

Internal distribution code:

- (A) [-] Publication in OJ
- (B) [-] To Chairmen and Members
- (C) [-] To Chairmen
- (D) [X] No distribution

**Datasheet for the decision
of 16 June 2026**

Case Number: T 0229/25 - 3.4.02

Application Number: 19177191.4

Publication Number: 3617671

IPC: G01G19/393

Language of the proceedings: EN

Title of invention:

Combination weighing device

Patent Proprietor:

ISHIDA CO., Ltd.

Opponent:

MAREL A/S

Relevant legal provisions:

EPC Art. 56

Keyword:

Main request - Inventive step - (yes)



Beschwerdekammern

Boards of Appeal

Chambres de recours

Boards of Appeal of the
European Patent Office
Richard-Reitzner-Allee 8
85540 Haar
GERMANY
Tel. +49 (0)89 2399-0

Case Number: T 0229/25 - 3.4.02

D E C I S I O N
of Technical Board of Appeal 3.4.02
of 16 June 2026

Appellant:

(Opponent)

MAREL A/S
P.O. Pedersens Vej 18
8200 Århus N (DK)

Representative:

Inspicos P/S
Strandvejen 60
2900 Hellerup (DK)

Respondent:

(Patent Proprietor)

ISHIDA CO., Ltd.
44, Sanno-cho, Shogoin
Sakyo-ku
Kyoto-shi, Kyoto 606-8392 (JP)

Representative:

Gill Jennings & Every LLP
The Broadgate Tower
20 Primrose Street
London EC2A 2ES (GB)

Decision under appeal:

**Interlocutory decision of the Opposition
Division of the European Patent Office posted/
electronically transmitted on 4 December 2024
concerning maintenance of the European Patent
No. 3617671 in amended form.**

Composition of the Board:

Chairman

R. Bekkering

Members:

C.D. Vassoille

P. Guntz

Summary of Facts and Submissions

I. The appeal of the opponent is against the interlocutory decision of the opposition division with which European patent No. 3 617 671 was maintained in amended form on the basis of auxiliary request 13.

II. The following documents are relevant for the present decision:

D4: EP 0 758 078 A2

D5: EP 0 104 084 A2

D9: Ishida Co., Ltd.: Multihead Weigher CCW-R-2**, Instruction Manual, 2016

D15: Ishida Co., Ltd.: Booster Type Computer Weigher CCW-R-2**B, Instruction Manual, 2008

III. In a communication under Article 15(1) RPBA, annexed to the summons to oral proceedings, the Board set out its preliminary opinion that, inter alia, the auxiliary request 2 submitted with the reply to the appeal appeared suitable for overcoming the objections raised against the then main request under Article 56 EPC.

IV. Oral proceedings before the Board took place on 16 June 2026 in the format of a videoconference.

The appellant (opponent) requested that the decision under appeal be set aside and that the European patent be revoked.

The respondent (patent proprietor) ultimately requested that the patent be maintained in amended form on the basis of the

- Claims 1 to 8 according to the then 2nd auxiliary request filed with the reply to the appeal dated 7 August 2025.
- Description pages 1 - 26 according to the then 2nd auxiliary request filed with the reply to the appeal dated 7 August 2025.
- Drawing Figures 1 to 6 of the patent specification

or, on the basis of the claims of one of auxiliary requests 1 or 3 to 7, as filed with the reply to the grounds of appeal, or on the basis of the claims of auxiliary requests 3 to 7, also all filed with the reply to the appeal.

V. Claim 1 of the main request (former auxiliary request 2) has the following wording (feature numbering added in brackets by the Board):

- [1.1]** A combination weighing device comprising:
- [1.2]** a conveyance unit (4) configured to convey an article;
- [1.3]** a plurality of first hoppers (5) each configured to receive the article conveyed by the conveyance unit, temporarily hold the received article, and then discharge the article downstream;
- [1.4]** a plurality of second hoppers (6) detachably provided on a downstream side of the plurality of first hoppers, and each configured to receive the article discharged from corresponding one of the plurality of first hoppers, temporarily hold the

received article, and then discharge the article downstream;

[1.5] a weighing unit (11) configured to weigh the article held in each of the plurality of second hoppers, and obtain a weighing value corresponding to mass of the article;

[1.6] and a control unit (20) configured to perform combination calculation to select such a combination of weighing values a total value of which becomes a target weighing value, and discharge the article from the second hopper corresponding to the combination,

characterized in that

[1.7] the control unit (20) is configured to perform the combination calculation based on the weighing value corresponding to the mass of the article held in each of the plurality of second hoppers (6), and

[1.8] in a state in which a part of the second hoppers (6) has been removed from the plurality of second hoppers, the control unit (20) is configured to continue the combination calculation based on the weighing value corresponding to the mass of the article held in each of the plurality of second hoppers other than the part of the second hoppers; and wherein:

[1.19] each of the plurality of first hoppers (5) is detachably provided on a downstream side of the conveyance unit (4), and the combination weighing device comprises a detection unit configured to detect attachment and detachment of each of the plurality of first hoppers, and in a state of removal of a part of the first hoppers included in the plurality of first hoppers, the control unit (20) continues the combination calculation based on the weighing value corresponding to the

mass of the article held in each of the second
hoppers other than the second hopper on the
downstream side of the part of the first hoppers;
and/or,

[1.20] the combination weighing device comprises a
plurality of third hoppers (7) detachably
provided on a downstream side of the plurality of
second hoppers (6), and each configured to
receive the article discharged from corresponding
one of the plurality of second hoppers,
temporarily hold the received article, and then
discharge the article downstream, and the
combination weighing device comprises a detection
unit configured to detect attachment and
detachment of each of the plurality of third
hoppers, and wherein in a state of removal of a
part of the third weighing hoppers included in
the plurality of third weighing hoppers, the
control unit (20) continues the combination
calculation based on the weighing value
corresponding to the mass of the article held in
each of the second hoppers other than the second
hopper on an upstream side of the part of the
third hoppers.

Claims 2 to 8 are dependent on claim 1.

Reasons for the Decision

1. Main request (former auxiliary request 2) - Consideration in the appeal proceedings (Article 12(4) RPBA)

- 1.1 The main request corresponds to auxiliary request 2 submitted with the reply to the grounds of appeal, which corresponds to auxiliary request 7 filed by the patent proprietor (respondent) with its reply to the notice of opposition on 30 May 2023. This request was subsequently renumbered in the first instance opposition proceedings as auxiliary request 14.
- 1.2 The request was thus filed during the first instance opposition proceedings and was maintained in those proceedings. It was also submitted in due time and was sufficiently substantiated. Moreover, the appellant did not object to the main request (former auxiliary request 2) being considered in the appeal proceedings.
- 1.3 The Board therefore concludes that the main request was admissibly raised and maintained in the opposition proceedings and does not constitute an amendment within the meaning of Article 12(4) RPBA. Consequently, the main request forms part of the appeal proceedings.

2. Main request (former auxiliary request 2) - Inventive step (Article 56 EPC)

- 2.1 The subject-matter of claim 1 of the main request involves an inventive step within the meaning of Article 56 EPC.

- 2.2 The appellant argued that the subject-matter of claim 1 of the main request did not involve an inventive step starting from either document D5 or document D4, in combination with the common general knowledge as evidenced by the further prior art documents D5, D9 and D15.
- 2.3 It was not in dispute between the parties that the weighing devices disclosed in documents D5 and D4 differed from the subject-matter of claim 1 at least in features 1.19 and 1.20, insofar as these features require that "the combination weighing device comprises a detection unit configured to detect attachment and detachment of each of the plurality of first [third] hoppers".
- 2.4 The appellant essentially submitted that this distinguishing feature did not provide any technical effect. In its view, neither the detection unit nor any signal generated by it was technically or functionally linked to the control unit of the weighing device. Consequently, the detection unit did not affect the operation of the weighing device. It was therefore, according to the appellant, an arbitrary technical feature which could not contribute to solving an objective technical problem. In the alternative, should a technical effect nevertheless be attributed to the distinguishing feature, that effect could at most reside in detecting whether a first pool hopper was attached or detached. However, the provision of a detection unit configured to detect attachment and detachment of first pool hoppers was, in the appellant's view, obvious in view of the common general knowledge.

In this respect the appellant relied in particular on document D4, column 4, lines 26 to 29 and lines 47 to 48. Although these passages referred to the detection of attachment and detachment of weighing hoppers, the appellant considered that a person skilled in the art would have understood that such detection units were applicable to hoppers in general.

The appellant further referred to document D9, in particular to page 11-3 (WARNING: DETACHED HEAD"), page 11-11 ("A weigh hopper is detached") and page 9-11 ("Pull the pool hopper toward front and remove it"). Reference was further made to document D15, pages 11-3, 11-10 and 9-11. The appellant argued that both documents disclosed detachable hoppers and, at least implicitly, the detection of attachment or detachment of hoppers, both being signalled by an alarm buzzer sound.

On this basis, the appellant argued that the person skilled in the art, starting from document D4 or document D5, would have found it obvious to replicate, for the first pool hoppers, the functionalities associated in the prior art with the weighing hoppers, including the detection of attachment and detachment.

- 2.5 The Board is not persuaded by these arguments. The respondent convincingly argued that documents D4, D9 and D15 relied on by the appellant do not disclose the provision of a detection unit for detecting attachment and detachment of first pool hoppers within the meaning of feature 1.19. Rather, the passages invoked by the appellant concern detection arrangements associated with weighing hoppers. In these arrangements, the detection of attachment or detachment is intrinsically linked to the operation of the weighing system, in

particular to the presence and functioning of weighing sensors and to the proper acquisition of weighing data. By contrast, first pool hoppers do not normally include weighing sensors and do not themselves perform a weighing operation. Against this background, the Board agrees with the respondent that the technical situation underlying the detection of attachment or detachment of weighing hoppers does not automatically arise for first pool hoppers. The same applies to third booster hoppers within the meaning of feature 1.20.

- 2.6 The Board also is not persuaded by the appellant's submission that, starting from document D4, it would have been obvious simply to replicate for the first pool hoppers all functionalities associated with the second weighing hoppers. Such an approach disregards the different technical roles of the respective hoppers, as explained above. In the Board's view, a person skilled in the art would have adopted a functionality from the weighing hoppers for the first pool hoppers only if the prior art or the common general knowledge provided a motivation for doing so. No such motivation has been shown in the present case.
- 2.7 The Board also does not agree with the appellant's argument that the distinguishing feature has no technical effect. The claimed detection unit at least solves the technical problem of detecting the attachment and detachment state of the first pool hoppers. This problem is not addressed in any of the cited prior art.
- 2.8 Consequently, the claimed solution according to feature 1.19 is not rendered obvious in view of the common general knowledge of the person skilled in the art. The same applies to feature 1.20.

- 2.9 In light of the above, the Board arrives at the conclusion that the subject-matter of claim 1 involves an inventive step within the meaning of Article 56 EPC.
- 2.10 Since, for the reasons set out above, documents D9 and D15 are in any event not suitable to demonstrate that the subject-matter of claim 1 of the main request does not involve an inventive step, the question whether these documents form part of the prior art within the meaning of Article 54(2) EPC can remain unanswered.
- 2.11 The remaining claims are dependent on claim 1 and therefore their subject-matter also involves an inventive step.

3. Adaptation of the description

The respondent filed an adapted description as part of the main request (former auxiliary request 2). The appellant did not raise any objections to the adapted description.

The Board is satisfied that the amendments to the description formally adapt it to the claims of the main request and do not give rise to any objection under the EPC. The adapted description is therefore allowable.

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 according to the then 2nd auxiliary request filed with the reply to the appeal dated 7 August 2025.
 - Description pages 1 - 26 according to the then 2nd auxiliary request filed with the reply to the appeal dated 7 August 2025.
 - Drawing Figures 1 to 6 of the patent specification.

The Registrar:

The Chairman:



L. Gabor

R. Bekkering

Decision electronically authenticated