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**D E C I S I O N**  
**of 18 October 2001**

**Case Number:** T 0475/97 - 3.2.5

**Application Number:** 90250309.3

**Publication Number:** 0435410

**IPC:** B41F 27/12

**Language of the proceedings:** EN

**Title of invention:**

Plate exchange apparatus for printing press

**Patentee:**

Komori Corporation

**Opponent:**

KBA-PLANETA AG  
Heidelberger Druckmaschinen AG

**Headword:**

-

**Relevant legal provisions:**

EPC Art. 56

**Keyword:**

"Inventive step (yes)"

**Decisions cited:**

-

**Catchword:**

-



Case Number: T 0475/97 - 3.2.5

**D E C I S I O N**  
**of the Technical Board of Appeal 3.2.5**  
**of 18 October 2001**

**Appellant:** Heidelberg Druckmaschinen AG  
(Opponent 02) Kurfürsten-Anlage 52-60  
D-69115 Heidelberg (DE)

**Representative:** Stoltenberg, Heinz-Herbert Baldo  
c/o Heidelberg Druckmaschinen AG  
Kurfürsten-Anlage 52-60  
D-69115 Heidelberg (DE)

**Respondent:** Komori Corporation  
(Proprietor of the patent) 11-1, Azumabashi 3-chome  
Sumida-ku  
Tokyo (JP)

**Representative:** Wenzel, Heinz-Peter, Dipl.-Ing.  
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**Party as of right** KBA-PLANETA AG  
(Opponent 01) Friedrich-List-Strasse 47-49  
D-01445 Radebeul (DE)

**Decision under appeal:** Decision of the Opposition Division of the  
European Patent Office posted 7 March 1997  
rejecting the opposition filed against European  
patent No. 0 435 410 pursuant to Article 102(2)  
EPC.

**Composition of the Board:**

**Chairman:** W. Moser  
**Members:** P. E. Michel  
A. Burkhart

## Summary of Facts and Submissions

I. The appellant (opponent O2) lodged an appeal against the interlocutory decision of the Opposition Division maintaining the patent No. 0 435 410 in amended form.

In the decision under appeal, it was held that the grounds of opposition submitted by the appellant under Article 100(a) (lack of inventive step) did not prejudice the maintenance of the patent as amended.

The following documents were referred to in the appeal proceedings:

D1a: JP-A-61-248 834

D1b: abstract of D1a in English

D1c: German translation of D1a

D4: DE-A-2 044 011

D5: US-A-3 793 950

Although a notice of appeal was received from Opponent O1, Opponent O1 did not file a written statement setting out the grounds of appeal. Opponent O1 is thus not an appellant in the present proceedings, but remains a party as of right within the meaning of Article 107 EPC.

II. Oral Proceedings were held before the Board of Appeal on 18 October 2001.

(i) The appellant and the party as of right requested

that the decision under appeal be set aside and the patent be revoked.

- (ii) The respondent (patentee) requested, as main request, that the appeal be dismissed and, as auxiliary request, that the decision under appeal be set aside and the patent be maintained on the basis of claims 1 to 4 filed as auxiliary request on 13 September 2001.

III. Claim 1 of the patent as maintained by the Opposition Division reads as follows:

"1. A plate exchange apparatus for a printing press having one fixing unit (5) provided on a plate cylinder (1) for fixing one end of a plate and another fixing unit (30) provided on the plate cylinder (1) for fixing the other end of the plate wound around a circumferential surface of a plate cylinder (1), said fixing units (5,30) being arranged in a gap (2) on the circumferential surface of said plate cylinder (1),

a plate holding apparatus (83) for holding at least one old plate removed from the plate cylinder (1) and at least one new plate and comprising an old plate removal means (91, 93), arranged in a plate removing path of an old plate (89) released from said fixing units (5, 30) and a new plate mounting means (98, 100) arranged in a plate mounting path of a new plate (102),

said plate holding apparatus (83) further comprising a moving mechanism (82,84,85,86,87) adapted to move said plate holding apparatus near

to and away from the plate cylinder (1) for replacement of the old plate (89) mounted on the circumferential surface of the plate cylinder (1) by a new plate (102) held in the plate holding apparatus (83),

characterized in that said plate holding apparatus (83) is adapted to hold in parallel a plurality of stacked old plates (89) removed from the plate cylinder and a plurality of stacked new plates, the old plate removal means (91,93) being arranged to engage and move one old plate (89) during a plate replacement cycle from said plate cylinder (1) and to stack the old plate in said plate holding apparatus (83), and the new plate mounting means (98,100) being arranged to engage and move one of said new plates (102) stacked and stored in said plate holding apparatus (83) towards said plate cylinder (1) and to mount said one new plate (102) in said one fixing unit (5) during the plate replacement cycle."

IV. The appellant argued essentially as follows:

The closest prior art is represented by document D1.

The object of the invention is, as stated at column 2, lines 44 to 49 of the published version of the application as filed, to allow a continuous operation for replacing a plurality of plates, thereby shortening preparation time and improving productivity.

The solution to this problem is available from document D4 or D5, that is, to modify the new and old plate chambers of the cassette which forms part of the

plate exchange apparatus disclosed in document D1 so as to hold a plurality of plates stacked in parallel. The ramp (10a2) is described in document D4 as being an optional feature. There is thus an implicit disclosure of the new plates and old plates being stacked in parallel. Moreover, claim 1 of the main request does not make it clear that the new plates are stacked parallel to the old plates.

V. The respondent argued essentially as follows:

The late filed document D5 should not be admitted.

It is agreed that document D1 represents the closest prior art and discloses the features of the preamble of claim 1. It is further agreed that the problem is that stated by the appellant. The teaching of document D4 does not, however, lead to the solution to the problem as defined in claim 1 of the main request, according to which the functions of plate transport (that is, plate supply and plate removal) and plate storage are combined in a single device. Document D4 proposes separate plate supply, plate removal and plate storage devices. Moreover, in the storage tray of document D4, the new plates and the old plates are not stacked in parallel, owing to the presence of the ramp (10a2) in the receiving chamber for the old plates.

## **Reasons for the Decision**

### 1. *Late filed document D5*

Document D5 is a US patent specification claiming priority from the same Japanese patent application as

document D4 and containing substantially the same disclosure as document D4. In view of the fact that document D5 is written in the language of the proceedings and that the admission of this document is not to the detriment of the respondent, this document is admitted into the appeal proceedings.

*Main request*

2. *Admissibility of the amendments*

As compared with claim 1 as granted, claim 1 of the main request has been amended so as to incorporate the additional feature "said plate holding apparatus (83) is adapted to hold in parallel a plurality of stacked old plates (89) removed from the plate cylinder and a plurality of stacked new plates". This feature is disclosed in the application as filed, in particular in Figure 8 and in the description relating thereto. In addition, the amendment results in a restriction of the protection conferred. Further, the amendments are made in response to a ground of opposition, that is that the subject-matter of the claim lacks an inventive step. The amendments thus comply with the requirements of Article 123(2) and (3) EPC and Rule 57a EPC and are admissible.

3. *Inventive step*

3.1 Closest prior art

Document D1 represents the closest prior art and discloses a plate exchange apparatus according to the preamble of claim 1, in which the plate holding apparatus is capable of holding one old plate removed

from the plate cylinder and one new plate.

Plate exchange can thus be carried out automatically. However, before a subsequent plate exchange can be carried out, an old plate must be removed from the plate holding apparatus and a new plate supplied to the plate holding apparatus. These operations must be carried out manually, thereby interrupting printing.

### 3.2 Object of the invention

The object of the invention is thus, as stated in the description of the patent in suit at column 3, lines 2 to 7, to allow a continuous operation for replacing a plurality of plates, thereby shortening preparation time and increasing productivity of a printing press.

### 3.3 Solution

According to claim 1, the above object is achieved by the plate holding apparatus being adapted to hold in parallel a plurality of stacked old plates removed from the plate cylinder and a plurality of stacked new plates, the old plate removal means being arranged to engage and move one old plate during a plate replacement cycle from the plate cylinder and to stack the old plate in the plate holding apparatus and the new plate mounting means being adapted to engage and move one of the new plates stacked and stored in the plate holding apparatus towards said plate cylinder and to mount said one new plate in one fixing unit during the plate replacement cycle.

### 3.4 This solution is not rendered obvious by the cited prior art. Document D4 (or D5) discloses a plate

holding apparatus which is adapted to hold a plurality of stacked old plates removed from the plate cylinder and a plurality of stacked new plates. This plate holding apparatus is, however, static and requires a plate feeding device to supply new plates from the new plate supply tray (9) to the plate cylinder and a plate removal device for removing old plates from the plate cylinder and forwarding them to the used plate receiving tray (10a).

An application of the teaching of document D4 (or D5) to the device of document D1 in an attempt to solve the problem as posed above would thus lead to the provision of a plate holding apparatus remote from the plate cylinder which would supply plates to the pivotal cassette (20) when it is in its plate removal and supply position (A), thus automating the procedure which is carried out manually according to document D1.

The prior art does not give any indication that a plate storage device for storing new and used plates should be combined with the plate removal and supply device for removing used plates from, and supplying fresh plates to, the plate cylinder. There is thus no suggestion in the prior art that the plate holding apparatus, which is adapted to hold in parallel a plurality of stacked old plates removed from the plate cylinder and a plurality of stacked new plates, should be provided with a moving mechanism which is adapted to move the plate storage device near to and away from the plate cylinder.

4. The subject-matter of claim 1 according to the main request thus involves an inventive step. Dependant claims 2 to 5 are directed to preferred embodiments of

the plate exchange apparatus of claim 1 and similarly involve an inventive step.

5. It is accordingly not necessary to consider the auxiliary request of the respondent.

### **Order**

### **For these reasons it is decided that:**

The appeal is dismissed.

The Registrar:

The Chairman:

M. Dainese

W. Moser