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**Datasheet for the decision  
of 22 April 2009**

**Case Number:** T 1147/06 - 3.2.03

**Application Number:** 96936998.2

**Publication Number:** 0857242

**IPC:** E03D 9/00

**Language of the proceedings:** EN

**Title of invention:**

Horizontal-flow oil-sealant-preserving drain odor trap

**Patentee:**

Gorges, Ditmar L.

**Opponent:**

IFÖ Sanitär AB  
URIDAN A/S  
John Reese

**Headword:**

-

**Relevant legal provisions:**

EPC Art. 87, 112(1)

**Relevant legal provisions (EPC 1973):**

EPC R. 55(c)

**Keyword:**

"Admissibility of the oppositions - sufficient substantiation (yes)"

"Late-filed submission - not admitted"

"Priority - priority document first filing of the invention (yes)"

"Referral of a question to the Enlarged Board of Appeal (refused)"

"Dimensions derivable from drawings (no)"

**Decisions cited:**

G 0002/98, T 0204/83, T 0272/92, T 0748/91

**Catchword:**

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Case Number: T 1147/06 - 3.2.03

**D E C I S I O N**  
of the Technical Board of Appeal 3.2.03  
of 22 April 2009

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**Decision under appeal:**

**Decision of the Opposition Division of the  
European Patent Office posted 14 June 2006  
revoking European patent No. 0857242 pursuant  
to Article 102(1) EPC.**

**Composition of the Board:**

**Chairman:** U. Krause  
**Members:** G. Ashley  
K. Garnett

## Summary of Facts and Submissions

- I. European patent EP-B-857 242 is based on international application PCTUS96/17187 (published as WO-A-97/15735), which was filed on 25 October 1996 and claims priority from US-A-19950548281 (US 08/545,281), filed on 25 October 1995.
- II. Grant of the patent was opposed by IFÖ Sanitär AB (OI) and Uridan A/S (OII), and a notice of intervention was filed by John Reese (OIII). The opponents alleged that the claimed subject-matter lacked novelty and inventive step (Article 100(a) EPC), that it was not disclosed sufficiently for it to be carried out by the skilled person (Article 100(b) EPC), and that it extended beyond the content of the application as originally filed (Article 100(c) EPC). The patent proprietor contested the admissibility of all three oppositions on the basis that the statements of the grounds of opposition were insufficiently substantiated.
- III. The Opposition Division was of the view that all three oppositions were admissible. It concluded that the claimed priority was not valid in respect of independent claim 2 of the granted patent, and consequently the subject-matter of this claim lacked novelty in light of a prior sale; the Opposition Division therefore decided to revoke the patent. The remaining grounds of opposition were not considered in the decision.
- IV. The decision was posted by the Opposition Division on 14 June 2006. The Appellant (patent proprietor) filed notice of appeal on 25 July 2006, paying the appeal fee

on the same day. A statement containing the grounds of appeal was filed on 23 October 2006. The Respondents (Opponents OI, OII and OIII) acted through a common representative.

In accordance with Article 15(1) of the Rules of Procedure of the Boards of Appeal, the Board issued a preliminary opinion of the case together with a summons to attend oral proceedings. The oral proceedings were held on 22 April 2009.

V. Claims

The claims of the granted patent are as follows:

"1. A drain odor trap adapted to contain in operation a body of wastewater acting as an odor seal against sewer gases, the trap comprising:

a main container (14) having a baffle (16A, 16B) therein and having at least one entry opening (16D) through which generally all of the wastewater enters the main container; an entry compartment receiving said wastewater and communicating with an adjacent discharge compartment beneath said baffle (16A, 16B); a drain stand (14A), formed in the discharge compartment, having an upper edge defining an overflow level of the container and having a bottom outlet adapted to communicate with an external drain;

a layer of low density sealant (20) floating on a portion of the wastewater body in said entry compartment of the trap and acting as an odor seal against odor from the contained wastewater;

said entry opening (16D) and said baffle (16A, 16B) being arranged to provide a fluid flow path (22) through the trap of generally all wastewater entering the trap, and

said main container (14) having a dimension (R) at a height at a bottom end of the baffle (16A, 16B), from the center of the container to a side thereof,

characterized in that

said liquid flow path (22) defines a horizontal component length (X) along which stray sealant is buoyed up and returns to the sealant layer (20), the horizontal component length (X) being the horizontal component of travel of wastewater in the flow path from the middle of the entry opening (16D) to the bottom end of the baffle (16A, 16B), wherein the horizontal component length (X) is greater than 30% of said container dimension (R)."

The pre-characterizing part of independent claim 2 does not refer to container dimension (R), but otherwise is the same as for claim 1. The characterizing part is as follows:

"...characterized in that

said liquid flow path (22) defines a horizontal component length (X) along which stray sealant is buoyed up and returns to the sealant layer (20), the horizontal component length (X) being the horizontal component of travel of wastewater in the flow path from

the middle of the entry opening (16D) to the bottom end of the baffle (16A, 16B), wherein the horizontal component length (X) is larger than a vertical distance (Y) measured from said overflow level to the bottom end of said baffle (16A, 16B)."

Dependent claims 3 to 23 concern preferred embodiments of the odor traps of claims 1 and 2.

VI. Documents Referred to in this Decision

- E1: CH-A-10342
- E3: "Taschenbuch der Stadtentwässerung" by Karl Imhoff, 1962, pages 100 and 101.
- E4: "Aflöbsinstallationer" by Finn Schmidt Jörgensen & Kaj Ovesen, 1974, pages 208 to 214.
- E5: FR-A-1497878
- E7: DE-A-4320980
- E8: US-A-19950548281 (US08/548,281)
- E9: Prövningsrapport, Saint-Dizien Olieudskiller Model "Hydrocompact" Type IHDC.
- E11: WO-A-97/15735 (PCT/US96/17187)
- E12: KR 1995-0017972, together with a translation in English;
- E15: "Preisliste, Stand 05/96" from Waterless
- E20: Letter dated 4 September 1996 from Waterless Deutschland GmbH & Ko. KG to Herr Eibner.

VII. Submissions of the Parties

(a) Admissibility of the Oppositions

The Appellant repeated the submission made during the opposition proceedings that the oppositions are



inadmissible, because the cited grounds were not sufficiently substantiated in the notices of opposition. The Respondents hold the view that the notices of opposition fully meet the requirements set out in Rule 55(c) EPC 1973.

(b) Admissibility of the New Submission Concerning  
Articles 100(c) and 123 EPC

In the letter of 16 March 2009, the Respondents referred to the definition in claim 1 of the horizontal component length (X) as being greater than 30% of container dimension (R). Since R is not limited to any specific dimension, the Respondents submit that the subject-matter of the claim has been extended beyond the originally filed application, which defines R as being the radius of the container.

The reason given by the Respondents for the late-filing of this submission is that it was in response to the new sets of claims filed as auxiliary requests with the Appellant's letter of 23 February 2009, as new claims must meet all of the requirements of the EPC.

The Appellant argue that the Respondents' submission was extremely late, being after the two month limit set by the Board in the preliminary opinion that accompanied the summons to oral proceedings. In addition, claim 1 gives a definition of R that is consistent with that set out in the application as originally filed. For these reasons this objection should be declared inadmissible.

(c) Priority (Article 87 EPC)

The Respondents allege that the right of priority derived from E8 for claims 1 and 2 is invalid, since there is an earlier filing (E12) disclosing the same invention.

They argue that the ratios  $X$  greater than  $30\% R$  and  $X$  greater than  $Y$ , as defined in claims 1 and 2 respectively, are present in the odor traps of E12 whether or not they are mentioned explicitly. The figures of the disputed patent and E12 concern the same invention, in particular, Figure 2 of the disputed patent corresponds to Figure 2B of E12. Consequently, statements about Figure 2 in the disputed patent apply equally to the odor trap shown in Figure 2B of E12.

The Respondents are of the view that the figures of E12 are not merely schematic, but present a detailed view of how the urinal traps are constructed to meet the requirements of the independent claims. The requirement in claim 1 that the horizontal distance  $X$  must be greater than  $30\%$  of the radius  $R$  does not concern a specific ratio, but a very large range, that is only defined by a lower limit; in addition, no significance is attached to the lower limit and no reasons are given in the specification for having such a restriction. It is not necessary to take measurements from the figures of E12 in order to establish the ratios, as these can be readily derived by simply looking at the drawings. Since values do not have to be measured, decision T 748/91, which concluded that ratios of dimensions can be derived from drawings, is of relevance. Independent claim 2 simply requires that the horizontal distance  $X$

must be greater than vertical distance  $Y$ , and this too is unambiguously derivable from the figures of E12.

The figures are also viewed in the context of the description of E12. At page 6, lines 22 to 25 (English translation) the advantages of having a horizontal recovery zone over a vertical one are clearly set out. In particular, the skilled person is made aware that a longer horizontal distance allows for greater opportunity for recovery of the sealant. With this in mind when viewing the figures, it would be readily apparent that the horizontal distance  $X$  is greater than 30% of radius  $R$  and greater than vertical distance  $Y$ .

The Appellant, citing paragraph 3.3 of T 272/92, emphasised that the figures of E12 must be considered in the context of that document alone, and cannot be interpreted with the knowledge given in the disputed patent. The figures of E12 are merely schematic showing the internal construction of the odour traps, and no dimensions are given. Although the text of E12 describes the effect of horizontal flow, there is no indication of the significance of either its relation to vertical flow or to the radius of the container. Decision T 204/83 states that dimensions obtained by measuring a drawing do not form part of the disclosure, and, as the description of E12 provides no further information, the claimed ratios cannot be derived unambiguously from E12.

(d) Novelty

The Respondents concurred with the findings of the Opposition Division that the subject-matter of claim 2

does not benefit from a priority right derived from E8, and hence is not novel in light of the sale of a urinal carried out before the application date of the disputed patent. The Respondents added that the subject-matter of claim 1 also lacks novelty as the priority for this claim is also not valid.

#### VIII. Requests

The Appellant requests that the decision under appeal be set aside and the patent be maintained as granted, alternatively on the basis of the first to fourth auxiliary requests filed with the letter dated 23 February 2009.

The Respondents request that the appeal be dismissed, alternatively that the following question be referred to the Enlarged Board of Appeal:

"1. Gelten die Merkmale eines Gegenstandes, wie beispielweise Größenverhältnisse, welche nur aus einer Zeichnung abgeleitet werden könne, nur dann als für den Fachmann unmittelbar und eindeutig der Zeichnung zu entnehmen, wenn die Zeichnung auf das ableitbare Merkmal hinweisende, rein formale Ergänzungen aufweist?

2. Sofern die erste Frage bejaht wird: Gilt das auch, wenn es sich bei der Zeichnung nicht nur um eine schematische Darstellung handelt, die alle wesentlichen Merkmale wiedergibt, sondern um eine detaillierte Darstellung des Gegenstandes?

3. Sofern die erste Frage bejaht wird: Gelten die Gegenstände zweier in unterschiedlichen Anmeldungen

enthaltenen Zeichnungen, die sich nur darin voneinander unterscheiden, dass eine Zeichnung auf ein ausschließlich aus den Zeichnungen ableitbares Merkmal hinweisende rein formale Ergänzung aufweist, welche lediglich der Verdeutlichung dient, den dargestellten Gegenstand aber ansonsten nicht verändern, als "dieselben Gegenstände" im Sinne von Artikel 87(4) EPÜ?"

A translation into English of the above questions is as follows:

"1. Are the features of an object which can only be determined from a drawing, such as the relative size of dimensions, directly and unambiguously derivable from the drawing by the skilled person only when the drawing contains a formal identification of the features in question?"

2. If the answer to the first question is "yes", does this also apply when the drawing is a detailed representation of the object rather than a mere schematic presentation of the essential features?"

3. If the answer to the first question is "yes", does the subject-matter of two drawings from different applications constitute the "same subject-matter" within the meaning of Article 87(4) EPC when they differ from each other only in that one drawing contains a formal identification of the features in question, which does not alter the subject-matter itself but only serves for its clarification?"

## Reasons for the Decision

1. The appeal is admissible.
2. Admissibility of the Oppositions

The Appellant submitted that the oppositions are inadmissible, because the grounds cited in the notices of opposition were not sufficiently substantiated.

### 2.1 Notice of Opposition of Opponent OI

Opponent OI cited Articles 100(a) and 100(c) EPC as grounds of opposition. The Appellant acknowledges that there is sufficient support for the ground under Article 100(c) EPC, but submits that this is not the case for the allegation of lack of inventive step (Article 100(a) EPC), because it is not clear from the notice of opposition how the ratios  $X/R$  and  $X/Y$  can be derived from E3 and E4.

In the notice of opposition, Opponent OI sets out the argument that CH-A-10342 (E1) discloses all the features of granted claim 1, except for defining length  $X$  as being greater than 30% of  $R$ . However, Opponent OI goes on to stress that no unexpected results arise from this relationship, and that such a value is within the common knowledge of the skilled person, as evidenced by textbooks E3 and E4. The submission of Opponent OI is also supported by a specific example from E5.

It is well established case law of the boards (see pages 556 to 558 of Case Law of the Boards of Appeal of the European Patent Office, 5th edition, 2006) that an

opposition is sufficiently substantiated if the opponent's case can be properly understood on an objective basis, and that sufficiency of the notice of opposition must be distinguished from the strength of the opponent's case.

Whether or not the ratios X/R and X/Y are disclosed in documents E3 and E4 is a question of fact that would have to be determined by the Opposition Division, but this is more to do with the strength of the opponent's submission. What is important is that it is possible to understand the opponent's case, and hence the requirement of sufficiency for an admissible opposition has been met.

## 2.2 Notice of Opposition of Opponent OII

Opponent OII opposed the patent on the basis of Articles 100(a), 100(b) and 100(c) EPC.

### 2.2.1 Novelty (Article 100(a) EPC):

In the notice of opposition, Opponent OII alleges that the subject-matter of independent claims 1, 2 and 20 lacks novelty with respect to E4, because it merely amounts to "a straightforward application of natural laws to a separation device suitable for use as an odour trap". The Appellant argues that the failure of Opponent OII to indicate where in E4 the features of the claims are to be found means that the allegation of lack of novelty has not been substantiated.

E4 is a standard text book, and the citation in question amounts to seven pages, which can be readily

understood by the skilled person. The view of the Board is that the submission of Opponent OIII could have been better argued, but this is insufficient to render it inadmissible, as the line of argument can be understood.

2.2.2 Inventive Step (Article 100(a) EPC):

The notice of opposition sets out the submission that the subject-matter of claims 1 and 2 lack an inventive step with respect to E2 when combined with E7, E4 or E9 (see pages 3 to 9 of the Notice of opposition).

Opponent OII has presented arguments which are significantly more than a mere reference to these documents; it cannot therefore be said that the ground is insufficiently substantiated.

2.2.3 Sufficiency of Disclosure (Article 100(b) EPC):

In the notice of Opposition, Opponent OII argues that the claims define the subject-matter in terms of relative dimensions, without providing any indication of the actual dimensions and minimum velocities involved. This argument is also capable of being understood and hence is admissible. The Appellant's submission that Opponent OII only took the claims, and not the description, into consideration has no bearing on the admissibility of the ground.

2.2.4 Added Subject-Matter (Article 100(c) EPC):

In arguing this ground in the notice of opposition, Opponent OII compares the granted patent with the priority document. Since the comparison should have been with the originally filed application, the



Appellant submits that Article 100(c) EPC has not been substantiated.

It is not clear in the notice of opposition whether Opponent OII is referring to the original application (E11) or the priority document (E8). However, the argument put forward by Opponent OII focuses on claim 4, which is substantially the same in both documents. On this basis, the submission of Opponent OII can be understood. In addition, Article 100(c) was also raised and substantiated in the notice of opposition filed by Opponent OI, so in any event the ground *per se* is in the proceedings, with all parties having an opportunity to comment upon it.

## 2.3 Notice of Intervention by Opponent OIII

### 2.3.1 Admissibility of the Intervention

The Appellant argues that no indication is given in the notice of intervention as to what extent the patent is being opposed, contrary to Rule 55(c) EPC 1973. However, in requesting that the patent be revoked, it is reasonable to conclude that the intervener (Opponent OIII) wants the patent revoked in its entirety; consequently the Board sees no infringement of Rule 55(c) EPC 1973.

### 2.3.2 Novelty (Article 100(a) EPC)

According to the Appellant, the allegation of lack of novelty as resulting from a prior sale was not sufficiently substantiated. In the notice of intervention, Opponent OIII submits that proprietor of

the disputed patent offered for sale a urinal having all the features of the present invention. This submission is supported by copies of correspondence (E20) between the patent proprietor and Herr E. Eibner, whom Opponent OIII offered as a witness. Particularly as the alleged offer for sale involved the present patent proprietor, the Board agrees with the finding of the Opposition Division that the ground of lack of novelty in respect of the alleged prior use was substantiated sufficiently in the notice of intervention.

- 2.4 The Board thus concludes that all of the oppositions meet the requirements of Rule 55(c) EPC 1973 and are admissible.
3. Admissibility into the Appeal proceedings of the late-filed Submission concerning Article 100(c) and Article 123(2) EPC

In the opposition proceedings, Opponent OI submitted that the tool member referred to in granted claim 23 was only disclosed in relation to certain embodiments, hence the definition given in claim 23 extends beyond the content of the application as originally filed.

Although no mention of this ground was made in the Respondents' reply to the grounds of appeal, in a letter dated 16 March 2009 the Respondents submitted that the definition of dimension "R" in granted claim 1 and claims 1 of the auxiliary requests is not limited to any particular container dimension, and hence has a broader meaning than that given in the original application. This reasoning is completely different to

that presented during the opposition proceedings and was first raised in appeal about 5 weeks before the oral proceedings.

Claim 1 refers to a "main container (14) having a dimension (R) at a height at a bottom end of the baffle (16A, 16B) from the center of a container to a side thereof". It therefore seems that R does relate to a specific dimension. In addition, the disputed definition of R appears in granted claim 1, so it cannot be said that the objection has been raised late because the Appellant filed amended claims.

Given the tardiness of the submission and the fact that it is not *prima facie* relevant, the Board has exercised its discretion under Article 13(1) of the Rules of Procedure of the Boards of Appeal and decided not to admit the new submission into the appeal proceedings.

4. Priority (Article 87 EPC)

The disputed patent is based on an international application (WO-A-97/15735), which claims priority from US-A-19950548281 (Document E8) filed on 25 October 1995.

The Respondents allege that E8 was not the first filing in the sense of Article 87(1) EPC, since an earlier Korean application, KR 1995-0017972 (Document E12), was filed on 29 June 1995 in respect of the subject-matter of independent claims 1 and 2.

The parties have not disputed that E12 discloses the features of the preamble of claims 1 and 2; the question is whether or not the dimension ratios given

in the characterizing parts of these claims are also disclosed in E12.

#### 4.1 Priority of Claim 1

E12 discloses a horizontal odour trap (210), and from Figure 2B it is apparent that the container must have a radius from the center of the container to the side, and a horizontal flow path length for sealant recovery. These dimensions have not been mentioned in E12, but are referred to in priority document E8 and in the contested patent as (X) and (R) respectively. E12 does not explicitly disclose that X is greater than 30% of R, but the Respondents argue that this is implicit.

One argument put forward by the Respondents is that Figures 2A and 2B in E12 correspond to Figures 1A and 2 in the contested patent and in the alleged priority document E8, hence the dimensions must also correspond. However, in assessing the disclosure of E12, the Board agrees with the approach adopted in T 272/92 (point 3.3 of the Reasons), that a document must be considered alone and cannot be interpreted on the basis of subsequently filed documents; this is also in agreement with G 2/98, which states that when assessing priority, the question is what the skilled person, just using common general knowledge, can derive from a patent application (see the Headnote). It is thus necessary to determine if the ratio  $X > 30\% R$  can be derived from E12 alone.

Decision T 204/83 was relied upon by both the Appellant and the Opposition Division, the headnote of which states that "Dimensions obtained merely by measuring a

diagrammatic representation in a document do not form part of the disclosure". However, this is not a hard and fast principle, because the real test is whether a skilled person can clearly derive the feature from a diagram, using information presented in the whole document and common general knowledge; again, this is in agreement with the approach taken in G 2/98. Hence, in T 748/91 (cited by the Respondents) which concerned a bearing, it was held that the relative depth of an intermediate profiled layer compared with the depth of the surface layer was derivable from a drawing. The patent in question in T 748/91 was concerned with the thicknesses of the various layers making up the bearing, and the Board in that case considered that in light of the detailed discussion on this topic in the text of the patent, the skilled person would be in a position to derive the relative thickness from the drawing, although it was not expressly mentioned in the description.

This, however, is not the situation in the present case. Although E12 presents the advantage of having a horizontal recovery region (page 6, lines 20 to 25), there is no mention in E12 of the relevance of its ratio to the radius of the container, in fact the radius of the container is not mentioned at all. Therefore, unlike in the case of T 748/91, the skilled person is not alerted to the significance of the relative dimensions.

Given the schematic nature of the drawings in E12 and that there is no discussion of dimensions X and R in the description of E12, the Board concludes that the skilled person is in no position to conclude from the

teaching of E12 alone that X must be greater than 30% of R. This feature is disclosed for the first time, in combination with the other features of claim 1, in E8, and hence it is this document that gives rise to the priority right set out in Article 87(1) EPC.

#### 4.2 Priority of Claim 2

Independent claim 2 defines the vertical distance (Y) from the overflow level to the bottom of the baffle, and requires that X is greater than Y. Both the Respondents and the Opposition Division considered feature to be disclosed in E12, since in all of the figures showing these dimensions, it is clear that X is greater than Y.

In reaching their conclusion, the Respondents and the Opposition Division have, in effect, applied a "novelty test", concluding that, since E12 discloses X/Y ratios greater than 1, all the features of claim 2 "lack novelty" in light of E12. The "novelty test" is one of several yardsticks applied by the boards over the years to assist them to answer priority questions, but it itself is not the test. G 2/98 establishes that, in the context of priority, the real question to be answered is whether the skilled person, using common general knowledge, can derive the subject-matter directly and unambiguously from the document as a whole.

Values for X/Y are not explicitly mentioned in E12. However, according to the Respondents, the X/Y ratios in Figures 2B, 5B and 7 of E12 can be determined to be roughly 4, 3 and 6 respectively. These values meet the requirement that  $X/Y > 1$ , and in this sense render the

ratio as "lacking novelty". Despite the schematic nature of the drawings, the Board would not disagree that the figures of E12 generally show X/Y values greater than 1, albeit that the exact values are unknown.

However, a lower limit for X/Y cannot be derived from E12; the lower limit for the ratio could be, for example, 2, 1.5, 0.5 etc, and hence it is not inevitable that X/Y must be greater than 1, or in the words of the claim X greater than Y; for example, X could be greater than 2Y. The range X/Y greater than 1 is therefore not disclosed in E12, but is first disclosed in combination with the other features of claim 2 in E8, hence it is this document that gives rise to the priority right under Article 87(1) EPC.

4.3 The claimed priority right based on document E8 for independent claims 1 and 2 is therefore valid.

#### 5. Novelty

The Opposition Division concluded that the subject-matter of granted claim 2 was not novel in light of the sale of a urinal having all the features of claim 2. Evidence for the sale is provided by a price list dated 05/96 (E15) and a letter dated 4 September 1996 (E20). Both of these dates are before the filing date of the PCT application (25 October 1996), but after the filing of the contested priority document (E8, 25 October 1995). Since the priority right is considered to be valid, the alleged sale does not form part of the state of the art for the purpose of assessing novelty (Articles 54(2) and 89 EPC).

Since the claims of the main request are not prejudiced by this novelty objection, it is not necessary for the Board to consider the Appellant's auxiliary requests,

6. Referral of the Question to the Enlarged Board of Appeal

The Respondents have requested that the questions set out in paragraph VIII above be referred to the Enlarged Board of Appeal. According to Article 112(1) EPC, a board of appeal has the discretion to refer a question to the Enlarged Board of Appeal if it considers that a decision is required in order either to ensure uniform application of the law, or if a point of law of fundamental importance arises.

In the present case, the questions concern the type of features, especially relative dimensions, that can be derived from a drawing. The Board considers that the disclosure of features in the figures referred to in the present case is a question of fact rather than law. In addition, the approach adopted by the Board is consistent with the reasoning given in the cited cases of the boards of appeal.

The Respondents' request for referral of the questions is therefore refused.

7. Remittal to the Opposition Division

The contested decision deals with the issues of priority, and novelty in respect of the alleged sale mentioned in paragraph 5 above. Several issues still



have to be decided upon by the Opposition Division, and hence the case must be remitted in order to provide the parties with opportunity to have the issues decided upon by two instances.

## **Order**

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

1. The decision under appeal is set aside.
2. The case is remitted to the Opposition Division for further prosecution.
3. The Respondents' request for referral of questions to the Enlarged Board of Appeal is refused.

The Registrar:

The Chairman:

A. Counillon

U. Krause