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

**Case Number:** T 1219/02 - 3.2.7

**Application Number:** 97117762.1

**Publication Number:** 0837040

**IPC:** C03B 1/00

**Language of the proceedings:** EN

**Title of invention:**

Method and machine for automatic cutting of laminated glass  
and armored glass

**Applicant:**

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

**Opponent:**

-

**Headword:**

-

**Relevant legal provisions:**

EPC Art. 56

**Keyword:**

"Inventive step (no)"

**Decisions cited:**

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**Catchword:**

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Case Number: T 1219/02 - 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 4 July 2002  
refusing European application No. 97117762.1  
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. 97 117 762.1.

The Examining Division held that the application did not meet the requirements of Article 123(2) EPC and did not involve an inventive step (Article 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. In the statement of the grounds of appeal the appellant requested that the decision under appeal be set aside and that a patent be granted on the basis of claims 1 to 11, filed with letter of 24 August 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 said summons the Board expressed, *inter alia*, its provisional opinion that the subject-matter of claims 1 and 2 did not involve an inventive step having regard the state of the art as acknowledged to be known by the appellant and according to document D4 (CH 686 572 A) and the common general knowledge of the person skilled in the art.

- 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 2 according to the appellant's request reads as follows:

"1. Automatic procedure for the cutting of laminated and armoured glass sheets carried out on sheets which have been placed vertically or slightly inclined in respect to the vertical plane or with any orientation, by means of a tool formed by an abrasive grinding wheel operating in a flow of water, marked by the fact that the process is organised in a first cutting phase of the glass sheet according to a line running parallel to one side of the sheet, in a second phase of conveyance of the cut strip, in a third phase of rotation of the same strip, in a fourth phase of conveyance of the same strip, in a fifth cutting phase of the strip according to a line parallel to the other side of the original glass sheet and in further progressive phases which take into account both glass strips and glass sheets until the desired fractionating of the glass sheet throughout the progressive levels has been achieved."

"2. Automatic machine for cutting laminated and armoured glass sheets which works on a glass sheet which has been placed in a vertical position or slightly inclined in respect to the vertical plane or with any orientation, by means of a tool formed by an

abrasive grinding wheel operating in a flow of water, marked by the fact that it carries out the cutting of the glass sheet in an initial station according to a line parallel to one side of the glass sheet, in a second station, the conveyance of the cut strip of glass, in a third station, the rotation of the same strip of glass, in a fourth station, the conveyance of the same strip of glass, in a fifth station, the cutting of the glass strip according to a line parallel to the other side of the glass sheet."

VII. The appellant argued essentially as follows:

It is obvious to cut an armoured glass vertically with a grinding tool only for one level of cut. It is not obvious to cut glass in a multilevel process standing vertically, even if it was known to do so when horizontally placed.

The state of the art RBB machines having a vertical layout execute only one level of cut while for the following levels the strip of glass has to be removed from the machine and reloaded after having been rotated away from the machine by hand. There is a prejudice against multi-level cutting of glass sheets in a vertical position.

Therefore, the subject-matter of independent claim 1 involves an inventive step.

## Reasons for the Decision

### *Inventive step*

The wording of claim 1 that the automatic procedure for the cutting of laminated and armoured glass sheets carried out on "sheets which have been placed vertically or slightly inclined in respect to the vertical plane or with any orientation", embraces also a horizontal positioning of the glass sheets to be cut.

According to the appellant, see appellant's letter dated 7 August 2001, ITEM 1, paragraph 1.1 and 1.2, lines 1 to 9, an automatic procedure for a multi-level cutting of glass sheets carried out on a horizontal cutting table by means of a cutting tool, belongs to the state of the art. This is also confirmed by document D4, see column 1, lines 6 to 10, column 2, lines 7 to 9 and figure 1.

The appellant also acknowledged that it belongs to the state of the art that an automatic, multi-level glass sheet cutting procedure, carried out on sheets which have been placed horizontally, is organised in a first cutting phase of the glass sheet according to a line running parallel to one side of the sheet, in a second phase of conveyance of the cut strip, in a third phase of rotation of the same strip, in a fourth phase of conveyance of the same strip, in a fifth cutting phase of the strip according to a line parallel to the other side of the original glass sheet and in further progressive phases which take into account both glass strips and glass sheets until the desired fractionating of the glass sheet throughout the progressive levels

has been achieved, see appellant's letter dated 7 August 2001, ITEM 1, paragraph 1.1 and 1.2, lines 1 to 9.

The procedure according to claim 1 differs from such a known procedure in that the cutting tool used is an abrasive grinding wheel operating in a flow of water.

The problem to be solved in the present case can be seen in the selection of a cutting tool for a known armoured glass sheets cutting procedure.

The use of an abrasive grinding wheel operating in a flow of water as a cutting tool is well known in the field of cutting armoured glass sheets, as is acknowledged in appellant's letter dated 7 August 2001, ITEM 1, paragraph 1.5, line 16.

Therefore, the use of a known cutting tool, ie abrasive grinding wheel operating in a flow of water, in a known armoured glass sheets cutting procedure lies within the normal practice followed by a person skilled in the art.

For the above mentioned reasons, the subject-matter of claim 1 does not involve an inventive step within the meaning of Article 56 EPC.

The same applies to the subject-matter of claim 2, 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