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Aktenzeichen / Case Number / N° du recours : T 78/84 - 3.5.1

Anmeldenummer / Filing No / N° de la demande : 80 304 526.9

Veröffentlichungs-Nr. / Publication No / N° de la publication : 0 032 013

Bezeichnung der Erfindung: Writing pad for character recognition apparatus

Title of invention:

Titre de l'invention :

Klassifikation / Classification / Classement : G06F 3/02

ENTSCHEIDUNG / DECISION

vom / of / du 8 August 1988

Anmelder / Applicant / Demandeur : Moore Business Forms Inc.

Patentinhaber / Proprietor of the patent /
Titulaire du brevet :

Einsprechender / Opponent / Opposant :

Stichwort / Headword / Référence : Writing pad/Moore

EPÜ / EPC / CBE Article 56

Schlagwort / Keyword / Mot clé : Inventive step (yes)

Leitsatz / Headnote / Sommaire

Europäisches
Patentamt

European Patent
Office

Office européen
des brevets

Beschwerdekammern

Boards of Appeal

Chambres de recours

Case Number : T 78/84 - 3.5.1



D E C I S I O N
of the Technical Board of Appeal
of 8 August 1988

Appellant : Moore Business Forms, Inc.
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USA

Representative : Townsend, Derek Thomas
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Decision under appeal : Decision of Examining Division 065
of the European Patent Office
dated 31 October 1983 refusing
European patent application
No. 80 304 526.9 pursuant to
Article 97(1) EPC

Composition of the Board :

Chairman : P. Ford
Members : J.A.H. Van Voorthuizen
W. Riewald

Summary of Facts and Submissions

- I. European patent application No. 80 304 526.9 filed on 15.12.1980 (publication No. 0 032 013), claiming priority of 20.12.1979 and 31.10.1980 (GB), was refused by a decision of the Examining Division 065 dated 31.10.1983. That decision was based on Claims 1-5 filed on 07.07.1983.
- II. The reason given for the refusal was that the subject-matter of the claims lacked inventive step having regard to US-A-3 798 370 and US-A-3 591 718.
- III. The Appellant lodged an appeal against this decision on 22.12.1983. The appeal fee was paid on 19.12.1983. On 28.02.1984 the Statement of Grounds was submitted.
- IV. In communications of 18.04.1986 and 01.06.1988 the Rapporteur set out objections against the then valid claims.
- V. In the Statement of Grounds and in the replies to the said communications the Appellant essentially argued as follows: The present application relates to a writing pad comprising a high resistivity area surrounded by a continuous border of different resistivity. In order to improve the linearity of the voltage gradient across the high resistivity area means in the form of selectively connected resistors are provided to adjust the effective resistivity of the border, thus correcting for individual variations thereof. US-A-3 798 370 shows a resistor network which can be considered the equivalent of a continuous border. The resistors are, however, not selectively connected and therefore do not provide a possibility for correcting the pad with respect to

individual variations in resistivity. The resistors are connected some distance from the edge of the high resistivity area, which will lead to distortions in the linearity of the voltage gradient, especially near the points of contact. Although US-A-3 591 718 discloses a continuous border and US-A-3 798 370 a resistor network, both serving the same purpose, none of these documents hints at the combination of both means. Moreover, even the mere combination would not lead to the claimed invention as the known resistor network does not provide the feature of selective connection.

- VI. In the communication dated 01.06.1988, the Board took the view that the application comprised inventive subject-matter, but that the claims required clarification and delimitation against US-A-4 079 194 which was regarded as the document presenting the closest prior art.
- VII. The Appellant requests the grant of a European patent on the basis of Claims 1-5 submitted on 14.07.1988, Claim 1 of which reads as follows:
1. A writing pad for character recognition apparatus comprising a highly resistive layer (5a) and a conductive layer (11a) separated from one another by a cushion sheet (12) of insulating material but which layers can be brought into electrical contact with each other under writing pressure by a writing implement upon the writing pad, wherein the high resistivity layer (5a) is surrounded by and connected to a continuous border (4) of different resistivity, a plurality of connector areas (3c) of low resistivity serving to connect the border (4) to an external switching circuit, characterised in that the resistivity of the continuous border (4) is lower than that of the high resistivity layer (5a) and in that a plurality of further areas of high resistivity (5b) are

disposed around the border (4), these further areas of high resistivity (5b) being so selectively connected to the border (4) and having such resistance values that the voltage gradients along the length and the width of the high resistivity layer (5a) are substantially linear.

Reasons for the Decision

1. The appeal complies with Articles 106-108 and Rule 64 EPC and is therefore admissible.
2. A writing pad in accordance with the preamble of Claim 1 is known from US-A-079 194. The resistivity of the border is, however, higher than that of the writing surface area.
3. US-A-3 591 718 describes a writing pad where the high resistivity area is also surrounded by a continuous border, which in this case has a lower resistivity.
4. US-A-3 798 370 describes a writing pad which has no continuous border but where the high resistivity area is along each edge connected to a series network of resistors which are fixed and discrete. The arrangement does not permit any resistor to be disconnected for adjusting purposes.
5. In all cases the continuous border and the resistor network serve to obtain a better linearity of the voltage gradient across the high resistivity area than would be present without these means. There is no suggestion, however, that a continuous border and a resistor network could be combined to obtain an improved linearity of the voltage gradient.

6. Simple as the invention might seem in retrospect it has to be noted that none of the documents cited in the course of the proceedings either before the Examining Division or before the Board of Appeal, mentions the problem of variations in the resistivity of the border, let alone the manner to solve this problem as disclosed by the present application.
7. The Board is therefore of the opinion that the cited prior art could not lead the person skilled in the art in an obvious manner to the invention now claimed. Claim 1 must thus be held allowable.
8. The dependent Claims 2-5 describe further embodiments of the invention. They are not open to objection.
9. The amendments to the description and drawings submitted on 14.07.1988 serve to take proper account of the prior art and of the present wording of the claims and to correct for a number of errors in the description and drawings as filed. They are 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 1-5 as filed on 14.07.1988.
 - (b) Description pages 1 to 10 as filed on the same date.

(c) Drawings: Figures 1-5 and 7 as originally filed,
Figure 6 as corrected on 14.07.1988.

The Registrar:

The Chairman:

S. Fabiani

P. Ford