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**Datasheet for the decision
of 9 December 2011**

Case Number: J 0027/10 - 3.1.01

Application Number: 09167775.7

Publication Number: 2243682

IPC: B62B 1/14

Language of the proceedings: EN

Title of invention:

Blower cart

Applicant:

Black & Decker Inc.

Headword:

-

Relevant legal provisions:

EPC Art. 90(1), 111(1)

EPC R. 56(1)(2)(3)(4)

Relevant legal provisions (EPC 1973):

-

Keyword:

"Missing parts of the description - (no)"

"Clearly specified what exactly is deemed to be deleted -
(no)"

"Remittal - (yes)"

Decisions cited:

J 0004/85, J 0033/89, J 0007/97

Catchword:

1. The same interpretation is to be given to the term "*parts of the description ... appear to be missing*" in Rule 56(1), first sentence, EPC as to the term "*missing parts of the description*" in the subsequent paragraphs of Rule 56 EPC for deciding if a part is missing from the description. The term "*description*" in "*missing parts of the description*" in Rule 56 EPC refers to the description which was originally filed in order to obtain a filing date and not to any other description. The incomplete originally filed description is to be completed by the missing parts which must be added to the already filed text of the description. Thus an interpretation of Rule 56 EPC that some, or all, of the description that was originally filed in order to obtain a filing date could be amended, replaced or deleted is incorrect. (See points 8 to 18)

2. The principle of legal certainty requires that the decision upon the deletion of parts of the description pursuant to Rule 54(4) (a) EPC leaves no doubt about what exactly is deemed to be deleted. (See point 28)



Case Number: J 0027/10 - 3.1.01

D E C I S I O N
of the Legal Board of Appeal 3.1.01
of 9 December 2011

Appellant: Black & Decker Inc.
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Delaware 19711 (US)

Representative: Bale, Ian Stephen
Black & Decker
Patent Department
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Decision under appeal: Decision of the Receiving Section of the
European Patent Office posted on 2 August 2010.

Composition of the Board:

Chairman: S. Hoffmann
Members: T. Karamanli
D. S. Rogers

Summary of Facts and Submissions

- I. European patent application No. 09 167 775.7 was filed with the European Patent Office (EPO) on 13 August 2009 and claimed priority of US patent application No. 12/191,376 with a filing date of 14 August 2008 (hereinafter "priority application").

The application documents filed with the EPO contained, apart from the claims and the abstract, description pages 1 to 15 and a set of drawings, comprising FIG. 1 to FIG. 12. The description referred on page 9 to "FIG. 13" (line 1) and "FIG. 14" (line 4) and on page 15 to "FIGS. 10-14" (lines 17 to 18).

- II. In a communication pursuant to Rule 56(1) EPC of 18 September 2009, the Receiving Section informed the applicant that the examination as prescribed in Article 90(1) EPC had revealed that the drawings "Figures 13 & 14" referred to in the description were not included in the original application documents. The applicant was invited to file the missing drawings within two months after notification of said communication.

The applicant was also informed that

- if the missing drawings were filed in due time, the application would be re-dated to the date on which they were filed (Rule 56(2) EPC);
- the application would not be re-dated if it claimed priority of an earlier application and it was requested to maintain the original filing date,

provided the requirements under Rule 56(3) EPC were fulfilled;

- if the missing drawings were not filed in due time, according to Rule 56(4) EPC, any reference to the missing drawings would be deemed to be deleted and any filing of the missing drawings would be deemed not to have been made.

III. With a reply dated 4 November 2009, the applicant filed a new description and requested, pursuant to Rule 56(3) EPC, that this description be substituted, in its entirety, for the description filed on 13 August 2009 and that the date of filing be maintained unamended. The applicant submitted that the description filed on 13 August 2009 was the wrong version of the description and had been erroneously filed with the EPO and that the newly filed description was the correct version and corresponded exactly and in its entirety to the description of the priority application. The applicant further submitted that FIGS. 13 and 14 were not supposed to form part of the present application since they did not appear in the priority application and that therefore the correct version of the drawings was already filed with the EPO on 13 August 2009. In the applicant's view the conditions laid down in Rule 56(3) EPC were fulfilled since a copy of the priority application in English was already available to the EPO under Rule 53(2) EPC and the indication of where the missing parts of the description could be found was given.

IV. In a communication dated 18 January 2010, the applicant was informed of the Receiving Section's preliminary

opinion that the documents filed on 4 November 2009 did not qualify as "missing parts" according to Rule 56(1) EPC since they were not merely parts of the description but appeared to be a different description, substituting the originally filed description.

V. In a letter dated 29 March 2010, the applicant maintained his request for substitution of the description and asked for an appealable decision, rejecting that request. As an auxiliary request, the applicant requested deletion of the references to FIGS. 13 and 14 from the description filed on 13 August 2009, pursuant to Rule 56(4) EPC.

VI. By its decision dated 2 August 2010, the Receiving Section refused the appellant's main request to substitute under Rule 56(3) EPC the description filed on 4 November 2009 in its entirety for the description filed on 13 August 2009 and ordered that, according to the appellant's auxiliary request, the references in the description as originally filed to figures 13 and 14 are deemed to be deleted pursuant to Rule 56(4) (a) EPC.

In the reasons for the decision the Receiving Section took the view that the requirements pursuant to Rule 56(3) EPC for retaining the original filing date were not fulfilled. The Receiving Section held that no parts were obviously missing within the meaning of Rule 56 EPC from the description filed on 13 August 2009. Rather, what appeared to be missing were figures 13 and 14. A comparison of the two versions of the description filed on 13 August 2009 and 4 November 2009 respectively showed that significant parts had been

deleted and other parts had been rephrased in the subsequently filed description. The Receiving Section concluded from these facts that the later filed version of the description did not contain merely additional pages or parts in comparison to the original filed description but replaced it in its entirety. Replacing an entire description, however, was not possible under Rule 56 EPC. Rule 56(3) EPC constituted an exception to the fundamental provision of Article 123(2) EPC. Although neither the EPC nor the travaux préparatoires define the term "missing", it followed from this exceptional character of Rule 56 EPC that it must be given a narrow reading. Since the requirements of Rule 56(3) EPC were not fulfilled the description filed on 4 November 2009 could not be considered to form part of the application as filed on 13 August 2009.

As far as the auxiliary request under Rule 56(4) EPC was concerned the following was stated in the reasons:

"Since drawings 13 and 14 were not filed within the applicable time limit, the references to said drawings in the description filed on 13 August 2009 are deemed to be deleted pursuant to Rule 56(4) (a) EPC."

VII. On 29 September 2010, the applicant lodged an appeal against the decision of the Receiving Section and paid the appeal fee. The statement setting out the grounds of appeal was filed on 3 December 2010.

VIII. In its statement of grounds of appeal the appellant argued that the initially filed description was erroneously submitted. It was an earlier version of the description which was meant to be filed. Therefore the

appellant claimed that the Receiving Section was wrong to compare the text of the description filed on 4 November 2009 with the description filed on 13 August 2009 instead of with that of the priority application. In the appellant's opinion, the important point of law was that the description filed on 4 November 2009 corresponded exactly and in its entirety to the description of the priority application, and complied therefore with all of the requirements of Rule 56(3) EPC. Finally, the appellant argued that, contrary to the Receiving Section's interpretation, Rule 56(3) EPC did not stipulate that the missing parts had to be obviously missing from the original filed description.

- IX. In a communication pursuant to Article 15(1) of the Rules of Procedure of the Boards of Appeal (RPBA, OJ EPO 2007, 536) annexed to the summons to oral proceedings dated 23 September 2011, the board expressed the preliminary opinion that the requirement "*missing parts of the description*" pursuant to Rule 56 EPC seemed not to be met in the present case since the term "*missing parts of the description*" in Rule 56 EPC referred to the description which was initially filed and not to any other description, such as, for example, the one the appellant actually intended to file, and that an interpretation of Rule 56 EPC that some, or all, of the originally filed description could be amended, replaced or deleted seemed to be incorrect.
- X. In a letter dated 21 November 2011, the appellant did not reply in substance to the issues raised by the board in its communication. However, the appellant provided for the help and benefit of the board a copy of the text of the description filed on 4 November 2009,

in which the differences from the text filed on 13 August 2009 had been highlighted. In addition, the appellant indicated how many words were deleted and added.

XI. Oral proceedings were held on 9 December 2011.

The appellant's arguments submitted during oral proceedings may be summarised as follows:

First of all Rule 56(2) EPC did not explicitly mention preceding paragraph (1) of Rule 56 EPC as far as missing parts of the description were concerned. It also did not refer implicitly to its preceding paragraph, Rule 56(1) EPC, since the wording of Rule 56(2) EPC did not refer to "the" missing parts of the description.

For determining the "*missing parts*" according to Rule 56 EPC, different tests applied, depending on whether the application claimed priority or not.

In a first-filing situation, i.e. where no priority was claimed, Rule 56(1) EPC was the relevant provision. The test to be applied in such a case was a subjective one since there was no possibility to compare the documents of the application as filed with documents of an earlier application. Hence the filing date was lost if missing parts were filed after that date.

In the present case, however, the application claimed priority from the priority application and therefore Rule 56(3) EPC applied. Hence an objective test was required and not a subjective one. In other words it

was not an issue what the intention of the applicant was since that could not be known by the Receiving Section and would be part of a subjective test.

According to the objective test, a comparison of the description and/or drawings of the application as filed with those of the priority application should be made. The differences between the documents of the application as filed with those of the priority application, i.e. the parts of the description and/or drawings of the priority application which were not disclosed in the application as filed, were the "*missing parts*" within the meaning of Rule 56 EPC. If, however, in comparison to the priority application there was additional subject-matter in the application documents as filed which referred to drawings which were not filed with the application nor present in the priority application, these drawings were not missing according to this objective test and could thus not be filed after the filing date under Rule 56 EPC.

Finally, the appellant did not request a correction of the initially filed application pursuant to Rule 139 EPC because the requirement of Rule 139 EPC that "*the correction must be obvious*" was not fulfilled in the present case.

Regarding the auxiliary request, it was not sufficient to inform the applicant that the references to the drawings 13 and 14 in the description filed on 13 August 2009 were deemed to be deleted pursuant to Rule 56(4) (a) EPC. It was necessary for the applicant to receive from the Receiving Section detailed information about what exactly was to be deleted in

accordance with Rule 56(4) (a) EPC. This was the more so if, as in the present case, the references to said drawings were part of a text which contained, apart from the references, also technical information which could possibly be retained in the description. Only by obtaining detailed information could the applicant verify what was to be deleted in the description and, if necessary, argue against a deletion.

XII. The appellant's requests are as follows:

Main Request

The appellant requested that the decision under appeal be set aside and that the description filed on 13 August 2009 be replaced in its entirety by the description filed on 4 November 2009.

Auxiliary Request

The appellant requested that the decision under appeal be set aside and that the case be remitted to the Receiving Section with the order to specify exactly what references to drawings 13 and 14 in the description and/or claims filed on 13 August 2009 should be deleted pursuant to Rule 56(4) (a) EPC.

Reasons for the Decision

1. The appeal is admissible.

Main request

2. As regards the appellant's main request, Rule 56 EPC is the relevant provision which most closely corresponds to the provisions of Article 5(6) of the Patent Law Treaty (PLT). Rule 56 EPC was introduced after the Revision of the EPC (EPC 2000) (see decision of the Administrative Council of 7 December 2006 amending the Implementing Regulations to the EPC 2000 (Special edition No. 1, OJ EPO 2007, 89)) and entered into force on 13 December 2007 (see Article 3 of said decision of the Administrative Council).
3. Article 90(1) EPC provides that the EPO examines, in accordance with the Implementing Regulations to the EPC, whether the application satisfies the requirements for the accordance of a date of filing.

If the examination under Article 90(1) EPC reveals that parts of the description, or drawings referred to in the description or in the claims, appear to be missing, the EPO shall invite the applicant to file the missing parts within two months (Rule 56(1), first sentence, EPC).

4. It is not literally stipulated in Rule 56 EPC, that the applicant may also file of his own motion missing parts of the description or missing drawings (i.e. without being invited to do so by the EPO). However, Rule 56(2), first sentence, EPC, reads:

"If missing parts of the description or missing drawings are filed later than the date of filing, but within two months of the date of filing or, if a communication is issued under paragraph 1, within two months of that communication, the application shall be re-dated to the date on which the missing parts of the description or missing drawings were filed."

From this wording it is clear that the applicant may also file of his own motion missing parts of the description or missing drawings. This approach is in line with the intention of the legislator (see travaux préparatoires, CA/PL 5/02, 18 June 2002, Explanatory remarks, page 12 regarding Rule 39a EPC (which is the former provision of Rule 56 EPC in the travaux préparatoires)). The board also notes that this approach is reflected in the instructions to the EPO (see Guidelines for Examination in the EPO, April 2010, A-Chapter II, 5.2).

5. If the applicant files missing parts of the description or drawings within two months from the filing date or the communication under Rule 56(1) EPC, the application will be re-dated to the date on which the missing parts of the description or drawings were filed (Rule 56(2), first sentence, EPC). If, however, the application claims priority, the missing parts of the description or missing drawings which were completely contained in the priority application may, if the requirements of Rule 56(3) EPC are met, be included in the application without loss of the original date of filing.

6. In the present case, the appellant did not file the drawings 13 and 14 as the Receiving Section invited him to do. Instead, on 4 November 2009, the appellant filed a new description which was to replace the description originally filed on 13 August 2009 in its entirety. In comparison to the description filed on 13 August 2009, words were deleted and added in the text of the new description.

7. The appellant submitted that the description filed on 13 August 2009 was the wrong version of the description and had been erroneously filed with the EPO and that the newly filed description was the correct version and corresponded exactly and in its entirety to the description of the priority application. The appellant essentially argues that, since the present application claims priority, only the provisions of Rule 56(3) EPC were relevant for determining "*missing parts*" according to Rule 56 EPC. A different test applied in the present case than in cases where no priority was claimed. For cases where no priority was claimed Rule 56(1) EPC was the relevant provision. Consequently, in the appellant's view, the initially filed text of the description of the present application could be partly or fully replaced by documents which were intended to be filed on 13 August 2009. Such partial or full replacement was justified because these documents were identical with those of the priority application.

8. The main issue is therefore how the term "*missing parts of the description*" in Rule 56 EPC is to be construed and whether, for determining "*missing parts of the description*", different tests apply, depending on whether the application claims priority or not.

9. Neither the EPC nor the travaux préparatoires concerning Rule 56 EPC (or former Rule 39a EPC) contain a definition of the term "*missing parts of the description*". Therefore, this term must be construed.

10. The board considers that the same interpretation is to be given to the term "*parts of the description ... appear to be missing*" in Rule 56(1), first sentence, EPC as to the term "*missing parts of the description*" in the subsequent paragraphs of Rule 56 EPC for deciding if a part is missing from the description. This term is also used in the title of the whole provision. The board also considers that the terms "*missing parts of the description*", "*Fehlende Teile der Beschreibung*" and "*Parties manquantes de la description*" have the same meaning in all three language versions.

11. In the board's understanding the term "*description*" in "*missing parts of the description*" refers to the description which was originally filed in order to obtain a filing date and not to any other description, such as, for example, the one the appellant actually intended to file or the description of a priority application.

In its literal sense the term "*missing parts of the description*" indicates that some parts of the description are missing or absent but other parts of it have been filed. From this the board concludes that the incomplete originally filed description is to be completed by the missing parts which must be added to the already filed text of the description.

12. Thus an interpretation of Rule 56 EPC that some, or all, of the description that was originally filed in order to obtain a filing date could be amended, replaced or deleted is incorrect.

13. The above conclusion is supported by a reading of Rule 56 EPC. Rule 56(1) EPC concerns the situation where the examination by the Receiving Section "*on filing and as to formal requirements*" pursuant to Article 90 EPC leads the Receiving Section to consider that a complete description or set of drawings has not been filed. This formal examination can only be performed on the basis of the text and documents of the application as originally filed in order to obtain a filing date. Thus the term "*missing parts of the description*" must be read as parts missing from the application documents as originally filed in order to obtain a filing date.

14. Rule 56(2), first sentence, EPC concerns the situation where the applicant files "*missing parts of the description*" on its own motion. The Receiving Section has still to examine whether or not the subsequently filed parts of the description are missing from the initially filed description. There is no basis in Rule 56 EPC that, regarding missing parts of the description, the examination criteria is the correctness of the initially filed application documents with respect to the appellant's true intentions.

15. Rule 56(3) EPC explicitly refers to "**the** *missing parts of the description ... filed within the period under*

paragraph 2..." (emphasis added by the board). The board concludes from this wording that the term "missing *parts of the description*" in Rule 56(3) EPC has the same meaning as in the preceding paragraphs of Rule 56 EPC (Rule 56(2) EPC refers to paragraph (1) of Rule 56 EPC) and constitutes a requirement which must be fulfilled in order to comply with Rule 56(3) EPC.

16. The board does not consider that, for establishing whether the applicant filed "*missing parts of the description*" under Rule 56 EPC, different tests apply, depending on whether priority from an earlier application was claimed or not.

17. In the board's view, Rule 56(3) EPC provides the possibility to keep the initial filing date although "*the missing parts of the description*" were filed after the date of filing: If the applicant files "*the missing parts of the description*" of its own motion or upon invitation from the EPO within the period of Rule 56(2) EPC and the application claims priority from an earlier application, the date of filing does not change upon the applicant's request, provided that, *inter alia*,
 - (1) *the missing parts of the description* are completely contained in the earlier application;

 - (2) the applicant files a copy of the earlier application (priority document) within the period under Rule 56(2) EPC, unless such copy is already available to the EPO under Rule 53(2) EPC;

 - (3) the applicant indicates within the period under Rule 56(2) EPC as to where *the missing parts of the*

description are completely contained in the earlier application.

18. It follows from the provisions of Rule 56(3) EPC that, as far as the filing date of the application is concerned, Rule 56(3) EPC provides, if all its requirements are fulfilled, an exception to the principle laid down in Rule 56(2) EPC according to which an application is usually re-dated if "*the missing parts of the description*" were filed after the date of filing. However, there is no indication in Rule 56(3) EPC that it refers to a different type of "*missing parts of the description*" than those referred to in its preceding paragraphs or that, for determining "*missing parts of the description*", a different test applies, if the application claims priority from an earlier application. There is also no indication in Rule 56(3) EPC that a description filed after the filing date of an application may **substitute** the description as originally filed, either partly or in its entirety.

The board does also not consider that a comparison of the description and/or drawings of the application as originally filed in order to obtain a filing date with those of the priority application is to be made in order to determine the missing parts of the description within the meaning of Rule 56 EPC. Thus the board does not consider that the differences between the application as originally filed in order to obtain a filing date and the priority application, are the "*missing parts*" within the meaning of Rule 56 EPC. The wording of Rule 56(3) EPC clearly indicates that the disclosure of the priority application is only of

importance for establishing whether an application, for which indeed missing parts of the description were filed within the period under Rule 56(2) EPC, may keep its initial filing date upon the applicant's request. If these missing parts of the description are not completely contained in the priority application, the application has to be re-dated in accordance with Rule 56(2) or (5) EPC.

Thus, for determining "*the missing parts of the description*", it is irrelevant whether any subsequently filed description corresponds exactly and in its entirety to the description of the priority application.

19. In view of the above, the board concludes that, when applying Rule 56(3) EPC in the present case, it has firstly to be established whether the description filed on 4 November 2009 is to be considered as "*missing parts of the description*" within the meaning of Rule 56(1) to (3) EPC.

For this purpose the version of the description filed on 4 November 2009 has to be compared with that filed on 13 August 2009.

20. A comparison of the version of the description filed on 4 November 2009 with that filed on 13 August 2009 reveals that the later filed description does not complete the earlier filed description by adding missing parts but that the text of the earlier filed description is amended, replaced and deleted by the later filed description. The appellant also admits that the later filed description is intended to substitute

parts of the earlier filed text of the description. Thus according to the board's interpretation of the term "*missing part of the description*", the appellant did not file missing parts of the description. Hence the requirements pursuant to Rule 56 EPC, in particular those of paragraphs (2) and (3), are not met in the present case.

21. Since the requirement of "*missing part of the description*" is not met in the present case, the issue of whether the appellant was entitled under Rule 56(1) or (2) EPC to file parts other than the missing figures 13 and 14 in response to the EPO communication dated 18 September 2009 need not be addressed.

22. It follows from the above that the appellant's main request is not allowable under Rule 56 EPC.

Auxiliary request

23. The appellant requested, as its auxiliary request, to remit the case to the Receiving Section with the order to specify exactly what references to drawings 13 and 14 in the description and/or claims should be deleted pursuant to Rule 56(4) (a) EPC. This auxiliary request is allowable for the following reasons.

24. The appellant did not comply with the EPO invitation of 18 September 2009 under Rule 56(1) EPC to file missing figures 13 and 14 within 2 months of said communication. Thus all references to the missing drawings 13 and 14 in the description or in the claims are deemed to be deleted in accordance with Rule 56(4) (a) and (1) EPC.

25. In the reasons of the appealed decision, the Receiving Section concluded that the references to said drawings in the description filed on 13 August 2009 are deemed to be deleted pursuant to Rule 56(4) (a) EPC, but did not exactly specify what references to the drawings in the description and/or claims are deemed to be deleted.
26. In the present case, however, this information is of great importance for the appellant as can be seen from the following relevant passages of the description as originally filed.

The relevant passages on page 9 read as follows:

"FIG. 13 is a close-up view of a spring-loaded front latch which can be used to secure the front section of the cart of the invention to a corresponding front section of a portable blower housing;

FIG. 14 is a close-up view of a spring-loaded rear latch which can be used to secure the rear section of the cart of the invention to a corresponding rear section of a portable blower housing."

The relevant sentence on page 15 read as follows:

*"In a preferred embodiment, blower housing **201** is secured to rotary member **102** by means of a spring-loaded hook latch **202** attached to a front wall **204** of rotary member **102**, and a spring-loaded locking latch **203** attached to a rear wall **205** of rotary member **102** (see. FIGS. 10-14)."*

27. It is clear that the above passages of the description, apart from the references to the missing figures 13 and 14, possibly contain further technical information. If the references to the missing figures 13 and 14 are deemed to be deleted, it has to be determined whether any technical information in the relevant passages is still technically meaningful without the references and may therefore be retained. Moreover, if apart from the references to the missing figures 13 and 14 any technical information is deleted in the description, it has to be examined whether anything else has to be deleted in the claims.

28. The principle of legal certainty requires that the decision upon the deletion of parts of the description pursuant to Rule 54(4) (a) EPC leaves no doubt about what exactly is deemed to be deleted. In some cases it might be sufficient that the decision merely orders that the references in the description to figures are deemed to be deleted. However, in the present case, it is not clear which words or sentences are deemed to be deleted and, therefore, the Receiving Section should have determined which words or sentences were addressed.

Thus, it has to be specified what exactly is deemed to be deleted as the deletion could only concern e.g. on page 9 the words "Fig. 13 is a close up view of" or could include the following words of the whole sentence or paragraph.

29. Since the Receiving Section has not specified exactly in the decision under appeal what references to the drawings 13 and 14 in the description and/or claims are deemed to be deleted, the board considers it

appropriate to remit this case to the department of first instance in accordance with Article 111(1), second sentence, EPC.

30. However, the board wishes to point out by way of an *obiter dictum* that if the Receiving Section would have to base its decision on this issue on the result of a technical examination, which does not normally form part of its duties under Articles 16 and 90 EPC, the decision on exactly what references to the missing figures 13 and 14 are deemed to be deleted might lie within the competence of the Examining Division (see J 4/85, OJ EPO 1986, 205; J 33/89, OJ EPO 1991, 288 and J 7/97, not published in OJ EPO).

Order

For these reasons it is decided that:

1. The decision under appeal is set aside.

2. The case is remitted to the Receiving Section with the order to specify exactly what references to drawings 13 and 14 in the description and/or claims filed on 13 August 2009 should be deleted pursuant to Rule 56(4) (a) EPC.

The Registrar:

The Chairman:

C. Eickhoff

S. Hoffmann



Case Number: J 0027/10 - 3.1.01

D E C I S I O N
of 4 June 2012 correcting errors in the Decision
of the Legal Board of Appeal 3.1.01
of 9 December 2011

Appellant: Black & Decker Inc.
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Decision under appeal: Decision of the Receiving Section of the
European Patent Office posted on 2 August 2010.

Composition of the Board:

Chairman: S. Hoffmann
Members: T. Karamanli
D. S. Rogers

Pursuant to Rule 140 EPC, the decision J 0027/10 - 3.1.01 of 9 December 2011 is hereby corrected as follows:

On page 19, point 28, first sentence, the reference "pursuant to Rule 54(4) (a) EPC" is corrected to:

"...pursuant to Rule 56(4) (a) EPC... "

The Registrar:

The Chairman:

P. Cremona

S. Hoffmann