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**Datasheet for the decision
of 21 March 2007**

Case Number: T 0802/05 - 3.5.02

Application Number: 97250300.7

Publication Number: 0836257

IPC: H02B 1/04

Language of the proceedings: EN

Title of invention:

Fixing device for electro domestic appliances for applying of
an electrical component

Applicant:

D.E.M. S.r.l.

Opponent:

-

Headword:

-

Relevant legal provisions:

EPC Art. 83

Keyword:

"Sufficiency of disclosure (yes - after amendments)"
"Remittal for further prosecution"

Decisions cited:

-

Catchword:

-



Case Number: T 0802/05 - 3.5.02

D E C I S I O N
of the Technical Board of Appeal 3.5.02
of 21 March 2007

Appellant: D.E.M. S.r.l.
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Representative: Wablat, Wolfgang
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Decision under appeal: Decision of the Examining Division of the
European Patent Office posted 4 April 2005
refusing European application No. 97250300.7
pursuant to Article 97(1) EPC.

Composition of the Board:

Chairman: M. Ruggiu
Members: M. Rognoni
C. Holtz

Summary of Facts and Submissions

I. The appellant (applicant) appealed against the decision of the examining division refusing European patent application No. 97 250 300.7.

II. In the contested decision, the examining division held that the application had to be refused because it did not fulfil the requirements of Article 83 EPC.

III. In a first communication dated 5 October 2006 accompanying summons to oral proceedings, the Board invited the appellant to draft a new independent claim directed to the embodiment of the invention shown in Figures 5 to 9, in order to overcome the examining division's objections pursuant to Article 83 EPC.

In reply to the Board's communication, the appellant filed new claims 1 to 3 with a letter dated 19 February 2007.

IV. In a second communication dated 12 March 2007, the Board made some further suggestions directed to improving the clarity of the wording of claim 1.

With a letter dated 19 March 2007, the appellant expressed its agreement with the Board's suggestions, filed a new independent claim 1 and requested that the case be remitted to the first instance for further prosecution.

V. Oral proceedings were held on 21 March 2007 in the absence of the appellant.

VI. The application comprises now the following documents:

Claims: No. 1 as filed with the letter dated
19 March 2007,
No. 2 and 3 as filed with the letter
dated 19 February 2007;

Description: pages 1 to 9 as originally filed;

Drawings: Sheets 1/2 to 2/2 as originally filed.

VII. Claim 1 reads as follows:

"Fixing assembly for applying an electrical component (A), in particular an anti-disturbance filter to a supporting structure of a domestic appliance, comprising:

- a covering box (1) for containing the electrical component (A) and provided with a pair of L-shaped guide members (11, 12) arranged axially and in parallel, and integrally formed with a lateral surface of said covering box (1), said guide members (11/12) (*sic*) having inferior elastic extremities (15, 16) provided with inclined inserts (16, 18); and
- a bracket (50) provided with folded rims (51, 52) having openings (53, 54) for containing the inclined inserts (17, 18) of the guide members (11, 12), whereby the bracket (50) is connected to the covering box (1) by putting the folded rims (51, 52) between the overlaying guide members (11, 12) until the inserts (17, 18) fit into the openings (53, 54) of the rims (51, 52);

said bracket (50) further comprising:

- openings (59) or other fixing elements for fixing the bracket (50) to the supporting structure of the domestic appliance;
- an extremity (60) for earthing of the domestic appliance; and
- an earthing clip (55) to ensure the contact with a terminal of earthing of component (A)."

VIII. The appellant's written submissions may be summarized as follows:

The essential features of the fixing device for a domestic appliance according to the present invention comprised a pair of L-shaped guide members applied axially on the lateral surface of a covering box. The lower portion of the guide members were elastic extremities, each having an insert with an inclined surface. According to an embodiment of the invention, the appliance was connected with a bracket having folded rims with openings wherein the elastic inserts of the guide members were locked.

As the present invention, *i.e.* its essential features as well as their function, were sufficiently disclosed in the application documents as originally filed, the requirements of Article 83 EPC were complied with.

Reasons for the decision

1. The appeal is admissible.

2.1 Claim 1 according to the appellant's request relates to a fixing assembly for applying an electrical component as illustrated in Figures 5 to 9 and described on page 7, line 30, to page 9, line 12, of the application as originally filed.

2.2 As the combinations of features recited in claims 1 to 3 do not extend beyond the content of the application as filed, the amendments submitted by the appellant are in compliance with Article 123(2) EPC.

3.1 The gist of the present invention, as illustrated in Figures 5 to 9, consists in providing a covering box 1 for an electrical component with a pair of L-shaped guide members 11 and 12 integrally formed with the lateral surface of the covering box and parallel to its longitudinal axis, and in further providing a corresponding supporting bracket 50 with a pair of folded rims 51 and 52 which fit between the L-shaped guide members of the covering box. As shown in Figure 1, each of the guide members 11 and 12 has a lower portion which can be bent outwardly in a direction perpendicular to the axis of the covering box and is provided with an inclined insert 17 and 18. Two openings 53 and 54 are formed in the bottom part of the folded rims of the bracket.

As can be seen from Figures 7, 8 and related parts of the description, the covering box 1 is fixed to its supporting bracket 50 by initially placing the bottom part of the folded rims 51 and 52 of the bracket 50 between the upper portion of the L-shaped guide members 11 and 12 of the covering box 1 and sliding said box upwards along its axis until the inclined

inserts 17 and 18 of the elastic extremities of the guide members 11 and 12 engage within the openings 53 and 54 of the bracket 50. This is possible because the elastic extremities of the L-shaped guide members are bent outwardly when they are pushed against the lower portion of the folded rims 51 and 52. It is evident to the person skilled in the art that the covering box 1 can be separated from the bracket 50 by pushing the inclined inserts 17 and 18 of the guide members 11 and 12 outwardly in a direction perpendicular to the axis of the covering box to disengage them from the openings 53 and 54, and by subsequently sliding said guide members downwards along the folded rims 51 and 52 of the bracket 50.

3.2 In conclusion, the Board finds that the application as originally filed discloses the invention, as defined in claim 1 of the appellant's request and shown in Figures 5 to 9, in a manner sufficiently clear and complete for it to be carried out by a person skilled in the art. Hence, the present application fulfils the requirements of Article 83 EPC.

4. In the contested decision, the examining division did not consider any other requirement of the EPC, and in particular did not deal with the issues of novelty and inventive step. Hence, the Board considers it appropriate in the present case to make use of its power under Article 111(1) EPC and, in accordance with the appellant's request, to remit the case to the department of first instance for further prosecution.

Order

For the following reasons it is decided that:

1. The decision under appeal is set aside.
2. The case is remitted to the department of first instance for further prosecution.

The Registrar:

The Chairman:

U. Bultmann

M. Ruggiu