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**D E C I S I O N**  
**of 12 November 2002**

**Case Number:** T 0453/00 - 3.2.1

**Application Number:** 93117349.6

**Publication Number:** 0595267

**IPC:** B60Q 1/076, B60Q 1/06, B60Q 1/14

**Language of the proceedings:** EN

**Title of invention:**  
Headlight for motor vehicles

**Patentee:**  
MAGNETI MARELLI S.p.A.

**Opponent:**  
Valeo Vision

**Headword:**  
-

**Relevant legal provisions:**  
EPC Art. 54

**Keyword:**  
"Novelty (no)"

**Decisions cited:**  
-

**Catchword:**  
-



Case Number: T 0453/00 - 3.2.1

**D E C I S I O N**  
**of the Technical Board of Appeal 3.2.1**  
**of 12 November 2002**

**Appellant:** Valeo Vision  
(Opponent) 34 Rue Saint André  
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**Representative:** Potdevin, Emmanuel Eric  
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**Respondent:** MAGNETI MARELLI S.p.A.  
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**Representative:** Cerbaro, Elena, Dr.  
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**Decision under appeal:** Interlocutory decision of the Opposition Division  
of the European Patent Office posted 13 March  
2000 concerning maintenance of European patent  
No. 0 595 267 in amended form.

**Composition of the Board:**

**Chairman:** S. Crane  
**Members:** J. Osborne  
J. H. Van Moer

## Summary of Facts and Submissions

- I. The opponent's appeal is directed against the decision of the Opposition Division that European patent No. 0 595 267 and the invention to which it relates meet the requirements of the EPC, account being taken of amendments made by the patent proprietor during the opposition proceedings.
- II. The patent was opposed on the ground that the subject-matter of the claims lacked novelty and/or inventive step (Article 100(a) EPC).
- III. The decision of the Opposition Division was posted on 13 March 2000. Notice of appeal together with payment of the appeal fee was received on 4 May 2000. The reasons for appeal were received on 7 July 2000. The appellant requested that the impugned decision be set aside and that the patent be revoked in its entirety. In the reasons for appeal the appellant cited *inter alia* US-A-2 022 295 (D8), which had not been cited during opposition, and argued that the subject-matter of Claim 1 on which the impugned decision was based lacked novelty in the light of the disclosure of D8. The appellant further argued that as a result of the amendments made to the claim it failed to satisfy the requirement of Article 84 EPC in respect of clarity and it contravened the requirement of Article 123(2) EPC.
- IV. The reasons for appeal were communicated to the respondent (patent proprietor) which filed no substantive response. With a communication pursuant to Article 12 RPBA the Board indicated its provisional opinion that the amendments made to Claim 1 during the opposition procedure neither rendered the claim itself

unclear nor contravened the requirement of Article 123(2) EPC but that, based on the arguments of the appellant, the subject-matter of the claim lacked novelty with respect to the disclosure of D8. The Board informed the respondent that it considered D8 therefore to be of sufficient relevance to be introduced into the proceedings. No substantive reply was received from the respondent.

V. Claim 1 on which the impugned decision was based reads as follows:

"Headlight (1) for motor vehicles, comprising a reflector (6), a single lamp (8) housed in the said reflector and including only one light source having an axis (9), and means (16; 34; 47, 19, 32) of controlling the said lamp for the selective generation of a main light beam and of a dipped light beam, the said control means (16; 34; 47, 19, 32) comprising actuating means capable of moving the said lamp (8) between a first operating position, in which the said light source generates the said dipped light beam, and a second operating position, in which the said light source generates the said main light beam, the said actuating means (16; 34; 47, 19, 32) comprising means of causing inclination, capable of causing angular inclination of the said axis (9) into the said first and the said second operating positions of the said lamp (8), characterised in that said reflector (6) is fixed and the said control means (16; 34; 47, 19, 32) comprise means capable of causing the said lamp (8) to rotate with respect to the said reflector (6) about a rotation axis (13) orthogonal to the axis (9) of said light source."

## Reasons for the decision

1. The appeal is admissible.
2. The Board finds that the requirements of Article 84 EPC, as regards clarity of the claim itself, and of Article 123(2) EPC are satisfied. However, as set out below, the subject-matter of Claim 1 lacks novelty and so the claim is not allowable (Article 52(1) EPC). Under these circumstances it is not necessary to provide reasoning for the Board's findings in respect of Articles 84 and 123(2) EPC.
3. D8 relates to a headlight for automobiles, in which a lamp holder 4 is mounted in a collar 7 adapted for spherical movement in a bracket assembly 8, 9, 10 supported on the rear casing 1 of the headlight. Four electrical solenoids 13 located behind the collar are operable to pivot the lamp holder about a vertical or horizontal axis, or a combination thereof, orthogonal to the centre line of the lamp 3. The lamp holder is located behind a reflector 2 and the lamp protrudes through the rear thereof whereby the filament can be positioned selectively at, or spaced from, the focal point of the reflector by pivoting the collar in its support 8. The headlight comprises the reflector 2 and a single lamp 3 housed in the reflector and including only one light source (column 2, line 23) having an axis. The solenoids 13 are operable to angularly incline the lamp into a first operating position (Figure 3), in which the light source generates the dipped light beam, and a second operating position (Figure 2), in which the light source generates the main light beam, and cause the lamp to rotate with respect to the reflector about a rotation axis

orthogonal to the axis of the light source. It is implicit that the reflector is fixed relative to the casing. It follows that D8 discloses all features of Claim 1, the subject-matter of which therefore is not new (Article 54 EPC).

## **Order**

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

1. The decision under appeal is set aside.
2. The patent is revoked.

The Registrar:

The Chairman:

S. Fabiani

S. Crane