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**Datasheet for the decision  
of 18 July 2007**

**Case Number:** T 1409/05 - 3.4.03

**Application Number:** 01128824.8

**Publication Number:** 1227469

**IPC:** G09G 3/36

**Language of the proceedings:** EN

**Title of invention:**  
Liquid crystal device

**Applicant:**  
SEIKO EPSON CORPORATION

**Opponent:**  
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**Headword:**  
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**Relevant legal provisions:**  
EPC Art. 76(1), 111(1)

**Keyword:**  
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**Decisions cited:**  
G 0001/06, T 1409/05

**Catchword:**  
-



Case Number: T 1409/05 - 3.4.03

**D E C I S I O N**  
of the Technical Board of Appeal 3.4.03  
of 18 July 2007

**Appellant:**

SEIKO EPSON CORPORATION  
4-1, Nishishinjuku 2-chome  
Shinjuku-ku  
Tokyo (JP)

**Representative:**

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**Decision under appeal:**

Decision of the Examining Division of the  
European Patent Office posted 17 June 2005  
refusing European application No. 01128824.8  
pursuant to Article 97(1) EPC.

**Composition of the Board:**

**Chairman:** R. G. O'Connell  
**Members:** G. Eliasson  
T. Bokor

## **Summary of Facts and Submissions**

- I. This is an appeal against the refusal of European patent application 01 128 824.8 for noncompliance with Article 76(1) EPC.
  
- II. The present application (A3) is the third in a sequence A1, A2, A3 of divisional applications, each divided from its predecessor, and stemming from a root (originating) application A0 (89 304 929.6). The root and the first divisional A1 (94 106 661.5) have been granted. The second divisional A2 (97 200 954.2) was refused for noncompliance with Article 76(1) EPC as were its sibs B2 (97 200 955.9) and C2 (97 200 957.5).
  
- III. Specific questions concerning the application of Article 76(1) EPC to a sequence of divisional applications each divided from its predecessor were referred to the Enlarged Board of Appeal by the board's interlocutory decision T 1409/05 of 30 March 2006 (OJ EPO 2007, 113). These questions were answered by the Enlarged Board in decision G 1/06.
  
- IV. The appellant applicant requests that the decision under appeal be set aside and that a patent be granted on the basis of the application as filed.

## **Reasons for the Decision**

1. In the decision G 1/06 the Enlarged Board of Appeal held that in the case of a sequence of applications consisting of a root (originating) application followed by divisional applications, each divided from its

predecessor, it is a necessary and sufficient condition for a divisional application of that sequence to comply with Article 76(1) EPC, second sentence, that anything disclosed in that divisional application be directly and unambiguously derivable from what is disclosed in each of the preceding applications as filed.

2. The board found in its interlocutory decision of 30 March 2006 that the subject matter of present application A3 was directly and unambiguously derivable from each of A0, A1, and A2 as filed (reasons 5.1 to 5.5). Following G 1/06, the requirements of Article 76(1), second sentence, EPC are thus complied with.
  
3. The decision under appeal was based solely on Article 76(1) EPC and it appears from the file that the examining division did not examine any other substantive requirements for patentability. Hence it is appropriate pursuant to Article 111(1) EPC to remit the case to the examining division for further prosecution.

**Order**

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

The case is remitted to the department of first instance for further prosecution.

Registrar

Chair

S. Sánchez Chiquero

R. G. O'Connell