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**Datasheet for the decision  
of 5 October 2012**

**Case Number:** T 1338/08 - 3.4.03

**Application Number:** 03020446.5

**Publication Number:** 1431836

**IPC:** G03G 15/01

**Language of the proceedings:** EN

**Title of invention:**

Desktop color image forming apparatus and method of making the same

**Applicant:**

Ricoh Company, Ltd.

**Headword:**

-

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

EPC Art. 54(1)

**Keyword:**

"Novety (no)"

**Decisions cited:**

-

**Catchword:**

-



Case Number: T 1338/08 - 3.4.03

**D E C I S I O N**  
of the Technical Board of Appeal 3.4.03  
of 5 October 2012

**Appellant:**  
(Applicant)

Ricoh Company, Ltd.  
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**Representative:**

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**Decision under appeal:**

Decision of the Examining Division of the  
European Patent Office posted 6 March 2008  
refusing European patent application  
No. 03020446.5 pursuant to Article 97(2) EPC.

**Composition of the Board:**

**Chairman:** G. Eliasson  
**Members:** R. Q. Bekkering  
T. Karamanli

## Summary of Facts and Submissions

I. This is an appeal against the refusal of European patent application 03 020 446 for lack of novelty, Article 54(1) EPC 1973, over document

D5: EP 1 202 131 A.

II. With the statement setting out the grounds of appeal, the appellant requested that the decision under appeal be set aside and a patent granted on the basis of the following:

Claims 1 to 32 filed with the statement setting out the grounds of appeal.

III. The summons to oral proceedings, requested by the appellant, were provided with an annex in which a provisional opinion of the board on the matter was given. In particular, it was noted that the subject-matter of claim 1 appeared to lack novelty over document D5.

In response to the summons, the appellant informed the board that no written submissions would be filed and that neither the appellant nor its representative would attend the oral proceedings. It was requested to decide on the basis of the state of the file.

Thereupon, the oral proceedings were cancelled by the board.

IV. Claim 1 reads as follows:

"A color image forming apparatus, comprising:  
a plurality of image creating devices (8Bk, 8M, 8C, 8Y)  
each of which is configured to form an image and  
includes a photosensitive member (10);  
an optical writing device (15) configured to optically  
write an image on the photosensitive member (10) of  
each of the plurality of image creating devices;  
an intermediate image-transfer member (7) configured to  
form an image transfer bed moving in a predetermined  
direction in a lower part of the intermediate image-  
transfer member to receive on a surface of the image  
transfer bed a transfer of a plurality of the images  
from the respective photosensitive members (10) of the  
plurality of image creating devices (8Bk, 8M, 8C, 8Y)  
such that the plurality of the images are sequentially  
overlaid to form a multi-overlaid image;  
a fixing device (22) configured to fix the multi-  
overlaid image on a recording sheet;  
a sheet ejecting device (23a) configured to eject the  
recording sheet having the fixed multi-overlaid image  
thereon;  
a container (36a, 36b, 36c, 36d) configured to  
replenish toner to the image creating devices (8BK, 8M,  
8C, 8Y); and  
an electrical circuit which includes a plurality of  
circuit blocks and supplies power and necessary signals  
to the apparatus; and  
a sheet supply device (24) configured to supply  
recording sheets through a sheet inlet thereof,  
wherein the intermediate image-transfer member (7) is  
arranged with a predetermined angle  $\theta$  relative to a  
horizontal line such that a rear side of the  
intermediate image-transfer member (7) away from the  
recording sheet inlet is lifted and a front side of the

*intermediate image-transfer member closer to the recording sheet inlet is lowered, and wherein the plurality of image creating devices (8BK, 8M, 8C, 8Y) are aligned in parallel and are arranged along and parallel to the image transfer bed of the intermediate image-transfer member (7), such that one (8Y) of the plurality of image creating devices (8BK, 8M, 8C, 8Y) firstly forming an image faces the rear side of the image transfer bed and another (8Bk) one of the plurality of image creating devices lastly forming an image faces the front side of the image transfer bed; and wherein the optical writing device (15) being arranged in parallel to the intermediate image-transfer member (7) so as to sandwich the plurality of image creating devices therebetween, characterized in that the electrical circuit includes a plurality of electrical components provided in a stacked manner."*

Claim 18 is directed at a corresponding method of making a color image forming apparatus.

- V. The appellant submitted with the statement setting out the grounds of appeal in substance the following arguments:

According to document D5, "An electrical section E1 and a controlling device E2 are arranged above the sheet feeding cassette 26" (column 6, lines 5 to 7), this being the only part of D5 in which the elements E1 and E2 were mentioned. The claimed space-saving arrangement of the elements E1 and E2 was not mentioned in D5. Accordingly, prior art document D5 did not show or

suggest the feature in the characterizing portion of new claim 1. The same was true for the remaining cited prior art documents which were less close to the invention than prior art document D5. Thus, the subject-matter of new claim 1 was novel over the cited prior art.

### **Reasons for the Decision**

1. The appeal is admissible.
2. *Novelty*

An apparatus according to the pre-characterising portion of claim 1 is known from D5 (cf paragraphs [0094] to [0107]; figures 12 and 14).

In particular, document D5 discloses, in the terms of claim 1, a color image forming apparatus, comprising: a plurality of image creating devices each of which is configured to form an image and includes a photosensitive member (1a-1d); an optical writing device (7) configured to optically write an image on the photosensitive member (1a-1d) of each of the plurality of image creating devices; an intermediate image-transfer member (60) configured to form an image transfer bed moving in a predetermined direction in a lower part of the intermediate image-transfer member to receive on a surface of the image transfer bed a transfer of a plurality of the images from the respective photosensitive members (1a-1d) of the plurality of image creating devices such that the

plurality of the images are sequentially overlaid to form a multi-overlaid image;

a fixing device (30, 30B) configured to fix the multi-overlaid image on a recording sheet;

a sheet ejecting device (34) configured to eject the recording sheet having the fixed multi-overlaid image thereon;

a container (TC) configured to replenish toner to the image creating devices; and

an electrical circuit which includes a plurality of circuit blocks (E1, E2) and supplies power and necessary signals to the apparatus; and

a sheet supply device configured to supply recording sheets through a sheet inlet thereof wherein the intermediate image-transfer member (60) is arranged with a predetermined angle  $\theta$  relative to a horizontal line such that a rear side of the intermediate image-transfer member (60) away from the recording sheet inlet is lifted and a front side of the intermediate image-transfer member closer to the recording sheet inlet is lowered, and

wherein the plurality of image creating devices are aligned in parallel and are arranged along and parallel to the image transfer bed of the intermediate image-transfer member (60), such that one of the plurality of image creating devices firstly forming an image faces the rear side of the image transfer bed and another one of the plurality of image creating devices lastly forming an image faces the front side of the image transfer bed; and

wherein the optical writing device (7) being arranged in parallel to the intermediate image-transfer member (60) so as to sandwich the plurality of image creating devices therebetween.

As was noted in the annex to the summons to oral proceedings, the pre-characterising portion of claim 1 corresponds in substance to claim 1 of the main request as refused in the decision under appeal for lack of novelty over document D5, in particular with respect to the apparatus as shown in figures 12 and 14. This finding of lack of novelty was not contested by the appellant in this appeal.

Claim 1 additionally defines in its characterising portion that "*the electrical circuit includes a plurality of electrical components provided in a stacked manner*".

According to document D5 the apparatus comprises an electrical section E1 and a controlling device E2 (column 6, lines 5 to 7). As shown in figure 12, these electrical components E1 and E2 are provided in a stacked manner.

The appellant has argued that according to document D5, "*An electrical section E1 and a controlling device E2 are arranged above the sheet feeding cassette 26*" (column 6, lines 5 to 7), this being the only part of D5 in which the elements E1 and E2 were mentioned.

It is, however, noted that the above statement relates to the embodiment of figure 1 of D5. As would be clear to a skilled reader of D5, the references E1 and E2 in figures 12 and 14 referred to above also relate to an electrical section E1 and a controlling device E2, like reference numerals generally designating identical or



corresponding parts throughout the figures (see also paragraph [0015]).

Accordingly, the subject-matter of claim 1 is not new over document D5 (Article 54(1) EPC 1973).

The above applies, *mutatis mutandis*, to independent claim 18 directed at a corresponding method of making a color image forming apparatus.

**Order**

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

The appeal is dismissed.

Registrar

Chair

S. Sánchez Chiquero

G. Eliasson