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**D E C I S I O N**  
**of 14 July 2003**

**Case Number:** T 1103/02 - 3.2.7

**Application Number:** 97115580.9

**Publication Number:** 0834479

**IPC:** C03B 33/07

**Language of the proceedings:** EN

**Title of invention:**

Process for cutting of glass sheets, standard, laminated not armored

**Applicant:**

FOR.EL. BASE di VIANELLI FORTUNATO & C. S.n.c.

**Opponent:**

-

**Headword:**

-

**Relevant legal provisions:**

EPC Art. 56

**Keyword:**

"Inventive step (no)"

**Decisions cited:**

-

**Catchword:**

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Case Number: T 1103/02 - 3.2.7

**D E C I S I O N**  
of the Technical Board of Appeal 3.2.7  
of 14 July 2003

**Appellant:** FOR.EL. BASE di VIANELLO FORTUNATO & C.S.n.c.  
Via per Monastier 4  
I-31056 Vallio di Roncade (Treviso) (IT)

**Representative:** -

**Decision under appeal:** Decision of the Examining Division of the  
European Patent Office posted 12 July 2002  
refusing European application No. 97115580.9  
pursuant to Article 97(1) EPC.

**Composition of the Board:**

**Chairman:** A. Burkhart  
**Members:** K. Poalas  
C. Holtz

## Summary of Facts and Submissions

- I. The appellant (applicant) lodged an appeal against the decision of the Examining Division refusing European application No. 97 115 580.9.

The Examining Division held that the application did not meet the requirements of Article 84 EPC and did not involve an inventive step (Articles 56 EPC) having regard to the state of the art as acknowledged by the appellant and the state of the art according to documents:

D2: US 4 545 515 A and

D3: US 4 892 020 A.

- II. The appellant requested that the decision under appeal be set aside and that a patent be granted on the basis of the independent claims 1 and 10 filed with letter of 18 July 2001. Oral proceedings were requested as an auxiliary request.

- III. With letter dated 20 March 2003 the appellant was summoned to attend oral proceedings on 8 July 2003. In the annex to this summons the Board expressed its doubts concerning the inventive step involved in the alleged invention.

- IV. With telefax received on 6 June 2003 the appellant stated that he would not participate at the oral proceedings on 8 July 2003.

V. With telefax of 12 June 2003 the appellant was informed by the Board that the oral proceedings due to take place on 8 July 2003 were cancelled.

VI. The wording of independent claims 1 and 10 according to the appellant's request reads as follows:

"1. Procedure for the cutting of the plates of glass, particularly of plates of laminated not armored glass, composed by at least two glasses and by at least a membrane included between the same, the cutting consisting in one or more of the following processes: scribing/breaking/membrane separation that is characterized for the fact that said plates or splitting up of the same, are kept in a vertical position or slightly inclined in respect to the vertical plane during the execution of the following phases: first cut of said plate according to a parallel line to a first side of the same one to get a first band; first conveying of said first band and rotation of the same; second conveying of said first band rotated to carry out a second cut of the same along a line parallel to a second different side of said plate; reiterations of the previous phases until the completion of the required splitting up in the progressive levels of said plate."

"10. Cutting table including means to work plates of glass, particularly plates of laminated not armored glass or splitting up of the same, the means consisting in one or more of the following devices: scribing device/breaking device/membrane separation device, that is characterized for the fact to keep them in a

vertical position or slightly inclined in respect to the vertical plane."

VII. The appellant argued essentially as follows:

It was not obvious to the skilled person confronted with the problem that horizontal glass plate cutting tables take too much floor area to position these glass plate cutting plates vertically or slightly inclined in respect to the vertical plane, and thus to arrive at the procedure according to claim 1. Also the content of documents D2 and D3 teaching that glass plates can be cut in substantially vertical position with an abrasive disc could not lead the skilled person to the subject-matter of claim 1.

As the majority of the known glass cutting machines had a horizontal cutting table, and only the RBB machines had a vertical layout for cutting armored glass using a saw operating in a flow of water, there existed a prejudice against cutting laminated glass plates in vertical position.

Therefore, the subject-matter of claims 1 and 10 involved an inventive step.

## **Reasons for the Decision**

### 1. *Inventive step*

The Board concurs with the conclusion of the examining division that a procedure for cutting glass plates according to claim 1 without the feature that the

plates of glass are kept in a vertical position or slightly inclined in respect to the vertical plane during treatment forms part of the state of the art. This is also confirmed by the paragraph bridging pages 3 and 4 of the description of the patent application and by the appellant's letter dated 22 October 2002, ITEM II, paragraph 3, first four lines.

By keeping the plates of glass to be cut in a vertical position or slightly inclined with respect to the vertical plane during treatment, the area needed in the factory for carrying the cutting of plates of glass is reduced, see page 6, lines 14 to 16 of the description of the patent application.

The scribing and braking of plates of glass kept in vertical position is well known to the person skilled in the art, see document D2, column 1, lines 8 to 22.

Therefore, the person skilled in the art intending to reduce the factory space occupied by horizontal glass plate cutting tables will apply the teaching of document D2 and will position the cutting table in a vertical position without exercising any inventive activity.

With respect to the argument of the appellant concerning the existence of a prejudice against the cutting of glass plates while kept in the vertical position or slightly inclined with respect to the vertical plane, the Board concurs with the finding of the examining division, see paragraph 3.8 of the Reasons of the Decision, that the leaflets of different

companies filed by the appellant, showing only horizontal glass cutting tables and disclosing no indication towards cutting glass plates while kept in a vertical position do not in themselves provide any evidence for the existence of such a prejudice. On the contrary, the appellant itself filed a leaflet showing RBB machines cutting plates of glass kept in a vertical position, see appellant's letter dated 18 July 2001, ITEM 5, paragraph 3, and annex B.

Therefore, the subject-matter of independent claim 1 does not involve an inventive step in the meaning of Article 56 EPC.

The same applies to the subject-matter of claim 10, which contains essentially the same features as claim 1.

## **Order**

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

The Appeal is dismissed.

The Registrar:

The Chairman:

D. Spigarelli

A. Burkhardt