



Aktenzeichen:
Case Number: T 09/82
N° du recours :

ENTSCHEIDUNG / DECISION

vom / of / du 30 July 1982

Anmelder:
Applicant: International Business Machines Corporation
Demandeur :

Stichwort:
Headword:
Référence :

EPÜ / EPC / CBE Article 52(1), 56
"Inventive step"

Leitsatz / Headnote / Sommaire



Europäisches
Patentamt
Beschwerdekammern

European Patent
Office
Boards of Appeal

Office européen
des brevets
Chambres de recours



Case Number : T09/82

DECISION
of the Technical Board of Appeal 3.4.1
of 30 July 1982

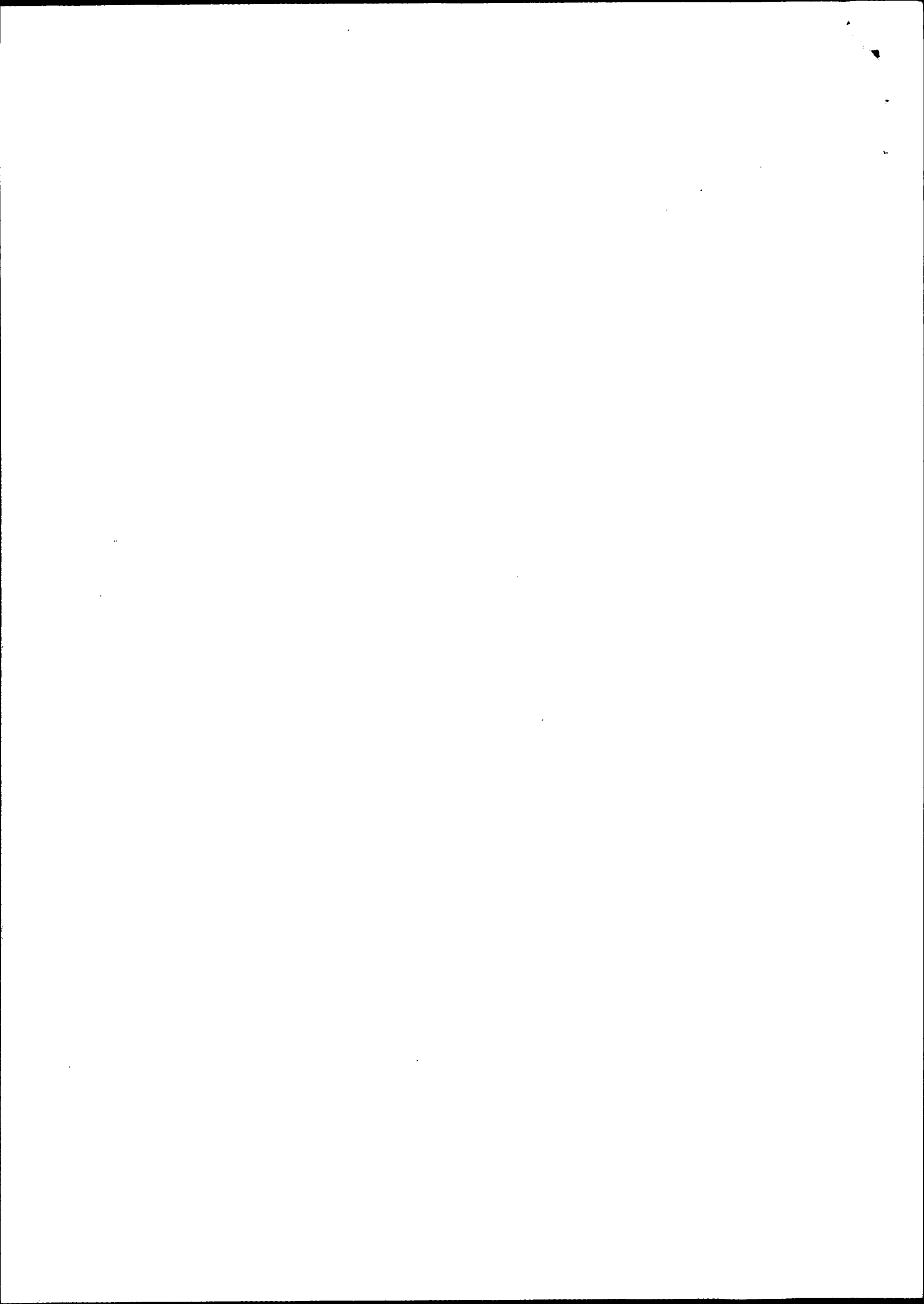
Appellant: International Business Machines Corporation
Armonk, N.Y. 10504
USA

Representative: Lancaster, James Donald
IBM United Kingdom Patent Operations
Hursley Park
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United Kingdom

Decision under appeal: Decision of Examining Division 045 dated
22 July 1981 refusing European patent application
No. 79 105 226.9 pursuant to Article 97(1) EPC

Composition of the Board:

Chairman: R. Kaiser
Member: O. Huber
Member: P. Ford



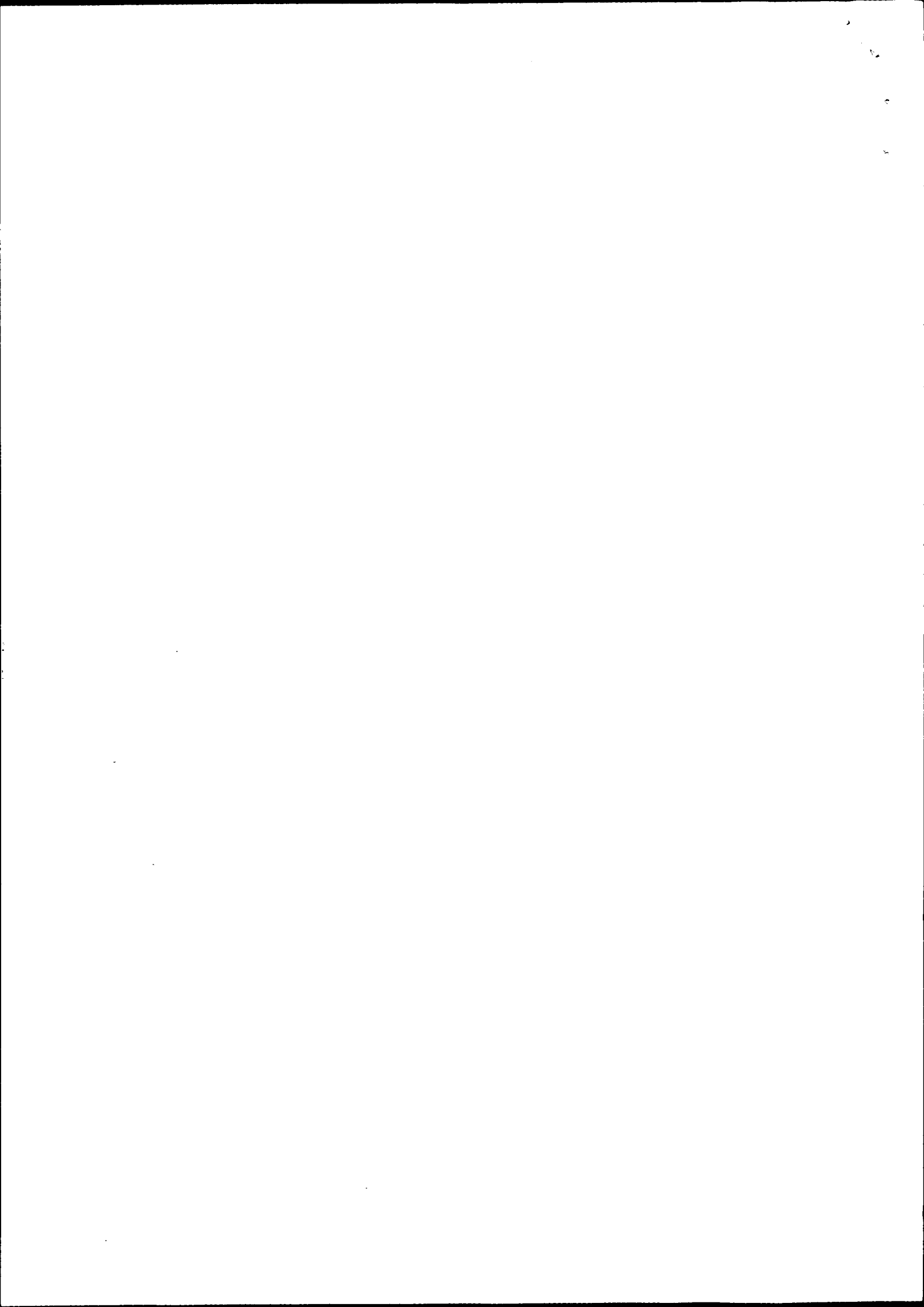
I. Summary of Facts and Submissions

- 1) European patent application No. 79 105 226.9 entitled "Enclosure", filed on 17 December 1979 and published on 6 August 1980 (publication No. 0 013 743) and claiming priority of 26 December 1978 from a previous application in the USA, was refused by decision of Examining Division 045 of the European Patent Office, dated 22 July 1981. The decision was based on claims 1 - 11 as originally filed apart from minor linguistic amendments to claims 3 and 4. The main ground for refusal was that "enclosure" according to claim 1 could be read onto an aircraft hangar according to DE-C-303 335, so that an enclosure as claimed in claim 1 differed from the known hangar only to the extent that the extension means claimed were stored in a folded form. Since folded storage of sliding doors having a flexible tambour construction was known in the field of TV and/or radio cabinets (DE-U-1 878 846) the subject-matter of claim 1 did not involve an inventive step (Article 56 EPC). According to the decision, claim 1 and the dependent claims 2 to 11 were not allowable.
- 2) On 9 September 1981 the appellant lodged an appeal against the decision, and paid the appeal fee. A Statement of Grounds was submitted on 25 November 1981.
- 3) During oral proceedings, held on 30 July 1982 at the request of the appellant, the latter asked for the decision of the Examining Division to be set aside and for an order that the case be remitted to the first instance with the order to grant a European patent on the basis of the description and title, pages 1 - 9, and claims 1 - 11, submitted during the oral proceedings and five sheets of drawings as originally filed.

The present claim 1 reads as follows:

Enclosure for data processing apparatus having at least one hinged door, characterised in that the door comprises extension means extendable from the door to provide an

.../...



extended door area for the enclosure, the door extension means being wider than the door and being guided to a folded form by guide means on the door when it is contracted to the door.

Apart from minor amendments, the dependent claims 2 - 11 correspond with the published claims 2 - 11.

II. Reasons for the Decision

- 1) The appeal complies with Articles 106 to 108 and Rule 64 EPC.

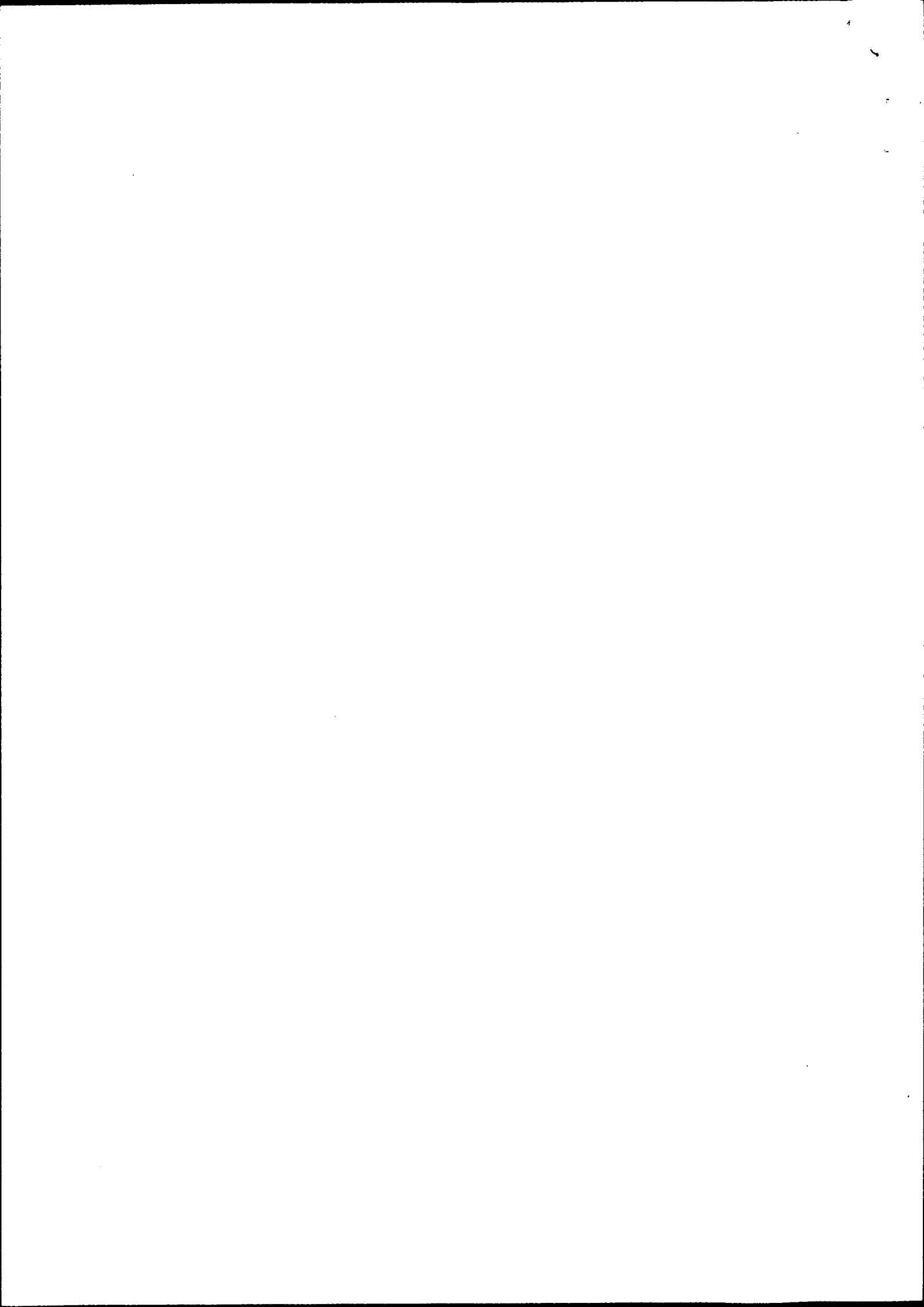
It is therefore admissible.

- 2) The differences between the current version of claim 1 and the text as originally filed which formed the basis of the decision are that

- a) in the first part the words "for data processing apparatus" referring to the field of use of the claimed enclosure are inserted, and that

- b) the feature that the door comprises extension means extendable from the door to provide an extended door area for the enclosure, is now included in the characterising portion. The special field of use is disclosed in the original description, see p.1, l.4/5.

In the present case, as substantiated below (cf. point 3) the search pursuant to Article 92 EPC did not reveal any document or any prior European patent application published on or after the priority date claimed (Articles 54 and 89 EPC) which describes or presents as a feature "door extension means" in combination with a hinged door in the field of enclosures for data processing apparatus. It must therefore be concluded that an enclosure having all the features mentioned in the first part of claim 1 as originally filed is not known in the state of the art and hence, in accordance with Rule 29(1)(a) EPC, these features are not required to be in the first part of claim 1.



- 3) Enclosures for data processing apparatus having at least one hinged door are generally known, as is acknowledged in the description. Of the two patent documents cited by the Examining Division, only DE-U- 1 878 846 concerns an enclosure for a similar use, namely a TV and/or radio cabinet. This known cabinet does not have a hinged door. Contrary to the first part of claim 1, it is closed by means of a sliding door having a flexible tambour construction. What is relevant is that the tambour is guided to a folded form by guide means (S). The folded tambour is stored in the interior of the cabinet.

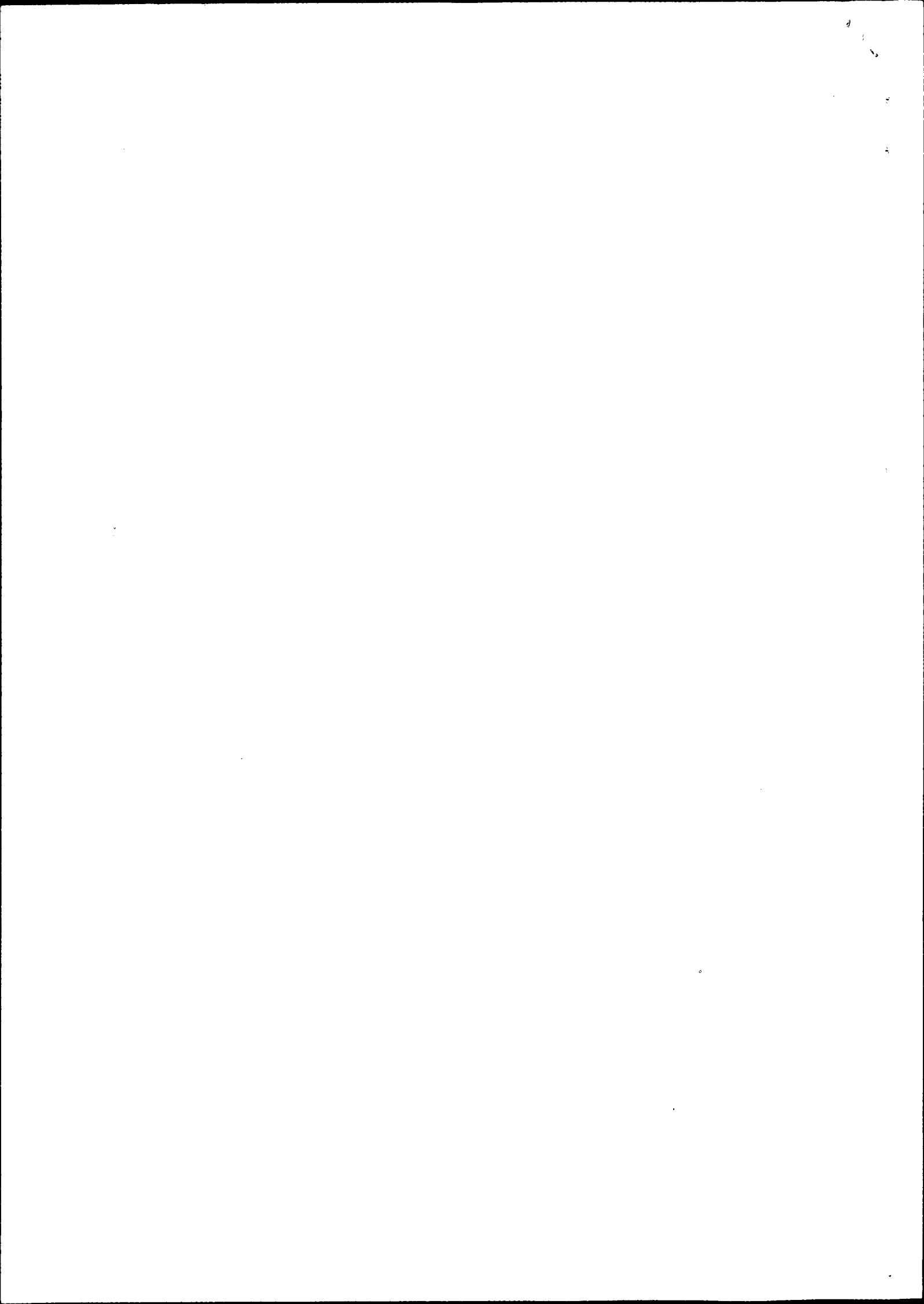
DE-C-303 335 relates to a door construction for aircraft hangars.

Thus, the subject-matter of the application, as set out in the effective claim 1, is new.

- 4) The question now to be examined is whether the subject-matter of the application involves an inventive step.

- 4.1) In order to give access to the interior of known enclosures for data processors having hinged doors, the doors are swung open. The doors are fairly wide and may intrude undesirably into the floor space alongside the processor when they are opened. According to p. 1, 1.26-29 of the description, the object of the invention is to reduce the aisle space that is taken up by doors when they are swung open. This is particularly important where enclosures are located oppositely across an aisle and the doors may be simultaneously opened. The problem is already solved by the tambour door according to DE-U-1 878 846. But the known tambour door makes it necessary to keep a space clear within the enclosure for storage of the tambour. The more specialised problem with enclosures for data processing apparatus is to devise a door construction which will neither intrude significantly into the floor space when it is open nor require storage space for the closure elements within the enclosure.

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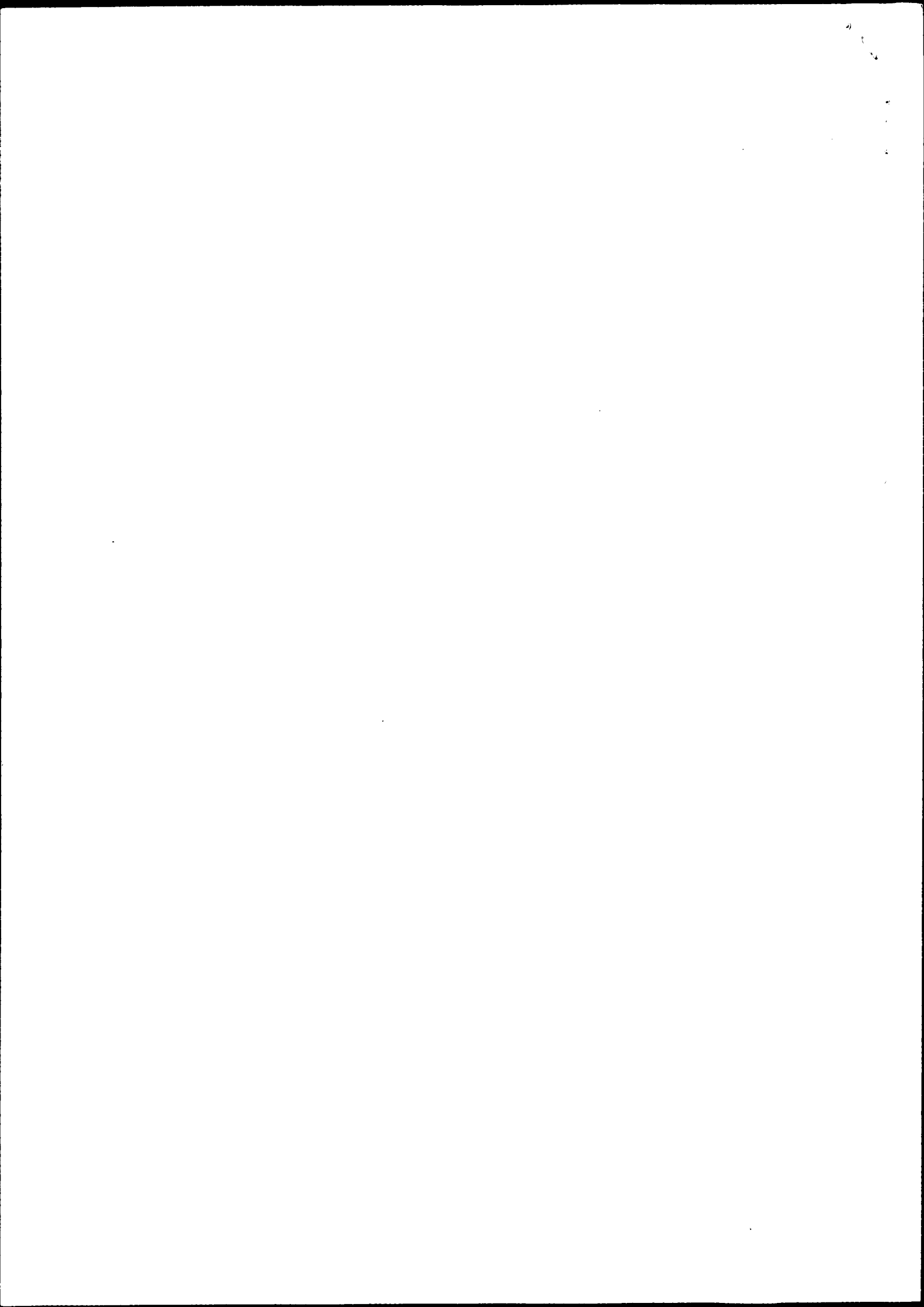
4.2) This more specialised problem is solved by the features of the characterising portion of claim 1. The basic idea is the combination of a hinged door with door extension means, which can be contracted to the door and stored in a folded form.

4.3) The enclosure for data processing apparatus as claimed in claim 1 is not obvious from the state of the art. DE-C-303 335 discloses a door construction for hangars based on the same fundamental idea: hinged doors and door extension means (here in form of a number of panels) which slide along fixed tracks and can be stored in the doors. However, the respective arts of aircraft hangars and enclosures for data processing apparatus are so far apart from each other that a designer for the enclosures in question, viz. boxes, cases, and cabinets, concerned with the above mentioned problem could not reasonably be expected to look for suggestions in the field of aircraft hangars. Therefore, since the effective claim 1 contains the limitation "for data processing apparatus", DE-C-303 335 may be ignored.

Thus, as to the question of unobviousness, the relevant facts are that on the one hand hinged doors on cabinets and on the other hand tambour doors (DT-U- 1 878 846) have been known for many years. A hinged door or a tambour door is a complete closure.

The prior art in the field of comparable enclosures does not offer any inducement towards a combination of a tambour with a hinged door. Nor is the claimed enclosure the result of a mere collocation of two known closing elements. So the door according to the first part of claim 1 had to be modified in order to accommodate the extension means, and had to be reduced in size, since the larger part of the opening to the interior is covered by the extension means. The features of claim 1 mutually support each other in their effects.

4.4) The enclosure for data processing apparatus in claim 1 thus involves an inventive step (Article 56 EPC).
Claim 1 is allowable in accordance with Article 52(1) EPC.



- 5) Dependent claims 2 - 11 relate to special embodiments of the invention in claim 1 and are thus also allowable.
- 6) The effective description meets the requirements of Rule 27 EPC.

III. Order

The Board considers the appeal allowable.

It is decided that:

1. The decision of the Examining Division of the European Patent Office, dated 22 July 1981, is set aside.
2. The case is remitted to the first instance with the order to grant a European patent on the basis of the description and title, pages 1-9, and claims 1-11, submitted during the oral proceedings and five sheets of drawings as originally filed.

The Registrar:

The Chairman:

