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**Datasheet for the decision  
of 26. November 2010**

**Case Number:** T 2358/08 - 3.2.08

**Application Number:** 06760489.2

**Publication Number:** 1896737

**IPC:** F16B 45/00

**Language of the proceedings:** EN

**Title of invention:**

Three piece garage hook

**Applicant:**

Illinois Tool Works Inc.

**Headword:**

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**Relevant legal provisions:**

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

EPC Art. 56, 54(1)(2)

**Keyword:**

"Novelty and inventive step - yes"

**Decisions cited:**

-

**Catchword:**

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Case Number: T 2358/08 - 3.2.08

**D E C I S I O N**  
of the Technical Board of Appeal 3.2.08  
of 26. November 2010

**Appellant:** Illinois Tool Works Inc.  
(Applicant) Patent Department  
3600 West Lake Avenue  
Glenview IL 60026 (US)

**Representative:** Bloch, Gérard  
Bloch & Bonnetat  
23bis, rue de Turin  
F-75008 Paris (FR)

**Decision under appeal:** Decision of the Examining Division of the  
European Patent Office posted 6 October 2008  
refusing European patent application  
No. 06760489.2 pursuant to Article 97(2) EPC.

**Composition of the Board:**

**Chairman:** T. Kriner  
**Members:** P. Acton  
U. Tronser

## Summary of Facts and Submissions

- I. On 17 October 2008 the appellant (applicant) filed a notice of appeal against the examining division's decision posted on 6 October 2008 refusing European patent application No. 06 760 489.2 (publication number WO 2006/135558). The appeal fee was paid simultaneously and the statement of grounds was received on 1 December 2008.

The examining division held that the subject-matter of claim 1 as originally filed was not novel with respect to

D1: EP-A-1 004 781.

- II. Oral proceedings before the board were held on the 26 November 2010.
- III. The applicant requests that the decision under appeal be set aside and that a patent be granted on the basis of the following version of the application:

**Claim:** 1 filed during the oral proceedings;

**Description:** pages 1 to 12 filed during the oral proceedings;

**Drawings:** Figures 1 to 26 as published.

- IV. In addition to document D1, the following document cited in the decision of the first instance has been considered in the proceedings:

D2: US-A-6 676 350.

V. Claim 1 reads as follows:

"A method for installing a holder in drywall, said holder comprising a holder mountable to a friable substrate, comprising a generally flat base plate having a generally oval peripheral shape defining a center and a rearwardly projecting tang, at least one opening located above said center to receive at least one drywall fastener, and at least one leg extending from said base plate below said center for holding an object, said method comprising:

positioning said holder anywhere on said dry wall;  
pressing on said base plate to cause said rearwardly projecting tang to puncture the surface of the drywall and extend a short distance into the drywall,  
aligning at least one drywall fastener with said at least one opening, and driving said at least one drywall fastener through said at least one opening to seat against said base plate."

### **Reasons for the Decision**

1. The appeal is admissible.

2. Novelty and inventive step

2.1 D1 discloses (see particularly Figures 1 and 3):

A method for installing a holder in drywall, said holder comprising a holder mountable to a friable substrate, comprising a generally flat base plate

having a generally oval peripheral shape defining a center, at least one opening located above said center to receive at least one drywall fastener, and at least one leg extending from said base plate below said center for holding an object, said method comprising: positioning said holder anywhere on said dry wall; aligning at least one drywall fastener with said at least one opening and driving said at least one drywall fastener through said at least one opening to seat against said base plate.

2.2 Starting from the method according to D1, the object to be achieved by the present invention is to provide a method for easy installation of a holder.

2.3 This object is achieved by providing the base plate of the holder with a rearwardly projecting tang and by pressing on said base plate to cause said rearwardly projecting tang to puncture the surface of the drywall and extend a short distance into the drywall. This makes it possible to position the holder at a wall before securing it with a drywall fastener.

2.4 D2 discloses a fastener with a base plate and with rearwardly projecting tangs (34). These tangs are designed for preventing an unintended rotation of the fastener once the threaded member has penetrated into the wall (see column 1, lines 36 to 38).

However, D2 does not disclose the method step of pressing the tangs (34) into the wall for puncturing it, before the introduction of the drywall fastener. Moreover, since the fastener according to D2 consists of a threaded member fixedly combined with the hook and

the tangs, it is not possible to press its base plate and hence the tang of the fastener into the wall before the threaded portion has penetrated into it. Therefore, the tangs according to D2 are not even suitable for puncturing the wall before the drywall fastener is threaded into it.

Consequently, the skilled person would not be prompted to combine the holder according to D1 with the teaching of a document disclosing a holder with a completely different design and which solves a different problem.

Since the further documents cited in the search report are less relevant, the subject-matter of claim 1 is novel and 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 grant a patent on the basis of the following documents:

**Claim:** 1 filed at the oral proceedings;

**Description:** pages 1 to 12 filed at the oral proceedings;

**Drawings:** Figures 1 to 26 as published.

The Registrar:

The Chairman:

V. Commare

T. Kriner