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Boards of Appeal

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Chambres de recours



File Number: WO 1/85

International Application
No. PCT/EP84/00416

DECISION

of the Technical Board of Appeal 3.2.1

of 11 September 1985

Applicants: SAMSONITE CORP. et al
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US

Representative: GRÜNECKER, KINKELDEY, STOCKMAIR & PARTNER
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Subject of this decision: Protest according to Rule 40.2(c) of the Patent Cooperation Treaty made by the applicants against the invitation for payment of an additional search fee made by the European Patent Office (Branch at The Hague) dated 25 April 1985.

Composition of the Board:

Chairman: C. Maus
Member: C. Wilson
Member: C. Payraudeau

Summary of Facts and Submissions

1. On 20 December 1984, the Applicants filed an International patent application PCT/EP 84/00416 with the European Patent Office.
2. On 25 April 1985 the European Patent Office, being charged with the performance of the international search of the above identified application, issued an invitation to pay an additional search fee in view of the fact that it considered the above identified application as not complying with the requirements of unity of invention. Two inventions were identified: according to Claims 1-9, 18-20 and according to Claims 1, 10-17, 21-28.
3. On 20 May 1985, the Applicants paid the additional search fee under protest (Rule 40.2(c) PCT) and asserted that the application concerned one invention which is set out in Claim 1, the sole independent claim. The dependent claims addressed positive developments of the invention defined in Claim 1, covering sometimes both described embodiments of the invention, sometimes only one or other of the embodiments.

Reasons for the Decision

1. The protest complies with Rule 40.2(c) PCT and is therefore admissible.
2. The invention, according to the application, relates to a connection device for releasably interconnecting two members, preferably a receptacle and its lid. The connection device comprises an upper component which has to be attached to said

one member and which is provided with a hook, a lower component which has to be attached to the other member and a one- or two-armed lever which is articulated on said lower component either directly or via at least one link and which is provided with a counterhook associated with the hook of the upper component.

According to the wording of the characterising portion of Claim 1 a snapper is pivotably attached to the end of the lever facing away from the counterhook, said snapper being provided with a locking projection which is associated with a complementary, projecting locking member of the lower component and which is equipped with a spring holding the snapper in its locking position.

In this way the connection device can be produced in a simple manner and an unintentional springing open of the connection device in its non-locked condition is prevented.

According to the findings of the Board this claim concerns only one invention. The fact that the inventive concept according to Claim 1 can be realised in different ways does not invalidate these findings.

Claim 1 satisfies, therefore, the requirement of unity of invention.

3. Claims 2-28 comprise features further defining the features specified in Claim 1 in more detail, essentially in respect of alternative additional locking means provided on the lever for arresting it in its closed interlocked position. In particular, Claims 2, 4-6, 8, and 18-20 cover both embodiments of the invention according to Claim 1 described and shown in the drawings, Figures 1-5 and Figures 6-10

respectively, Claims 3, 7, and 9 cover only the first embodiment, and Claims 10-17 and 21-28 cover only the second embodiment. All of the dependent claims are appended to Claim 1, directly or indirectly.

4. Consequently, the characteristics of the connection devices claimed in the dependent Claims 2-28 belong to the same invention and the requirement of unity is satisfied.
5. Thus, the requirement of Rule 13(1) PCT is met. Consequently, the invitation to pay an additional fee was not justified. The protest therefore succeeds.

Order

For these reasons

it is decided that

the reimbursement of the total additional fee is ordered.

The Registrar

The Chairman

B A Norman

C Maus