BESCHWERDEKAMMERN DES EUROPÄISCHEN PATENTAMTS

BOARDS OF APPEAL OF THE EUROPEAN PATENT OFFICE

CHAMBRES DE RECOURS DE L'OFFICE EUROPEEN DES BREVETS

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File Number: T 262/90 - 3.2.1

Application No.: 84 308 133.2

Publication No.: 0 143 622

Title of invention: Improvements in business form assemblies

Classification: B65D 27/10

D E C I S I O N
of 28 June 1991

Proprietor of the patent: Moore Business Forms, Inc.

Opponent: OSA Druck Heinrich KG

Headword:

EPC Articles 52(1), 54 and 56 EPC

Keyword: "Inventive step (no)"

Headnote

Case Number : T 262/90 - 3.2.1

D E C I S I O N
of the Technical Board of Appeal
of 28 June 1991

Appellant : (Proprietor of the patent)
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Decision under appeal :
Decision of the Opposition Division of the European Patent Office dated 31 January 1990 and posted on 28 February 1990 revoking European patent No. 0 143 622 pursuant to Article 102(1) EPC.

Composition of the Board :

Chairman : F. Gumbel
Members : S. Crane
F. Benussi

Summary of Facts and Submissions

I. European patent No. 0 143 622 was granted with effect from 26 August 1987 on the basis of European patent application No. 84 308 133.2.

II. The patent was opposed by the Respondents on the grounds of lack of novelty and/or inventive step (Article 100(a) EPC). In support of their case the Respondents referred inter alia to the following prior art documents

(D1) DE-A-2 900 226
(D2) DE-A-2 655 904
(D3) DE-A-2 645 512
(D4) DE-A-2 163 376

III. By its decision taken at the oral proceedings on 31 January 1990 and issued in written form on 28 February 1990, the Opposition Division revoked the patent on the ground of lack of inventive step with respect to the documents D1 and D2.

This decision was based on the amended Claims 1 and 2 filed by the Appellants (Proprietors of the patent) on 8 March 1989.

IV. The Appellants filed an appeal against this decision on 24 March 1990, the appeal fee having been paid on 20 March 1990. The Statement of Grounds of Appeal was received on 23 June 1990.

V. In a communication pursuant to Article 110(2) EPC dated 24 January 1991 the Board pointed out several linguistic and clerical errors in the claims on file and indicated by

way of annotated copies of these claims suitable corrections.

With regard to the question of inventive step reference was also made in addition to the documents D1 to D4 cited above to the following documents:

(D5) AU-B1-27554/77
(D6) GB-A-1 594 798.

Of these, document D5 had originally been cited in the Search Report and document D6 had been cited by the Appellants in the course of the opposition proceedings.

VI. With a letter dated 13 March 1991 the Appellants indicated their approval of the suggested corrections of the wording of the claims and, by implication, requested the maintenance of the patent in amended form on the basis of Claims 1 and 2 filed on 8 March 1989 with these corrections.

These two independent claims, which are the only claims of the patent, are worded (as corrected) as follows:

"1. A business form assembly comprising:

a message web (1) having a message sheet (5), the message sheet having end edges (8, 9), marginal edges (10, 11) constituting the marginal edges of the message web, a longitudinal dimension between the end edges (8, 9) along a longitudinal axis and a transverse dimension between the marginal edges (10, 11) along a transverse axis, marginal feed strips (50) including feed holes extending along the marginal edges (10, 11), marginal lines of perforations (12, 13) along the marginal edges of the message sheet extending fully between the end edges adjacent but spaced

from the feed holes, a transverse end line of perforations (16) along and spaced from one of the end edges (8, 9) extending fully between the marginal lines of perforations (12, 13), the message sheet (5) having no areas of adhesive, and a cover web (2) having a cover sheet (6), the cover sheet (6) having cover sheet end edges (25, 26), cover sheet marginal edges (27, 28), a longitudinal dimension between the cover sheet end edges (25, 26) equal to the corresponding longitudinal dimension of the message sheet (5), a transverse dimension between the cover sheet marginal edges (27, 28) equal to the transverse dimension of the message sheet (5); the cover sheet (6) being separate from the message sheet (5), marginal feed strips (50) including feed holes extending along the marginal edges (27, 28) of the cover sheet there being marginal lines of perforations (29, 30) along the marginal edges of the cover sheet extending fully between the end edges adjacent but spaced from the feed holes, and a transverse end line of perforations (16') along and spaced from one of the end edges (25, 26) extending fully between the marginal lines of perforations (29, 30); the cover sheet (6) being separate from the message sheet (5) and being provided with adhesive to secure the cover sheet (6) to the message sheet (5); characterised in that:-

(a) the message sheet has a transverse end line of perforations (17) along and spaced from the other of the end edges (8, 9) extending fully between the marginal lines of perforations (12, 13),

(b) the cover sheet has a transverse end line of perforations (17') along and spaced from the other of the end edges (25, 26) extending fully between the marginal lines of perforations (29, 30), and

(c) the separate cover sheet has adhesive applied to it as marginal lines of adhesive (33, 34) along the cover sheet marginal edges (27, 28) extending fully between the cover sheet end edges (25, 26) and being nearer the cover sheet marginal edges (27, 28) than the message sheet marginal perforation lines (12, 13) are to the message sheet marginal edges (10, 11), and has transverse end lines of adhesive (35, 36) along the cover sheet end edges (25, 26) extending fully between the cover sheet marginal lines of adhesive (33, 34) and being nearer the cover sheet end edges (25, 26) than the message sheet end perforation lines (16, 17) are to the message sheet end edges (8, 9), such that when the separate cover sheet (6) bearing the only adhesive is superimposed upon the printed message sheet (5) and such sheets are passed together through a sealer the marginal and end lines of adhesive (33, 34, 35, 36) adhere the cover sheet (6) to the message sheet (5) to form a sealed mailer assembly in which the message area may be readily separated from the four edge strips (14, 31, 15, 32; 18, 18', 19, 19') and cover sheet along the marginal and end perforation lines."

"2. A continuous business form assembly comprising:

a message web (1) having a series of spaced, transverse perforation lines (40) and a plurality of message sheets (5) between the transverse perforation lines (40), each message sheet having end edges (8, 9) along the transverse perforation line (40), marginal edges (10, 11) constituting the marginal edges of the message web, a longitudinal dimension between the end edges (8, 9) along a longitudinal axis, and a transverse dimension between the marginal edges (10, 11) along a transverse axis, marginal feed strips (50) including feed holes extending along the marginal edges, marginal lines of perforations (12, 13) along the marginal edges of the message sheet extending fully between the end

edges (8, 9) adjacent but spaced from the feed holes and a transverse end line of perforations (16) along and spaced from one of the end edges (8, 9) extending fully between the marginal lines of perforations (12, 13) the message sheet (5) having no areas of adhesive; and a cover web (2) having a series of spaced, transverse perforation lines (40) and a plurality of cover sheets (6) between the perforation lines (40), each cover sheet (6) having cover sheet end edges (25, 26) along the transverse perforation lines (40), cover sheet marginal edges (27, 28), a longitudinal dimension between the cover sheet end edges (25, 26) equal to the corresponding longitudinal dimension of the message sheet (5), a transverse dimension between the cover sheet marginal edges (27, 28) equal to the transverse dimension of the message sheet (5), the cover sheet (6) being separate from the message sheet (5), marginal feed strips (50) including feed holes extending along the marginal edges (27, 28) of the cover sheet, there being marginal lines of perforations (29, 30) along the marginal edges of the cover sheet extending fully between the end edges adjacent but spaced from the feed holes, and a transverse end line of perforations (16') along and spaced from one of the end edges (25, 26) extending fully between the marginal lines of perforations (29, 30); the cover sheet (6) being separate from the message sheet (5) and being provided with adhesive to secure the cover sheet (6) to the message sheet (5); characterised in that:-

(a) the message sheet has a transverse end line of perforations (17) along and spaced from the other of the end edges (8, 9) extending fully between the marginal lines of perforations (12, 13),

(b) the cover sheet has a transverse end line of perforations (17') along and spaced from the other of the

end edges (25, 26) extending fully between the marginal lines of perforations (29, 30), and

(c) the adhesive is applied to the separate cover sheet as marginal lines of adhesive (33, 34) along the cover sheet marginal edges (27, 28) extending fully between the cover sheet end edges (25, 26) and being nearer the cover sheet marginal edges (27, 28) than the message sheet marginal perforation lines (12, 13) are to the message sheet marginal edges (10, 11), and has transverse end lines of adhesive (35, 36) along the cover sheet end edges (25, 26) extending fully between the cover sheet marginal lines of adhesive (33, 34) and being nearer the cover sheet end edges (25, 26) than the message sheet end perforation lines (16, 17) are to the message sheet end edges (8, 9), such that when a separate cover sheet (6) bearing the only adhesive is superimposed upon the printed message sheet (5) and such sheets are passed together through a sealer the marginal and end lines of adhesive (33, 34, 35, 36) adhere each cover sheet (6) to a message sheet (5) to form a sealed mailer assembly in which the message area may be readily separated from the four edge strips (14, 31; 15, 32; 18, 18'; 19, 19') and cover sheet along the marginal and end perforation lines."

VII. The arguments of the Appellants in support of their request can be summarised as follows:

The business form assembly according to the invention allows optimum handling at all stages of its processing and use.

One of the main features of the business form assembly claimed is that the message sheet and cover sheet are, before printing of the message sheet, wholly separate and that adhesive is provided only on the cover sheet. This

enables the message sheet to be printed using a high-speed laser printer or the like without the danger of the heat generated by the printer melting the adhesive. Another important feature is the provision of four lines of perforations within the corresponding lines of adhesive around the edges of the assembly. By tearing along these lines the end user of the assembly can readily gain access to the information contained in the assembly and is provided with a neat permanent record of this information which if needs be can be filed.

There was nothing in the prior art which could lead the skilled man to a business form assembly with the combination of features as claimed. Figures 8 and 9 of document D2, for example, relates to an assembly wherein the message sheet and cover sheet are in one piece which is sealed after printing by folding along a central line. The adhesive present on the cover sheet must therefore also pass through the printing mechanism and accordingly the use of a laser printer or the like is precluded. The skilled man would not therefore look to document D2 when seeking to design a business form assembly for use with a laser printer and consequently the combination of features from document D2 with those of document D1, which does relate to such an assembly, would not have been obvious. Similar considerations applies to documents D3 to D6, none of which related to a business form assembly having separate message and cover sheets which would be suitable for use with a laser printer.

VIII. In reply, the Respondents have argued as follows:

The closest prior art according to Figure 1 of document D1 discloses not only the features of the respective preambles of Claims 1 and 2 but also all of the features of their characterising parts. This is evident from the mention in

paragraph 1, page 7 of document D1 of the inacceptability of four perforated tearing lines in certain circumstances. This statement can only be related to the embodiment of Figure 1, since Figure 2 proposes means to overcome this objection. The fact that these four perforated tearing lines are not all illustrated in Figure 1 is simply because such lines are so well known per se that no need existed to show them. Thus, the subject-matter of Claims 1 and 2 is not novel with respect to document D1.

However, even if novelty could be recognised then the subject-matter of Claims 1 and 2 would lack inventive step. In the business form assembly of Figures 8 and 9 of document D2 the message sheet and cover sheet are in fact provided with four perforation lines to enable separation of these sheets from each other. Three of these perforation lines lie inside the three lines of adhesive between the sheets, the fourth perforation line coincides with the central fold line along which the message sheet and cover sheet are integrally joined together. In the assembly of document D1, where there are four lines of adhesive, it is therefore obvious to provide four perforation lines within these adhesive lines.

The Respondents therefore request that the appeal be dismissed.

Reasons for the Decision

1. The appeal complies with Articles 106 and 108 and Rules 64 and 1(1) EPC; it is, therefore, admissible.

2. The valid Claims 1 and 2 have been completely reworded in comparison with the corresponding granted Claims 1 and 2 in order fully to recognise the prior art according to

document D1 in their respective preambles. The Board is however satisfied that all of the structural features of the granted claims appear in the corresponding amended claims and that all of the new features incorporated into these claims have a proper basis in the description. There is therefore no objection to the amendments of the claims under Articles 123(2) and (3) EPC.

Novelty

3. It is not in dispute that the closest prior art is represented by document D1 on which the respective preambles of Claims 1 and 2 are based. This document is specifically concerned with providing a business form assembly comprising a message sheet and a cover sheet joined together with adhesive in which the message sheet can be printed by a laser printer or the like without the danger of the heat generated by the printer melting the adhesive.

With reference to Figure 1 of this prior art document, there is accordingly described a continuous business form assembly which comprises separate message and cover webs, each of which is divided by transverse perforation lines into a plurality of message sheets and cover sheets. At both marginal edges of the message and cover webs there are provided longitudinal feed strips with spaced feed holes. These feed strips are detachable from the webs along respective marginal perforation lines. Each cover sheet is provided with four respective lines of adhesive together forming a complete rectangle. After printing of the message sheets the message web and cover webs are brought together and joined along the lines of adhesive to form a plurality of individual sealed business form assemblies which can then be separated from the continuous web along the transverse perforation lines for, for example, posting.

A further transverse perforation line, spaced from the respective upper transverse perforation line for separation of the sheets from the web, is also provided in each message and cover sheet. Although this is not explicitly stated, it is self-evident that this further transverse perforation line is provided to facilitate access by the receiver to the information on the message sheet. To enable this, the further transverse perforation line must be located more remote from the upper end edge of the assembly than the line of adhesive. After tearing off the upper marginal strip of the individual assembly along this perforation line it would appear necessary to use a knife, scissors or the like in order completely to separate the message sheet from the cover sheet along the lines of adhesive. This view is confirmed by the mention of these tools in the last sentence of the description.

The business form assembly of Figure 2 is of similar basic structure but is more sophisticated in that a separate message carrier is attached via a perforation line to the message sheet. On tearing open the assembly this message carrier may be detached for filing or the like. The various perforation lines in the message and cover sheets and the message carrier are arranged such that the message carrier comes away with the torn off marginal strip of the assembly. There is, thus, no need completely to separate the cover sheet from the message sheet and thus the tools mentioned above with respect to the assembly according to Figure 1 are no longer necessary.

In a passage bridging pages 6 and 7 of document D1, on which the Respondents place great emphasis, the reasons for providing a separate message carrier as in Figure 2 are explained. These reside in the desire of some customers, in particular banks, for bank statements and the like which

are to be filed by the receiver to be as neat as possible with three clean edges rather than the four perforated edges which would result from using the message sheet itself as the information carrier. In the opinion of the Respondents this represents a clear teaching that the assembly of Figure 1 is in fact provided with four perforation lines inside the lines of adhesive rather than the one such line actually shown. The Board is not, however, convinced by this argument since on separation of the message sheet as actually shown in Figure 1 there also will appear in any case four perforated edges and not just the one deriving from tearing off of the top marginal strip; the other three perforated edges result from the removal of the longitudinal feed strips and the separation of the individual assembly from the continuous web. Thus, the statement on which the Respondents rely could equally well refer to these perforated edges. This is indeed the only interpretation which is consistent with the reference in the last sentence of the description of document D1 to the use of a tool for complete separation of the message and cover sheets.

Accordingly, the Board comes to the conclusion that the subject-matter of Claims 1 and 2 is not known from document D1.

Inventive step

4. It is apparent from a comparison of the above description of the prior art according to document D1 and valid Claims 1 and 2 that the assemblies claimed are distinguished from this prior art solely in that the marginal lines of perforations in the message sheet are located further from the marginal edges of the message sheet than the marginal lines of adhesive on the cover sheet are located from the marginal edges of the cover

sheet, and that respective second transverse end lines of perforations are provided in the cover and message sheets, the second and first transverse end lines of perforations in the message sheet being located further from the associated end edges of the message sheet than the corresponding transverse lines of adhesive on the cover sheet are located from the end edge of the cover sheet.

This is expressed in somewhat more complex form in terms of the positions of the lines of adhesive in the characterising clauses of Claims 1 and 2 which also include features relating to the extent of those lines. This is due to the fact that the Appellants are of the opinion that the positions and extents of these lines in document D1 are undefined. It is true that in Figure 1 of document D1 the lines of adhesive are only illustrated schematically but the nature and purpose of such lines is so well known in the art that it is implicit for the skilled reader of this document that the lines of adhesives will have the extents specified in the characterising clauses of Claims 1 and 2. In whatever way expressed, the essential distinction over the prior art according to document D1 is that in the assemblies according to Claims 1 and 2 all four adhesively joined edge strips of the assemblies can be readily torn therefrom along corresponding lines of perforations, thus separating the message sheet from the cover sheet.

The technical problem to be solved as stated in the contested patent, that is the provision of a business form assembly suitable for passing through laser printers or the like, has in fact been fully solved by the proposal of document D1 through the use of means (separate message and cover sheets, only the cover sheet carrying adhesive) corresponding to those of the contested patent. The objective technical problem, established on the basis of the effects of the features distinguishing the claimed

assemblies from the closest prior art, can therefore only be seen in the provision of means for facilitating the separation of the message sheet from the cover sheet of an assembly as shown in Figure 1 of document D1.

It is apparent to the skilled man from a reading of document D1 that the means for allowing separation of the message and cover sheets proposed there are not optimal since there is a requirement for a knife, scissors or similar tool to complete the operation. He will, however, also be aware from documents D2 to D6 of business form assemblies in which complete separation of adhesively joined sheets is achieved solely by means of tearing along lines of perforations, there being a respective line of perforations associated with each line of adhesive. In the assembly shown for example in Figures 8 and 9 of document D2 the message and cover sheets are not separate but joined together along a central longitudinal line of perforations about which they are folded together. At the other three edges of the assembly the sheets are joined together by lines of adhesive. Each of these lines of adhesive is associated with a respective line of perforations which enables the adhesively joined strips to be torn off. Thereafter, the message and cover sheets can be separated from each other along the central perforation line. This prior art, therefore, gives the clear teaching that for each line of adhesive there should be a corresponding perforation line. Moreover, as is the case in the assemblies according to the contested patent, the marginal feed strip is not detachable along a further longitudinal line of perforations but remains a part of the completed assembly and is removed together with the marginal adhesively joined strip on opening of the assembly. A similar arrangement is shown in Figures 6 and 7 of document D6 where since the assembly is folded about transverse lines of perforations two marginal feed strips are present

in the completed assembly. Furthermore, arrangements with four lines of adhesive and four corresponding lines of perforations are known from documents D4 and D5. For the skilled man seeking to improve the business form assembly disclosed in document D1 in the manner identified above, it would, therefore, be obvious having regard to the teachings of documents D2 to D6 to provide the four lines of adhesive with four associated perforated lines, thus arriving at assemblies as defined in Claims 1 and 2.

The argument of the Appellants that it would not be obvious to combine the teachings of documents D1 with those of D2 to D6 since the latter did not relate to an assembly of initially separate message and cover sheets which would be suitable for laser printing overlooks the fact that the problem of laser printing compatibility has already been solved by the proposal of document D1 which comprises such separate message and cover sheets and is, therefore, no longer an overriding concern for the skilled man when looking for ways of improving the openability of the assembly disclosed there. For their part, the Appellants have not suggested that the additional perforated lines required by the claims are in any way connected with improving laser printing compatibility.

Accordingly, the Board comes to the conclusion, in agreement with the impugned decision, that the subject-matter of Claims 1 and 2 is not patentable for lack of inventive step.

Order

For the above reasons, it is decided that:

The appeal is dismissed.

The Registrar:

S. Fabiani

The Chairman:

F. Gumbel