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**Datasheet for the decision  
of 13 January 2009**

**Case Number:** T 1535/06 - 3.4.03

**Application Number:** 00200317.6

**Publication Number:** 1028351

**IPC:** G03B 27/32

**Language of the proceedings:** EN

**Title of invention:**

Method and apparatus for printing digital images

**Applicant:**

Eastman Kodak Company

**Opponent:**

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**Headword:**

-

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

EPC Art. 56

**Keyword:**

"Inventive step (no)"

**Decisions cited:**

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**Catchword:**

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Case Number: T 1535/06 - 3.4.03

**DECISION**  
of the Technical Board of Appeal 3.4.03  
of 13 January 2009

**Appellant:** Eastman Kodak Company  
343 State Street  
Rochester NY 14650-2201 (US)

**Representative:** Weber, Etienne Nicolas  
Kodak  
Etablissement de Chalon  
Campus Industriel - Département Brevets  
Route de Demigny - Z.I. Nord - B.P. 21  
71102 Chalon sur Saône Cedex (FR)

**Decision under appeal:** Decision of the Examining Division of the  
European Patent Office posted 2 May 2006  
refusing European application No. 00200317.6  
pursuant to Article 97(1) EPC.

**Composition of the Board:**

**Chairman:** G. Eliasson  
**Members:** V. L. P. Frank  
T. Bokor

## Summary of Facts and Submissions

- I. This is an appeal against the refusal of application 00 200 317 for lack of inventive step (Article 56 EPC 1973).
- II. On appeal the applicant requested grant of a patent on the basis of a main, 1<sup>st</sup> or 2<sup>nd</sup> auxiliary requests filed with the statement of grounds of appeal. Auxiliarily oral proceedings were requested.
- III. In a reasoned communication annexed to the summons to oral proceedings appointed for 13 January 2009, the board informed the appellant of its provisional opinion that the method of printing a customer image order of claim 1 of the 2<sup>nd</sup> auxiliary request did not involve an inventive step over a combination of EP 0 890 870 A and EP 0 693 852 A, that this comments applied as well to the apparatus for printing a customer image order of claim 2 of the 2<sup>nd</sup> auxiliary request, as it directly implemented the method of claim 1 and, as the subject-matters of the claims of the main and 1<sup>st</sup> auxiliary request comprised the subject-matters of the claims of the 2<sup>nd</sup> auxiliary request, these comments applied equally to them.
- IV. By letter dated 12 December 2008 the appellant applicant's representatives informed the board that the applicant did not intend to file any further submissions or requests and that no representative would attend the oral proceedings.
- V. The oral proceedings were held in the absence of the applicant's representatives.

## **Reasons for the Decision**

1. The appeal is admissible.
  
2. In the communication of the board, the appellant applicant was informed in detail of the reasons for the board's preliminary view that the method of printing a customer image order of claim 1 and the apparatus for printing a customer image order of claim 2 of the main, 1<sup>st</sup> or 2<sup>nd</sup> requests were not allowable (Article 56 EPC 1973).
  
3. The appellant did not file any substantive response to the communication, but announced that he would not be represented at the oral proceedings. Having reconsidered its own reasoned objections as set out in the said communication and making express reference thereto, the board sees no reason to depart from them. Consequently, the appellant's requests fall to be refused.

**Order**

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

The appeal is dismissed.

Registrar:

Chair:

S. Sánchez Chiquero

G. Eliasson