

Veröffentlichung im Amtsblatt	Ja/Nein
Publication in the Official Journal	Yes/No
Publication au Journal Officiel	Oui/Non

Aktenzeichen / Case Number / N° du recours : T 83/90 - 3.3.1

Anmeldenummer / Filing No / N° de la demande : 86 903 042.9

Veröffentlichungs-Nr. / Publication No / N° de la publication : 0 221 148

Bezeichnung der Erfindung: Acrylic primer for adhering an organopolysiloxane
Title of invention:
Titre de l'invention :

Klassifikation / Classification / Classement : C09D 3/82

ENTSCHEIDUNG / DECISION

vom / of / du 21 May 1990

Anmelder / Applicant / Demandeur : General Electric Company

Patentinhaber / Proprietor of the patent /
Titulaire du brevet :

Einsprechender / Opponent / Opposant :

Stichwort / Headword / Référence : Remittal/GENERAL ELECTRIC

EPÜ / EPC / CBE Art. 111(1)

Schlagwort / Keyword / Mot clé : "Amended claims on appeal intended to meet objections to grant" - Remittal to Examining Division"

Leitsatz / Headnote / Sommaire

Europäisches
Patentamt

Beschwerdekammern

European Patent
Office

Boards of Appeal

Office européen
des brevets

Chambres de recours



Case Number : T 83/90 - 3.3.1

D E C I S I O N
of the Technical Board of Appeal 3.3.1
of 21 May 1990

Appellant : General Electric Company
1, River Road
Schenectady, N.Y. 12305
US

Representative : Sieb, Rolf, Dr.
General Electric - Deutschland
Patentabteilung
Praunheimerlandstrasse 50
D-6000 Frankfurt/Main

Decision under appeal : Decision of Examining Division 021
of the European Patent Office
dated 25 August 1989 refusing
European patent application
No. 86 903 042.9 pursuant to Article
97(1) EPC

Composition of the Board :

Chairman : K. Jahn
Members : G.D. Paterson
P. Krasa

Decision

1. This is an appeal from a Decision of the Examining Division in which it was held that the claimed subject-matter lacked novelty and inventive step. Prior to issuing its Decision, the Examining Division had issued two communications under Article 96(2) EPC giving its grounds against the grant of the European patent, and inviting amendment of the application. In reply, the Appellant submitted observations and amendments, but these did not overcome the objections of the Examining Division.

2. In the grounds of appeal, the Appellant has not attempted to contest the Decision of the Examining Division refusing the application with text as previously proposed, but has filed a further amended Claim 1 which is clearly intended to meet the objections to grant which have previously been raised by the Examining Division, and has also filed arguments in support of the allowability of the presently proposed claims. In this circumstance, following the principles set out in Decision T 47/90 dated 20 February 1990, the case is remitted to the Examining Division under Article 111(1) EPC for further examination as to whether the proposed amendments are allowable under Article 123(2) EPC and if so, as to whether the amended text meets the requirements of the EPC.

Order

For these reasons, it is decided that:

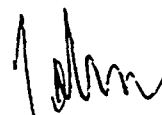
The case is remitted to the first instance for further prosecution.

The Registrar:



M. Beer

The Chairman:



K. Jahn