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**Datasheet for the decision
of 30 October 2007**

Case Number: T 1159/06 - 3.2.05

Application Number: 02767687.3

Publication Number: WO 03/029710

IPC: F16L 5/02

Language of the proceedings: EN

Title of invention:
Coupling

Applicant:
Petrotechnik Limited

Headword:
-

Relevant legal provisions:
EPC Art. 123(2), 54, 56

Keyword:
"Amendment (allowable)"
"Novelty (yes)"
"Inventive step (yes)"

Decisions cited:
-

Catchword:
-



Case Number: T 1159/06 - 3.2.05

D E C I S I O N
of the Technical Board of Appeal 3.2.05
of 30 October 2007

Appellant: Petrotechnik Limited
Applicant: PetroTechnik House
Olympus Close
Whitehouse Industrial Estate
Ipswich
Suffolk IP1N 5LN (GB)

Representative: Coates, Ian Harold
Scott & York
Intellectual Property Ltd
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Decision under appeal: Decision of the Examining Division of the
European Patent Office posted 6 March 2006
refusing European application No. 02767687.3
pursuant to Article 97(1) EPC.

Composition of the Board:

Chairman: W. Zellhuber
Members: P. Michel
M. Vogel

Summary of Facts and Submissions

- I. The appellant (applicant) lodged an appeal against the decision of the Examining Division refusing European patent application No. 02 767 687.3.

The Examining Division held that the subject-matter of claim 1 of a sole request lacked an inventive step.

- II. The appellant requested that the decision under appeal be set aside and that a patent be granted on the basis of the following documents:

(a) claims 1 to 21 filed as auxiliary request on 15 August 2007;

(b) description: pages 3, 4, 12, 13 and 17 filed as auxiliary request on 15 August 2007, together with pages 1, 2, 5 to 11 and 14 to 16 as originally filed; and

(c) drawings: sheet 4/9 filed as auxiliary request on 15 August 2007, together with sheets 1/9 to 3/9 and 5/9 to 9/9 as originally filed.

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

D1: GB-A-2 332 255

D2: WO-A-01/20219

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

"1. A fitting (21) for providing a substantially fluid-tight seal between an opening in a chamber wall (10)

and a pipe (4) passing through said opening, said fitting (21) comprising:

a tubular sleeve (22, 52) adapted to pass through the opening in the chamber wall (10) and further adapted to allow the pipe to pass through the sleeve (22, 52);

a flange (24, 54), extending radially outwardly from the sleeve (22, 52), a first surface (26, 56) of the flange being configured to contact the chamber wall (10) around substantially the whole circumference of the opening and over substantially the whole first surface (26, 56) of the flange (24, 54);

a first energy transfer means (28, 58) incorporated in the flange (24, 54) and situated at or near the first surface (26, 56) of the flange (24, 54), said energy transfer means (28, 58) being adapted to heat the first surface (26, 56) of the flange (28, 58) in order to form a substantially fluid tight seal between the wall (10) and the flange (28, 58); characterised in that at least part of the tubular sleeve (22, 52) is a tight sliding fit with the pipe (4) passing through it and in that that part of the sleeve (22, 52) incorporates a second energy transfer means (38, 68) adapted to form a substantially fluid tight seal between the sleeve (22, 52) and the pipe (4), the second energy transfer means (38, 68) being energisable separately from the first energy transfer means (28, 58)."

V. The appellant has argued substantially as follows:

The subject-matter of claim 1 involves an inventive step. The closest prior art is represented by document D1. The subject-matter of claim 1 is distinguished over

the disclosure of this document by the provision of first and second energy transfer means which are separately energisable from one another. This feature allows the fitting to be bonded to a chamber wall before the pipe is introduced into the sleeve and thus facilitates installation.

Reasons for the Decision

1. *Amendments*

The feature introduced into claim 1 according to which the second energy transfer means is energisable separately from the first energy transfer means is disclosed in claim 15 as originally filed.

The amendment thus complies with the requirement of Article 123(2) EPC.

2. *Novelty*

None of the cited prior art documents discloses a fitting in which a second energy transfer means incorporated in a sleeve is energisable separately from a first energy transfer means incorporated in a flange.

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

3. *Inventive Step*

The closest prior art is represented by document D1. This document discloses a fitting for providing a

substantially fluid-tight seal between an opening in a chamber wall and a pipe passing through the opening. The seal between the fitting and the pipe is formed by a rubber boot, secured in place by a jubilee clip.

A problem associated with the fitting disclosed in this document is that the rubber boot requires replacement at unacceptably short intervals.

The object of the invention is accordingly regarded as being to provide a fitting which avoids the need for such a rubber boot. According to the invention, this problem is solved by the provision of first and second energy transfer means which are separately energisable from one another.

Document D2 discloses a pipe-to-pipe fitting which comprises two energy transfer means which enable the fitting to be connected between two pipes and sealed thereto by electrofusion. However, the energy transfer means are only simultaneously energisable.

The prior art thus does not suggest the provision of first and second energy transfer means which are separately energisable from one another. This feature allows the fitting to be bonded to a chamber wall before the pipe is introduced into the sleeve and thus facilitates installation.

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

Claims 2 to 11 are either directly or indirectly dependent from claim 1 and relate to preferred

embodiments of the fitting of claim 1. Claims 12 and 13 are directed to a fitting assembly comprising a fitting as claimed in any of claims 1 to 11. Claims 14 to 18 are directed to a method of forming a seal using a fitting according to any of claims 1 to 12. Claims 19 to 21 are directed to an installation comprising a fitting according to any of claims 1 to 13. The subject-matter of these claims thus also 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 first instance with the order to grant a patent on the basis of the following documents:

(a) claims 1 to 21 filed as auxiliary request on 15 August 2007;

(b) description: pages 3, 4, 12, 13 and 17 filed as auxiliary request on 15 August 2007, together with pages 1, 2, 5 to 11 and 14 to 16 as originally filed; and

(c) drawings: sheet 4/9 filed as auxiliary request on 15 August 2007, together with sheets 1/9 to 3/9 and 5/9 to 9/9 as originally filed.

The Registrar:

The Chairman:

D. Meyfarth

W. Zellhuber