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Bezeichnung der Erfindung: Recording and replay apparatus employing rotary media
Title of invention:
Titre de l'invention :

Klassifikation / Classification / Classement : G 11 B19

ENTSCHEIDUNG / DECISION
vom / of / du 25 October 1985

Anmelder / Applicant / Demandeur : Burroughs Corporation

Patentinhaber / Proprietor of the patent / Titulaire du brevet : ////////////////////

Einsprechender / Opponent / Opposant : ////////////////////

Stichwort / Headword / Référence :

EPÜ / EPC / CBE Art. 56

"Inventive Step"

Leitsatz / Headnote / Sommaire

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Case Number: T 148 / 82

DECISION

of the Technical Board of Appeal 3.5.1

of 25 October 1985

Appellant: BURROUGHS CORPORATION
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Decision under appeal: Decision of Examining Division 067 of the European Patent Office dated 06-04-1982 refusing European patent application No 80301119.6 pursuant to Article 97(1) EPC

Composition of the Board:

Chairman: G. Korsakoff
Member: J. van Voorthuizen
Member: F. Benussi

Summary of Facts and Submissions

1. European patent application No. 80 301 119.6 filed on 09.04.80 (publication No. 0 018 156) claiming a priority of 17.04.79 (GB) was refused by a decision of the Examining Division 067 of the EPO of 06.04.82. That decision was based on Claims 1-11 filed on 25.08.81.

2. The reason given for the refusal was that the subject-matter of the claims lacked inventive step with regard to US-A-3 826 965.

3. The Applicant lodged an appeal against this decision on 14.05.82. The appeal fee was paid on the same date. The Statement of Grounds was filed on 23.07.82.

4. In communications of 23.01.84 and 09.08.85 the Rapporteur of the Board of Appeal drew the Applicant's attention additionally to JP-A-5 369 015 and formulated objections against the application in its then valid form.

5. In the Statement of Grounds and in the replies to the above-mentioned communications the Applicant essentially argued that the invention could not be considered as obvious with regard to the cited documents. He drew in particular attention to the fact that in the known arrangements for storing data on discs rotating with an angular velocity in inverse proportion to the radius of the selected track, it would be impossible for the disc to be rotating at the required velocity by the time that the transducer reaches the selected track. This would be unacceptable in data storage for a computer and the Applicant was the first to have realised this and to have found an economic and simple means to solve this problem.

6. With his letter of 17.09.85, the Applicant submitted two amended claims directed to the embodiment shown in Figs. 3 and 5 of the application as filed and an amended description and drawings. He requested the grant of a European patent on the basis of these claims, which read as follows:

1. A disc drive for the storage of informational data in a plurality of concentric data storage tracks on a rotary disc (28), said disc drive including a positioner (37) for positioning a transducer (30) adjacent to a selected track and a rotation control servo (33) for rotating said disc (28) with an angular velocity (W) in inverse proportion to the radius of the selected track in linear response to an angular velocity control signal, said disc drive being characterized by each of said plurality of tracks being sequentially numbered with a track address having predetermined increment for predetermined decrement in radius from zero for the track with greatest radius (B) to a maximum number for the track with least radius (A), by comprising a positioner (37) coupled to receive a binary number (on 38) representative of the track address of a selected track and operable in response thereto to position said transducer (30) adjacently to the selected track, by comprising a digital-to-analog convertor (36) coupled to receive said same binary number (on 39) simultaneously with the receipt thereof by said positioner (37) and operable to provide an output linearly representative of the magnitude thereof, by comprising a summing junction (34) and a voltage source (35), said summing junction 34 being operable to provide an output representative of the sum thereof, and by said output of said summing junction (34) being coupled as said angular velocity control signal to said rotation control servo (33), where said predetermined voltage is representative of the required angular velocity (W) of said disc (28) at said track of greatest radius (B) and the output of said digital-to-analog convertor (34) is scaled so that the sum of its output for

said maximum number and said predetermined voltage is representative of the required angular velocity (W) of said disc (28) at said track of at least radius (A) to provide a linear approximation (Y) to said inverse proportionality.

2. A disc drive according to Claim 1 characterized by said disc being a magnetic disc and by said transducer being a magnetic head.

Reasons for the Decision

1. The appeal complies with Articles 106 to 108 and Rule 64 EPC and is therefore admissible.

2. Although the Examining Division properly rejected the claims before it on the ground of lack of inventive step, the present Claims 1 and 2 are not open to that objection.

3. Claim 1 is now limited by the inclusion of a number of characteristics found in the description so as to describe the embodiment according to Figs. 3 and 5 of the application as filed. The so limited claim does not seek protection merely for the general idea of using the external command signal to control the speed directly but provides in addition a specific choice of means for putting it into practice. Although some of the individual means may be known in themselves, the Board considers this combination of characteristics as non-obvious, since no such combination is disclosed or suggested in any cited documents taken singly or in combination and no objections exist against this claim nor against the dependent Claim 2.

4. The amendments to the description and drawings submitted on 17.09.85 duly take account of the prior art and of the new scope of the claims; they are therefore not open to objection.

Order

For these reasons it is decided that

1. The decision under appeal 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 following documents
(a) Claims 1 and 2 filed on 17.09.85
(b) Description as filed on 17.09.85
(c) Drawings as filed on 17.09.85.

The Registrar | The Chairman

B A Norman | G Korsakoff