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D E C I S I O N
of 5 December 2003

Case Number: T 0512/01 - 3.5.2

Application Number: 94118105.9

Publication Number: 0655804

IPC: H01R 13/523

Language of the proceedings: EN

Title of invention:
Replaceable contact connector

Applicant:
ITT MANUFACTURING ENTERPRISES, INC.

Opponent:
-

Headword:
-

Relevant legal provisions:
EPC Art. 123(2)

Keyword:
"Added subject-matter (yes)"

Decisions cited:
-

Catchword:
-



Case Number: T 0512/01 - 3.5.2

D E C I S I O N
of the Technical Board of Appeal 3.5.2
of 5 December 2003

Appellant: ITT MANUFACTURING ENTERPRISES, INC.
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Representative: Esser, Wolfgang
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Decision under appeal: Decision of the Examining Division of the
European Patent Office posted 2 October 2000
refusing European application No. 94118105.9
pursuant to Article 97(1) EPC.

Composition of the Board:

Chairman: W. J. L. Wheeler
Members: J.-M. Cannard
J. H. P. Willems

Summary of Facts and Submissions

I. The appellant contests the decision of the examining division to refuse European patent application No. 94 118 105.9.

II. The current version of claim 1, which was filed with the letter dated 13 January 2000, reads as follows:

"A connector system which includes first and second connectors (12, 14) respectively having first and second shells (20, 90) with front portions, first and second main insulators (22, 92) lying in corresponding ones of said shells (20, 90), and first and second pluralities of main contacts (24) lying in corresponding ones of said main insulators (22, 92), wherein said first main contacts (24) have socket-type front ends (30) and said second main contacts have pin type front ends (106), wherein said connector systems includes first and second insert modules (32, 100) lying respectively in said first and second shell (20, 90) front portions and being removable therefrom, each module having an insert insulator (36, 36A) and a plurality of insert contacts (38, 38A); said first insert contacts (38) have pin-type rear ends (62) mated to said socket-type front ends (30) of said first main contacts (24), and said first insert contacts (38) have socket-type front ends (40); and said second insert contacts (38A) have socket-type rear ends (40A) mated to said pin-type front ends (106) of said second main contacts (94) and said second insert contacts have pin-type front ends (62A); characterized in,

that said first and second insert modules (32, 100) are identical;

said socket-type ends (40, 40A) of said insert contacts (38, 38A) are fully covered by said insert insulator,

and the rear end of said insert module is mateable with the front end of the other."

Claims 2 and 3 are dependent on claim 1.

- III. With a summons to oral proceedings, which had been requested by the appellant, the Board issued a communication in which it was pointed out, *inter alia*, that the feature of claim 1 according to which "said first and second modules (32, 100) are identical" appeared to contravene Article 123(2) EPC.
- IV. Oral proceedings were held on 5 December 2003. Nobody appeared on behalf of the appellant. Nor has any written reply to the Board's communication been received.
- V. According to the file the appellant requests that the decision under appeal be set aside and that a patent be granted on the basis of:

claims 1 to 3 filed with letter dated 13 January 2000.
- VI. The written submissions made in the statement of grounds of appeal may be summarized as follows:

Nothing in document FR-A-2 670 955, taken independently or in any combination with the other cited documents, suggested the use of identical first and second insert modules as recited in claim 1.

Reasons for the Decision

1. The appeal is admissible.
2. Inquiries revealed that the appellant had been duly summoned to the oral proceedings. The Board is therefore able to take a decision.
3. Claim 1 contravenes Article 123(2) EPC *inter alia* for the following reason:

The present claim 1 recites that "said first and second insert modules (32, 100) are identical". This feature does not appear to be directly and unambiguously derivable from the application as originally filed. According to claim 6 of the application as filed, "said first and second insert modules (32, 100) are substantially identical". Regarding the interpretation to be given to "substantially identical", it is noted that according to claim 4 of the application as filed "said first and second insert modules (32, 100) are substantially identical in that either one can be substituted for the other". According to the description of the application as filed: "The second module is substantially identical to the first module so that they can replace one another" (see column 1, lines 40 to 42 of the published application); "The two insert modules 30, 100 are substantially identical, in

that one can be substituted for the other" (see column 5, lines 5 to 7); and "the insert modules of the two connectors being substantially identical so they can replace one another" (see column 5, lines 39 to 41). But there is no disclosure in the application as filed to the effect that the two insert modules are absolutely identical.

4. Since claim 1 according to the appellant's request contravenes Article 123 EPC, this request cannot be granted and the appeal must be dismissed.

Order

For these reasons it is decided that:

The appeal is dismissed.

The Registrar:

The Chairman:

D. Sauter

W. J. L. Wheeler