out with respect to auxiliary requests 9 and 9a as follows: "*These requests serve to address the aspect of novelty over **D1** and **D3**, in case that our arguments presented above should not be followed. Neither **D1** nor **D3** discloses* $CR_{380-500}$ *of the TPS. Otherwise, the arguments set out for the MR also apply here*".

2.5 However, since the subject matter of claim 1 of auxiliary request 9 was considered not to be novel in view of Document D22, the statement of grounds of

appeal fails to provide any argument as to why the Board should deviate from the reasoning set out under 16.2 of the impugned decision. This is also consistent with the appellant’s submissions, as they explicitly stated that auxiliary request 9 was filed to overcome the novelty objections based on documents D1 and D3, but not to overcome the novelty objection based on document D22. Furthermore, even the general reference to the submissions on the main request cannot remedy the lack of substantiation, since it is in no way evident as to why the specific amendment made in auxiliary request 9 should establish novelty over document D22. Moreover, no arguments were submitted as to inventive step over document D5.

2.6 In the absence of any substantiation as to why the Board should deviate from the opposition division's conclusions regarding auxiliary request 9, nor from the conclusion of the Board regarding inventive step over document D5, the Board decided not to admit it into the proceedings pursuant to Article 12(3) and (5) RPBA.

Auxiliary requests 1, 2, 2A, 3, 4, 4A, 5 to 8, 9A, 10 to 12, 12A, 13, 13A, 14, 14A and 15 to 20

3. Inventive step

3.1 Auxiliary requests 1, 2, 2A, 3, 4, 4A, 5 to 8, 9A, 10 to 12, 12A, 13, 13A, 14, 14A, 15 and 16 were filed with the statement of grounds of appeal and auxiliary requests 17 to 20 were filed with letter of 4 February 2026. No specific arguments were filed by the appellant in writing in appeal with respect to the question of inventive step starting from D5 as the closest prior art for all auxiliary requests. The appellant only mentioned briefly for auxiliary request 2 in the

statement of grounds of appeal that that request would be inventive over D5 for the same reasons as the main request (statement of grounds of appeal, section 8.4.3).

3.2 The appellant and the respondents declared at the oral proceedings proceedings in appeal that they had no further arguments with respect to inventive step over document D5 for any of the auxiliary requests 1, 2, 2A, 3, 4, 4A, 5 to 8, 9A, 10 to 12, 12A, 13, 13A, 14, 14A and 15 to 20. The Board understands therefrom that the arguments of inventive step in view of comparative example 1 of D5 laid out for the main request by both parties applied to claims 1 of all auxiliary requests on file.

3.3 None of the amendments made in claims 1 of auxiliary requests 1, 2, 2A, 3, 4, 4A, 5 to 8, 9A, 10 to 12, 12A, 13, 13A, 14, 14A and 15 to 20 is disclosed as providing a further distinguishing feature over the closest prior art nor was shown to be associated with any effect. In view of this, the Board does not see how any of the auxiliary requests 1, 2, 2A, 3, 4, 4A, 5 to 8, 9A, 10 to 12, 12A, 13, 13A, 14, 14A and 15 to 20 could establish an inventive step over the closest prior art. In the absence of any arguments from the parties, no further reasoning is needed to come to the conclusion that claims 1 of 1, 2, 2A, 3, 4, 4A, 5 to 8, 9A, 10 to 12, 12A, 13, 13A, 14, 14A and 15 to 20 lack an inventive step over D5.

Order

For these reasons it is decided that:

The appeal is dismissed.

The Registrar: The Chairman:

D. Hampe D. Semino

Decision electronically authenticated