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**Datasheet for the decision
of 25 February 2009**

Case Number: W 0032/08 - 3.2.05

Application Number: PCT/EP 2007/010570

Publication Number: WO 2008/068010

IPC: F16L 37/098

Language of the proceedings: EN

Title of invention:

Releasable plug connection consisting of two components,
namely a jack and a plug as well as a jack and a nozzle tube
forming a plug

Applicant:

BRIDGE House Laboratories LTD

Opponent:

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Headword:

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Relevant legal provisions:

PCT R. 13.1, 13.2

Relevant legal provisions (EPC 1973):

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Keyword:

"Unity of inventions 1 and 4 (no)"
"Unity of inventions 2 and 3 (yes)"
"Unity of inventions 2 and 3 and inventions 1 or 4 (no)"

Decisions cited:

-

Catchword:

-



Case Number: W 0032/08 - 3.2.05

International Application No. PCT/EP 2007/010570

D E C I S I O N
of the Technical Board of Appeal 3.2.05
of 25 February 2009

Applicant: Bridge House Laboratories Ltd.
Bridge House
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DH1 4SJ (GB)

Representative: Hebing, Norbert
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Decision under appeal: Protest according to Rule 40.2(c) of the Patent Cooperation Treaty made by the applicants against the invitation (payment of additional fees) of the European Patent Office (International Searching Authority) dated 24 April 2008 .

Composition of the Board:

Chairman: W. Zellhuber
Members: S. Bridge
S. Hoffmann

Summary of Facts and Submissions

- I. International patent application PCT/EP2007/010570 was filed with the European Patent Office (EPO) on 05 December 2007.
- II. On 24 April 2008, the EPO, in its capacity as International Searching Authority (ISA), indicated that it considered that there are four claimed inventions not so linked as to form a single inventive concept as required by Rule 13.1 PCT and invited the applicant to restrict the claims or to pay three additional fees. The four groups of claims related to each invention are :

Invention 1 : independent claim 1 and its dependent claims (i.e. dependent claims 2 to 11);

Invention 2 : independent claim 12 and its dependent claims (i.e. dependent claims 14-19, 20 and 26);

Invention 3 : independent claim 13 and its dependent claims (i.e. dependent claims 14-19 and 27);

Invention 4 : independent claim 21 and its dependent claims (i.e. dependent claims 22-27).

- III. The independent claims read as follows:

"1. A releasable plug connection, which is either in a connected or released state, consisting of two components namely a jack (1) and a plug, wherein in the connected state the plug is inserted into the jack (1) and held in it by a latch, for the purpose of which the

latch is connected with one of the components in a radially spring loaded manner and contacts a locking surface (10a) formed on the other component, as a result of which sliding back of the plug out of the jack (1) is prevented, characterized in that the locking surface (10a) extends largely radially to the longitudinal axis of the jack (1) and plug, and that the other component consists of two sections that can be displaced relative to each other to a limited extent in axial direction, wherein the locking surface (10a) is formed on one of the sections and the other section has a contact point for the latch which is arranged so that on pushing together of the sections against the force of a spring (24) acting in axial direction, the latch contacts the contact point and is pushed from the locking surface (10a) in radial direction by sliding on the contact point."

"12. An ear syringe nozzle tube having a distal end for the discharge of liquid into an ear and a proximal end for connection to an ear syringe device, characterized in that it has one, but more preferable, at least two lugs (20) standing out from the nozzle tube (2) at an acute angle towards the distal end which yield in radial direction under spring load."

"13. A dental water jet nozzle tube having a distal end for the discharge of liquid into a mouth and a proximal end for connection to a dental water jet device, characterized in that it has one, but more preferable, at least two lugs (20) standing out from the nozzle tube (2) at an acute angle towards the distal end which yield in radial direction under spring load."

"21. A jack for a plug connection, characterized in that it consists of a hollow cylinder (3) and a sleeve (6) that can slide on the cylinder against a stop (9), wherein the stop (9) defines the greatest longitudinal extension of the jack (1) and the sleeve (6) has an inwardly directed flange (10), the side of which facing the hollow cylinder (3) defines a locking surface (10a), and that the inner diameter of the flange (10) is greater than the inner diameter of the hollow cylinder (3)."

IV. The following document is referred to in the present decision :

D1 : US-A-4 966 398.

V. The applicant paid the additional fees for inventions 2, 3 and 4 under protest in accordance with Rule 40.2(c) PCT on 26 May 2008.

VI. On 11 July 2008, a review panel indicated that the invitation to pay additional fees is justified.

VII. The protest fee was paid on 8 August 2008.

In the response to the invitation to pay additional fees, the applicant argued that there is unity of invention 4 and inventions 2&3 as well as of invention 1 and inventions 2&3&4, because the nozzle tube according to invention 2&3 and the jack according to invention 4 allow a proper connection and the releasable plug connection according to invention 1 is a combination of a jack and preferably a nozzle tube.

In response to the invitation to pay the protest fee, the applicant requested the refund of at least a first and second additional search fee because inventions 1 and 4 and inventions 2 and 3 fulfil the requirements of unity.

VIII. The applicant's arguments can be summarised as follows :

The object to be achieved by the invention is to allow an easy release of the socket ("jack") and plug connection. This is achieved by the contact point on the jack along which the lugs of the plug slide when the sleeve of the jack is pushed backwards, so that the lugs are pushed from the locking surface located on the sleeve to release the connection between the jack and the plug.

Document D1 (see figures 2 and 3) discloses a mechanism in which the fingers 72 of the plug 30 engage a locking surface 24 which is on the jack 20 (and not on the sleeve 40) when the plug and jack are joined. The mechanism according to document D1 is therefore different.

In invention 4 (see claim 22), the hollow cylinder has a frustoconically ending inner wall. This frustoconical ending forms the contact point for the latch. The contact point and the frustoconical ending are corresponding technical features that define a contribution which each of the claimed inventions, considered as a whole, makes over the prior art.

Therefore, inventions 1 and 4 form only one invention and at least a first additional search fee should be refunded.

It was further argued that inventions 2 and 3 are characterised by the same technical features and fall under the same category of devices for cleaning openings of the human body. Therefore, inventions 2 and 3 also form only one invention and at least a second additional search fee should be refunded.

Reasons for the Decision

1. Admissibility of the protest

In accordance with Rule 40(2)(c) PCT, the applicant filed a reasoned statement together with the protest and argued in favour of the unity of :

- inventions 1 and 4,
- inventions 2 and 3,
- inventions 4 and 2&3,
- inventions 1 and 2&3&4.

The protest also satisfies the requirements of Rule 40(1)(iii) PCT, because the protest fee referred to in Rule 40(2)(e) PCT has been paid within the time limit of one month from the date of the invitation.

2. Inventions 1 and 4

Claim 21 concerns a jack for a plug connection.

The embodiment shown in figure 7 of prior art document D1 (column 3, lines 25 to 29 and 57 to 61, column 3, line 68 to column 4, line 3, figures 3-7) discloses a female coupling body ("jack") comprising a hollow cylinder 20 and a sleeve 41 that can slide on the cylinder against a stop 52. The sleeve 41 has an inwardly directed flange 43, the side of which facing the hollow cylinder 20 defines a locking surface 43" (column 5, lines 15 to 18 and 23 to 27).

The subject matter of claim 21 only differs from the above prior art in that "the stop (9) defines the greatest longitudinal extension of the jack (1)".

As the position of the stop 9 is not defined in claim 1 and no particular technical effect is associated with this feature, there is no common concept linking the inventions of independent claims 1 and 21.

The applicant's additional argument concerning the contact point cannot be followed, because claim 21 neither includes a "contact point" nor the "frustoconically ending inner wall" which the applicant wishes to assimilate to the contact point.

In consequence, there is no inventive concept linking the inventions of independent claim 1 on the one hand and independent claim 21 on the other.

Invention 1 is thus not so linked to invention 4 as to form a single inventive concept as required by Rule 13.1 and 13.2 PCT.

3. Inventions 2 and 3

Independent claims 12 and 13 share the same wording of the characterizing part and, in consequence, have the following features in common :

- one, but more preferable, at least two lugs 20 standing out from the nozzle tube 2 at an acute angle towards the distal end
- which yield in radial direction under spring load.

Document D1 (column 4, lines 5 to 26 and 45 to 47) discloses a male coupling body 30 (i.e. a nozzle tube) with at least two lugs ("resilient locking element" 70) standing out from the nozzle tube 30 at an acute angle towards the *proximal* end which yield in radial direction under spring load (figures 3 to 6).

Independent claims 12 and 13 share the single general inventive concept in the sense of Rule 13.1 PCT of at least one lug standing out from the nozzle tube at an acute angle towards the *distal* end.

The requirement of unity of invention is therefore met for inventions 2 and 3 (Rule 13.1 and 13.2 PCT.).

4. Invention 2&3 and inventions 1 or 4

However, there is no common inventive concept linking the invention 2&3 with either invention 1 or invention 4. The nozzle tubes according to claims 12

and 13 may be used independently of the plug and socket connection defined in claim 1 and of the socket ("jack") defined in claim 21. Furthermore, there are no common features.

The requirement of unity of invention (Rule 13.1 and 13.2 PCT) is therefore not met for invention 2&3 and invention 1, nor for invention 2&3 and invention 4.

Order

For these reasons it is decided that:

The protest is partially justified.

The reimbursement of one additional search fee is ordered.

The Registrar:

The Chairman:

C.Eickhoff

W. Zellhuber