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**Datasheet for the decision  
of 16 October 2007**

**Case Number:** T 0191/06 - 3.2.05

**Application Number:** 98945399.8

**Publication Number:** 1019249

**IPC:** B41F 7/12

**Language of the proceedings:** EN

**Title of invention:**

Printing unit

**Patentee:**

GOSS GRAPHIC SYSTEMS LIMITED

**Opponents:**

Koenig & Bauer Aktiengesellschaft  
MAN Roland Druckmaschinen AG

**Headword:**

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**Relevant legal provisions:**

EPC Art. 54, 56

RPBA Art. 10b

**Keyword:**

"Late filed request (admitted)"

"Novelty (yes)"

"Inventive step (yes)"

**Decisions cited:**

-

**Catchword:**

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Case Number: T 0191/06 - 3.2.05

**DECISION**  
of the Technical Board of Appeal 3.2.05  
of 16 October 2007

**Appellant:**  
(Opponent 02)

MAN Roland Druckmaschinen AG  
Stadtbachstraße 1  
Postfach 10 00 96  
D-86135 Augsburg (DE)

**Party as of Right:**  
(Opponent 01)

Koenig & Bauer Aktiengesellschaft  
-Lizenzen-Patente-  
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D-97080 Würzburg (DE)

**Respondent:**  
(Patent Proprietor)

GOSS GRAPHIC SYSTEMS LIMITED  
Greenbank Street  
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**Representative:**

Jacoby, Georg  
Samson & Partner  
Widenmayerstraße 5  
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**Decision under appeal:**

Interlocutory decision of the Opposition  
Division of the European Patent Office posted  
23 November 2005 concerning maintenance of  
European patent No. 1019249 in amended form.

**Composition of the Board:**

**Chairman:** W. Zellhuber  
**Members:** P. Michel  
E. Lachacinski

## Summary of Facts and Submissions

- I. The appellant (opponent 02) lodged an appeal against the interlocutory decision of the Opposition Division maintaining European patent No. 1 019 249 in amended form.

In the decision under appeal, it was held that the grounds of opposition submitted by the appellant did not prejudice the maintenance of the patent as amended.

- II. Oral Proceedings were held before the Board of Appeal on 16 October 2007.

- III. The appellant requested that the decision under appeal be set aside and that the European Patent No. 1 019 249 be revoked in its entirety.

The respondent (patentee) requested that the decision under appeal be set aside and that the patent in suit be maintained on the basis of claims 1 to 16 submitted during oral proceedings.

The party as of right (opponent 01) neither submitted any requests nor attended the oral proceedings.

- IV. Claim 1 of the sole request of the respondent reads as follows:

"1. A printing unit for double sided offset printing on a substrate, said unit comprising:

    a first and a second blanket cylinder disposed one on either side of a substrate path;

a first pair of plate cylinders each selectively moveable into and out of contact with the first blanket cylinder,

wherein the first blanket cylinder is moveable to a first position for pressing said substrate against the second blanket cylinder and is moveable to a second position to provide a clearance between said blanket cylinders along said substrate path;

wherein an interlock mechanism is provided to prevent interference between the motion of the first blanket cylinder and its associated pair of plate cylinders;

wherein said interlock mechanism comprises a bell-crank and a bell-crank actuator and connecting rod to produce simultaneous relative motion of the first blanket cylinder and said pair of plate cylinders."

V. The following documents are referred to in the present decision:

D1: DE-A-39 17 340

D2: Helmut Teschner, "Offsetdrucktechnik",  
Fachschriften-Verlag, 9th edition, 1995,  
pages 10/45 to 10/47

D5: US-A-4,369,705

VI. The appellant's arguments in the written and oral proceedings can be summarised as follows:

The request of the respondent submitted during oral proceedings was late filed and should not be admitted into the proceedings.

VII. The respondent's arguments in the written and oral proceedings can be summarised as follows:

The amended request submitted during oral proceedings should be admitted into the proceedings. The amendments to claim 1 involve merely the introduction of the subject-matter of claims 7 and 8 of the claims as maintained by the Opposition Division. In addition, the amendments were necessitated by arguments raised by the Board for the first time in the oral proceedings.

### **Reasons for the Decision**

1. Late filing of the request of the respondent

The request under consideration differs from the previous request of the respondent in that the features of claims 7 and 8 are introduced into claim 1. This amendment was made during the oral proceedings in response to arguments raised by the Board. Although similar arguments had been raised by the appellant earlier in the proceedings, the arguments of the Board were presented in a different form, relying on a different formulation of the problem to be solved.

Further, the amendment to claim 1 merely involved a combination of claims present in the set of claims forming the previous request of the appellant.

Thus, the Board is of the opinion that it is appropriate to exercise their discretion to admit the request into the procedure in accordance with

Article 10b of the Rules of Procedure of the Boards of Appeal.

2. Novelty

2.1 None of the cited prior art documents discloses a printing unit having an interlock mechanism for preventing interference between the motion of a blanket cylinder and its associated pair of plate cylinders which comprises a bell-crank and a bell-crank actuator and connecting rod to produce simultaneous relative motion of the blanket cylinder and the pair of plate cylinders.

2.2 The only document to disclose a crank and connecting rod arrangement is document D5. As shown in Figures 2 to 5 of document D5, a linkage 110 comprising a pivotable link 154 has connecting rods 166 and 168 which are connected to the eccentrics 70 and 72 of blanket cylinders 60 and 62. There is, however, no suggestion of a linkage connecting a blanket cylinder and an associated pair of plate cylinders.

The subject-matter of claim 1 is thus new within the meaning of Article 54 EPC.

3. Inventive Step

3.1 Closest Prior Art

The closest prior art is represented by the printing unit shown in Figure 2 of document D1. Whilst this document does not refer to any movement of the blanket cylinders, the person skilled in the art is aware that

it is necessary to move at least one of the blanket cylinders 3 away from the other (print-off position), in particular in order to provide a clearance to permit the introduction of a fresh web of paper, cf. document D2, page 10/47, left hand column, second paragraph.

Document D1 does not, however, disclose any form of interlock mechanism for preventing interference between the motion of a blanket cylinder and its associated pair of plate cylinders 11.

### 3.2 Problem to be Solved

The problem to be solved may accordingly be regarded as being to prevent such interference.

### 3.3 Solution

The solution to this problem as specified in claim 1, that is, the provision of a bell-crank and a bell-crank actuator and connecting rod to produce simultaneous relative motion of the blanket cylinder and the pair of plate cylinders is not suggested in the cited prior art.

As stated under point 2.2 above, the crank and connecting rod arrangement of document D5 is not concerned with any motion of the plate cylinders and is thus not relevant to a solution of the above problem.

The subject-matter of claim 1 thus involves an inventive step within the meaning of Article 56 EPC.

### 4. Claims 2 to 13 relate to preferred aspects of the printing unit of claim 1. Claims 14 and 15 relate to a

printing apparatus comprising a plurality of printing units according to claims 1 to 13. Claim 16 relates to a printing press comprising a plurality of printing apparatuses according to claim 14 or 15. The subject-matter of these claims thus similarly involves an inventive step.

## **Order**

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

1. The decision under appeal is set aside.
2. The case is remitted to the department of first instance with the order to maintain the patent on the basis of the following documents submitted during oral proceedings:
  - a) claims 1 to 16
  - b) description pages 2 to 4
  - c) drawings sheets 1/2 and 2/2

The Registrar:

The Chairman:

D. Meyfarth

W. Zellhuber