
Candidate's answer**NOTICE OF OPPOSITION****EFFECTIVE DATES OF CLAIMS**

Claims 1 - 6 validly claim priority of 14/06/06 (Art.89 EPC).

DOCUMENTS USED

A1 (EN): patent opposed;

A2 (EN), A3 (FR), A5 (EN) are citeable against claims 1 - 6 under Art. 54(2) EPC since they have a publication date prior to the priority date to which these claims are entitled. They are therefore relevant to the novelty and inventive step of these claims.

A4 (EN) is a printout of an internet page from www.microve.com web-site. This page has been loaded from internet on 24.02.2009, however on this page there is a note indicating that the page was last modified on 12.05.2006. Accordingly, this document has been disclosed since 12.05.2006, i.e. prior to the priority date of A1. Accordingly, A4 is citeable against claims 1 - 6 under Art. 54(2) EPC. Further evidence of the availability of this document since 12.05.2006 can be provided in the form of written statement signed by the owner of the company Microve or in the form of a witness (the same Microve's owner).

A6 (EN) is citeable against claims 1 - 6 under Art. 54(3)-(4) and rule 23a EPC for all common validly designated (i.e. to the extent that designation fees pursuant to Art. 79(2) EPC have been paid) contracting States (AT, BE, CH, DE, DK, FR, GB, GR, PT) because A6 is a European Patent Application published after but having a priority date earlier than the priority date to which these claims are entitled. It is therefore relevant only to the novelty of these claims. The old limited-territory effect (A 54(4) + rule 23a EPC1973) applies since the transitional provisions (Art. 1(2) of the Administrative Council decision dated 28/06/01) provides that this article remains in force for patent granted on patent applications filed before the coming into force of EPC2000 (i.e. 13/12/07) and A1 was filed before such date.

ADDED MATTER**IN THE DESCRIPTION:**

The feature "when the receptacle is placed at a distance of about 4 cm away from the induction coil, optimum results are achieved" in page 3, lines 5, 6 of the description as granted, was not explicitly disclosed in the application as filed, neither in the claims, nor in the description or drawings.

Furthermore, there is no implicit disclosure of this feature in the application as filed since the wording in page 2, line 22 "No contact is required between the receptacle and the induction coil" does not disclose that a distance is required or even suggested, nor that a 4 cm distance is necessary to achieve optimum results.

Accordingly, the amendment that introduced such feature presents the skilled person with new information which is not directly and unambiguously derivable from the originally filed application and thus this amendment introduces subject-matter which extends beyond the content of the application as filed and should not have been allowed pursuant to Art. 123(2) EPC. The patent is consequently opposed pursuant to Art. 100(c) EPC.

IN THE CLAIMS:

See about claim 6 (following paragraph 6.2).

1. CLAIM 1

1.1 Art. 56 USING A2 + A3

A2 represents the closest prior art since it is the only document relating to a food warming table. Moreover, A2 discloses a food warming table having the most features in common (listed below) and the most similar purposes with the table of claim 1. As a matter of fact, A2 discloses:

a table (food warming table)

for [it must be meant as “suitable for” since is limited by the intended use since requires special technical features (Guidelines C-III; 4.13) and in this case it is suitable since it has a wooden table surface and it is known from paragraph [5] of A1 that wood does not absorb the electromagnetic field and has other following features which make the table of A2 suitable for]

inductively heating food contained in a metal-coated receptacle, the table comprising

- a wooden table top (wooden table surface (paragraph [3] + claim 1 of A2) having an electrical heating apparatus enclosed in a cavity within the wood (page 1, lines 24, 25: “comprises IN the table beneath a wooden table surface” + lines 27, 28: “the electrical heating apparatus is covered by the wooden table surface” + claim 1: “an electrical heating apparatus enclosed by wood”).

Claim 1 differs from A2 in that it comprises an electrically conductive coil instead of the electrical heating apparatus and means suitable to connect the coil to a source of alternating current for producing an alternating electromagnetic field which is able to cause eddy currents within a metal-coated receptacle when this is placed on the table. In other words, claim 1 has an electromagnetic induction heating apparatus instead of an electrical heating apparatus. The difference is in the way of heating.

The technical effect of this feature consists in that electromagnetic induction heating allows to heat only the desired area (the metal-coated receptacle) without heating the surroundings (paragraph [5] of A1). Thus the technical problem is how to heat in a safe way by avoiding heating area different from that desired.

A3 which also relates to an apparatus for keeping food warm (équipement pour distribuer des aliments chauds + paragraph [3] of A3) discloses for this exact purpose (paragraph [5]: seul le plat est chauffé, et pas la courroie transporteuse) an electrical conductive coil (des bobines inductrices 5) which are known to be electrical conductive coils from paragraph [4] of A1) and means suitable to connect the coil to a source of alternating current for producing an alternating electromagnetic field which is able to cause eddy currents within the metal-coated receptacle when this is placed on the table (paragraph [5]: on fait passer un courant alternatif d'une fréquence donnée dans le bobines. Le champ électromagnétique en résultant induit des courants de Foucault dans le revêtement métallique du plat qui sont convertis en chaleur).

Therefore, in order to achieve a warming table able to avoid heating the surrounding area, the skilled person would introduce these features of A3 in the apparatus of A2 thereby arriving at the subject-matter of claim 1. Claim 1 can, therefore, be seen to lack an inventive step pursuant to Art. 56 EPC as it represents an obvious modification of A2 in the light of the teaching of A3.

1.2 Art. 56 USING A2

As shown before, A2 discloses....(see paragraph 1.1).

Claim 1 differs from A2 in the kind of heating means. In particular, claim 1 has electromagnetic heating means instead of the electrical heating apparatus of A2.

The objective technical problem can be seen to find an alternative way of heating food on a table.

As stated in A6, it is known since 1980s to use electromagnetic induction heating for heating a cookware on a hob (i.e., it is common general knowledge).

Therefore, in order to find an alternative to the electrical heating apparatus of A2, the skilled in the art would apply the common general knowledge in the table of A2 thereby arriving at the subject-matter of A1 without any inventive effort.

Claim 1 can therefore be seen to lack an inventive step pursuant to Art. 56 EPC as it represents an obvious alternative of the electrical apparatus of A2.

2. CLAIM 2

2.1 Art. 56 USING A2 + A3

Claim 2 is dependent on claim 1.

The extra feature of claim 2 relative to claim 1 is the presence of a source of alternating current which is able to produce an alternating current at a frequency between 15 kHz and 20 kHz.

A2 represent the closest prior art for the reasons explained in paragraph 1.1 (it has the most features in common and the most similar purposes apart from disclosing a warming table).

Claim 2 differs from A2 in the type of heating (see above paragraph 1) and in the frequency of the alternating current. The type of heating has already been discussed. The technical effect of having a frequency of the alternating current between 15 kHz and 20 kHz is to keep the food at the optimum temperature of 60°C to 65°C as long as necessary, without further cooking, thus retaining flavour and nutritional values (paragraph [6] of A1).

Thus the objective technical problem solved by claim 2 is to provide an apparatus for keeping food warm able to retain flavour and nutritional values.

A3, which relates to the same field of apparatuses for keeping food warm, in order to solve this problem (paragraph [3]: les aliments sont maintenus chauds à environ 65°C. Des températures plus élevées détruiraient le goût et la valeur nutritive) teaches to use a frequency between 15 kHz and 22 kHz for the following reasons:

- paragraph [5] of A3 states that “la fréquence utilisée dans le présent équipement doit être inférieure à celle des plaques à induction utilisées pour cuire”. From common general knowledge also reminded in paragraph [4] of A6, it is well known that at frequencies lower than about 22 kHz, the temperature for cooking is not reached. Thus A3 requires a frequency lower than 22 kHz;
- in the same paragraph [5] of A3 it is said that frequencies lower than 15 kHz must be avoided in order to avoid undesirable noises.

Thus A3 teaches to use a frequency comprises between 15 kHz and 22 kHz. Accordingly, the range 15 kHz - 20 kHz claimed in claim 2 is not novel.

Therefore, the skilled person reading A2 and trying to keep food warm while retaining its flavour and nutritional values, knows from A3 that he should use a frequency contained in such a range and would obviously apply this teaching to the warming table of A2 with the electromagnetic induction heating apparatus of A3 thereby arriving at the subject-matter of claim 2.

In other words, the skilled person starting from A2 and turning to A3 would find both the solutions to how to avoid heating the surrounding areas and how to retain flavour and nutritional values of food and would apply the teaching of A3: the teaching of using an electromagnetic induction heating apparatus at a given frequency.

3. CLAIM 3

3.1 Art. 54(2) USING A5

A5 discloses a receptacle (porcelain plate (in paragraph [1] + paragraph [5] + paragraph [7] + claim 2 of A5)) for heating food by a table according to claim 1 (“for” is limited by the intended use since it requires special technical features (Guidelines C-III; 4.13) in this case the plate of A5 is suitable for heating food by a table according to claim 1 since it is explicitly stated in paragraph [7] of A5. Moreover, A5 discloses a silver-containing layer of about 0.7 mm thickness and the common general knowledge known from paragraph [4] of A6 states that a certain thickness is required to the metal coating in order to have an optimum induction cooking, namely a thickness of about 0.3 mm. Accordingly, the 0.7 mm thickness of the silver containing layer of A5 is suitable for induction)

which comprises a ceramic body (porcelain plate (paragraph [1] + paragraph [5] + claim 2); it is known from paragraph [7] of A1 that porcelain is a species of the genus ceramic) at least partially coated (paragraph [5] + claim 2: coated plate; paragraph [7]: silver-coated plates) with:

- a glaze layer (paragraph [5] line 9: “a glazed porcelain plate” + following line: glaze is important for the plates... + paragraph [8]: plates with a dishwasher safe glaze + claim 2: glazed porcelain plate) and
- a metal-containing layer (paragraph [5]: coated with the silver containing layer; paragraph [6]: silver-containing layer + paragraph [8] silver-containing coatings; it is common general knowledge that silver is a species of genus metal and it is also mentioned in paragraph [8] of A1).

Since all the features of claim 3 are disclosed in combination in A5, claim 3 lacks novelty pursuant to Art. 54(2).

3.2 Art. 54(3) USING A6

A6 discloses a receptacle (kettle 1) for heating food by a table according to claim 1 (“for” is to be meant as “suitable for” as explained in the above paragraph 3.1; also the kettle of A6 is suitable for heating food by a table since it is used for cooking food by means of electromagnetic induction heating (paragraph [2]: “an induction-heated rice cooker which contains an induction coil in the lower part of the cooking container” + claim 1: “an induction-heating coil is installed which is able to induce electromagnetic induction heating in this kettle”) which comprises a ceramic body (paragraph [5]: “the kettle consists of earthenware” which is known to be a ceramic material from paragraph [7] of A1) at least partially coated (figure 1 + following considerations: the inner kettle is coated with a metallic layer (claim 1) + the metallic layer is coated with a vitreous layer (paragraph [5]) implies that the inner kettle is coated (with both layers) with:

- a glaze layer (vitreous layer 5 which is known to be a glaze layer from paragraph [7] of A1) and;
- a metal-containing layer (metallic layer 3).

Since all the features of claim 3 are disclosed in combination by A6, claim 3 lacks novelty pursuant to Art. 54(3) EPC.

3.3 Art. 56 USING A3 + A5

A3 is considered to represent the closest prior art since it discloses most of the features of claim 3 and since it relates to the same technical field of devices for keeping food warm.

A3 discloses a receptacle (plate) [for =] suitable for (see the above comments) heating food by a table according to claim 1 (paragraph [5]) which comprises a ceramic body (paragraph [6]: “le plat est fait en terre cuit” and it is known from paragraph [7] of A1 that earthenware is a ceramic material) at least partially coated with a metal containing layer (paragraph [6]: en revêtement métallique...) comprising iron (paragraph [7]: le revêtement métallique du plat est constitué d’une matière magnétique telle que le fer).

Accordingly, claim 3 differs from A3 in that the ceramic body is at least partially coated with a glaze layer.

The differing feature of the glaze layer has the technical effect of rendering the receptacle suitable for liquids (paragraph [7] of A1: without the glaze layer the receptacle would not be suitable for liquids).

Thus the objective technical problem to be solved is how to make receptacles suitable for liquids.

Also A3 addresses this problem in the last lines of paragraph [6].

A5 which also relates to a ceramic plate (paragraph [1]) coated with a metal-containing layer (paragraph [5]) suggests in the last lines of paragraph [5] the use of a glaze in order to obtain plates suitable for liquids and thus suitable for foods. Accordingly, the skilled man would modify the plate of A3 by applying the teaching of A5 in order to obtain a plate suitable for liquid, and thus he would arrive at the claimed features.

Thus claim 3 lacks inventive step pursuant to Art. 56 EPC.

4. CLAIM 4

4.1 Art. 56 USING A5 + A4

Claim 4 is dependent on claim 3.

The extra features of claim 4 with respect to claim 3 are:

- a) the whole ceramic body is coated by the glaze layer;
- b) the metal-containing layer is applied to the bottom of the glazed ceramic body; and
- c) the metal-containing layer comprises 60 - 70 weight % silver, 5 - 10 weight % fused quartz and the remaining comprising organic constituents.

Features a) and b) are both disclosed in A5 which already discloses all features of claim 3 on which it depends. Accordingly, A5 discloses all features of claim 4 but feature c). For this reason A5 is considered to represent the closest prior art, because it has the most features in common with claim 4, with respect to other documents, and because also A5, as claim 4, relates to a food receptacle. Accordingly, A5 represents a good starting point for discussing inventive step of claim 4.

As already shown in paragraph 3.1 above, A5 discloses all features of claim 3. Furthermore, A5 discloses that the whole ceramic body is coated by the glaze layer, as a matter of fact, paragraph [5] relates to a "glazed porcelain plate" and it is common general knowledge to mean that the whole porcelain plate is coated by the glaze layer since the porcelain plates are used to contain food and thus it is mandatory that they are entirely glazed, otherwise they would be not suitable for containing food. This is explicitly explained in the same paragraph [5], last lines, wherein it is stated that "the glaze is important for the plates in order to seal and to make them impermeable for liquids". Obviously the whole plate must be glazed in order to make it sealed and impermeable. It is also explained in paragraph [6] of A3 wherein it is said that the not-glazed ceramic body (le plat en terre cuite) must not be used directly for food since it adsorbs liquids. Accordingly, A5 implicitly discloses feature a).

Moreover, A5 discloses also features b), i.e. that the metal-containing layer is applied to the bottom of the glazed ceramic body. As a matter of fact, in paragraph [5] it is stated that the self-adhesive sheet coated with the silver-containing layer (silver is a metal, as explained in the above paragraph 3.1) is attached to the upper and/or lower surface of a glazed porcelain plate (the lower surface is the bottom). Accordingly, A5 discloses also feature b).

Claim 4 differs from A5 in that it comprises also feature c).

The technical effect of having a metal-containing layer comprising such a claimed composition is to obtain a detergent-resistant coating (paragraph [8] of A1).

Thus the objective technical problem solved by claim 4 in the light of A5 is how to provide a metal-containing coating to a receptacle in order to make it resistant to detergents and thus to make it wash-safe.

A4, which also relates to a food receptacle (cooking container) which has a metal-containing coating (paragraph [2]), in order to solve the problem of providing a coating

able to resist to detergents (paragraphs [1] and [2] + last lines of paragraph [3]), discloses a metal-containing layer (metal containing browning coating) comprising the claimed mixture, i.e. A4 discloses feature c). As a matter of fact, A4 discloses a metal-containing layer (metal containing browning coating) comprising from 65 weight % to 70 weight % of metal powder among which silver (paragraph [3]) - the range 60 - 70 w% is not novel with respect to the disclosed range 65 - 70 w% - ;

6 - 9 weight % of fused quartz (paragraph [3] + it is known from paragraph [8] of A1 that natural silicon dioxide is the alternative name of the fused quartz) - the range 5 - 10 w% is not novel with respect to the known range 6 - 9 w% - ; and

the remaining comprising organic constituents (last line of paragraph [3]).

Therefore, in order to solve the problem of conferring detergent-resistance to a metal coated receptacle, the skilled person would obviously introduce the mixture of A4 in the metal-containing layer of A5 arriving at the subject-matter of claim 4. Claim 4 can therefore be seen to lack an inventive step pursuant to Art.56 EPC in view of A5 in combination with A4.

5. CLAIM 5

5.1 Art. 56 USING A3 + A5

Claim 5 is dependent on claim 3.

The extra features of claim 5 with respect to claim 3 are:

- the metal-containing layer comprises iron and
- has a thickness of about 0.35 mm.

A3 is considered to represent the closest prior art since it discloses most of the features of claim 5 and since it relates to the same technical field of devices for keeping food warm.

A3 discloses a receptacle (plate) [for =] suitable for (see the above comments) heating food by a table according to claim 1 (paragraph [5]) which comprises a ceramic body (paragraph [6]: "le plat est fait en terre cuit" and it is known from paragraph [7] of A1 that earthenware is a ceramic material) at least partially coated with a metal containing layer (paragraph [6]: en revetment metallique...) comprising iron (paragraph [7]: le revetment metallique du plat est consitue d'une matiere magnetique telle que le fer).

Accordingly, claim 5 differs from A3 in that the ceramic body is at least partially coated with a glaze layer and in that the metal containing layer has a thickness of about 0,35 mm.

These two features are two independent features with no synergic effect: they solve different problems and thus they are just a mere juxtaposition of features (Guidelines C-IV; 11.5 + 11.7.2) accordingly they can be treated as partial problems.

The differing feature of the glaze layer has the technical effect of rendering the receptacle suitable for liquids (paragraph [7] of A1: without the glaze layer the receptacle would not be suitable for liquids).

Thus the objective technical problem to be solved is how to make receptacles suitable for liquids.

Also A3 addresses this problem in the last lines of paragraph [6].

A5, which also relates to a ceramic plate (paragraph [1]) coated with a metal-containing layer (paragraph [5]), suggests in the last lines of paragraph [5] the use of a glaze in order to obtain plates suitable for liquids and thus suitable for foods.

Accordingly, the skilled man would modify the plate of A3 by applying the teaching in order to obtain a plate suitable for liquid, and thus he would arrive at the claimed features.

The second distinguishing feature related to the thickness of the metal-containing layer has the technical effect of achieving an optimum inductive heating of the receptacle (last lines of paragraph [7] of A1).

The objective technical problem solved by this feature is thus how to obtain an optimum inductive heating.

As stated in paragraph [4] of A6, it is well known since 1984 (thus it is common general knowledge) that in order to achieve an optimum inductive heating it is necessary that the metal-coating has a certain thickness, namely about 0,3 mm. "About 0,35 mm" recited in claim 5 can be considered equal to "about 0,3 mm" of the common general knowledge of A6. Accordingly, the skilled man would apply this common general knowledge to the plate of A3 arriving at the claimed features. Accordingly, claim 5 lacks inventive step in view of A3 in light of the teaching of A5 and of common general knowledge.

5.2 Art. 54(3) USING A6

Claim 5 depends on claim 3.

As shown in the above paragraph 3.2, A6 discloses all features of claim 3.

The extra features of claim 5, relative to claim 3 are:

- the metal-containing layer comprises iron and
- has a thickness of about 0,35 mm.

Both these features are also disclosed in A6. As a matter of fact, the presence of iron in the metal-containing layer is implicitly disclosed in paragraph [4] where it is said that it is known since 1984 that all kind of metal-coated cooking equipment can be used but copper and aluminium.

The feature according to which the metal-containing layer has a thickness of about 0,35 mm is also disclosed in A6 (paragraph [4]: about 0,3 mm = about 0,35 mm) and is also said to be well known. Accordingly, all features of claim 5 are disclosed in combination by A6 and thus claim 5 lacks novelty pursuant to Art. 54(3) EPC.

6. CLAIM 6

6.1 Art. 54(3) USING A6

A6 discloses a method for coating (the kettle is coated with a metallic layer) a ceramic body (earthenware kettle 1 (earthenware is said to be a specific of genus ceramic in paragraph [7] of A1)) comprising the steps of:

- preparing a layered sheet (spreading the metallic layer on a paper layer (paragraph [6])) from a supporting layer (paper layer) preferably consisting of paper (it is a non-limiting feature, but in any case it is disclosed in A6: "paper layer") and a metal containing layer (metallic layer 3);
- applying the layered sheet to the bottom of the ceramic body (figure 1) whereby the metal-containing layer faces the ceramic body (paragraph [6]: "the paper layer is the outermost layer" implies that the metallic layer is the innermost of the two layers, thus it faces the ceramic body 1);
- removing the supporting layer (paragraph [6], line 3); and

- firing the ceramic body at a temperature between 600°C and 920°C (paragraph 1, last line - the range 600°C - 920°C is not novel with respect to the disclosed range 700°C - 860°C-).

Accordingly, all features of claim 6 are disclosed in combination in A6, thus novelty is lacking pursuant to Art. 54(3) EPC.

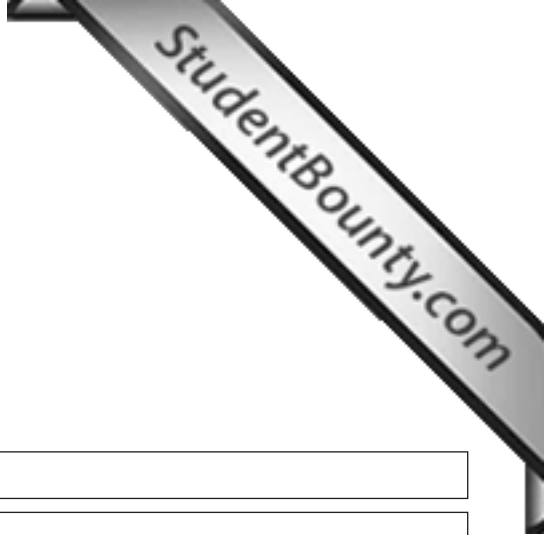
6.2 Added subject-matter

File inspection has shown that the feature “preferably consisting of paper” referred to the supporting layer in claim 6, has been added during the examination proceeding. This feature, although not limiting the scope of the claim, was not explicitly disclosed in the application as filed neither in the claims nor in the description or drawings. The priority documents, which the Applicant relied on as basis for the amendment, is not part of the application as filed (G3/89 + G11/91).

Therefore, the amendment that introduced the above feature, introduces subject-matter which extends beyond the content of the application as filed and should have not been allowed pursuant to Art. 123(2) EPC.

LETTER TO CLIENT

- Yes, we have used your information to attack patent pursuant to Art. 123(2). See paragraph "Added matter" under section "In the description" of the notice of opposition.
- No, in this case it has not any implication for the opposition since the priority is validly claimed. As a matter of fact, according to Art. 87, Rule 52(2) EPC, the declaration of priority may still be made within 16 months from the earliest priority date claimed, i.e. within 14/10/07 and it was claimed before (July 2007). Thus priority is valid. Moreover, the fact that the priority was claimed and accepted before publication means that the request for correction was accepted by EPO under Rule 88 EPC 1973. The correction was possible before publication, thus it has no implications for the opposition.
- Once the EPO has been informed, it should interrupt the proceeding according to Art. 120, Rule 142(1)(b). As a matter of fact, J 7/83 and J 26/95 recognised that bankruptcy falls within the prescription of such a rule (the Proprietor is prevented by legal reasons from continuing the proceedings). No, the EPO would not refund the opposition fee in this case since a party is entitled to a refund of a fee if the payment lacks a legal basis (Guidelines A-XI; 10.1.1) as for example if the notice of opposition is deemed not to have been filed (Art. 101(1) EPC, but this is not the case (Guidelines D-IV; 1.4.1 + T193/87). The opposition fee has been validly filed (Art.99 EPC). The opposition will be resumed when the EPO will be informed about the person entitled to continue proceeding.
- Yes, we have used this information to oppose claim 6 under Art. 123(2) (see the notice of opposition). The correction under Rule 139 EPC2000 on the basis of the priority document was not allowable. According to G3/89 and G11/91, the priority document is not part of the application as filed and the added feature was not in the application as filed, thus it contravenes Art. 123(2) EPC. (Even if the feature "preferably..." is not limiting, it is disclosed in A6 thus it is not a problem). Rule 56 EPC2000 applies only to applications filed on or after the date of entry into force of EPC2000 (13/12/2007).
- Yes, we have used A4 since it shows that the date of disclosure is 12/05/06, i.e. prior to the priority date of A1. An internet disclosure requires answering the same questions as for prior oral disclosure, namely when, what and under which circumstances this disclosure has been made available to public (T 1134/06). The proof must be beyond any reasonable doubt. In this case, we have the date of the last updating and it should be sufficient, however I suggest you to provide a written statement signed by Mr. Zenon and even better to offer him as witness in order to proof evidence of the disclosure date of such a document (T 91/98, T 750/94, T 1134/06).



Notice of opposition to a European patent

I. Patent opposed

Patent No.

Application No.

Date of mention of the grant in the European Patent Bulletin (Art. 97(3), Art. 99(1) EPC)

Title of the invention

II. Proprietor of the patent

first named in the patent specification

Opponent's or representative's reference (max. 15 keystrokes)

III. Opponent

Name

Address

State of residence or of principal place of business

Nationality

Telephone/Fax

Multiple opponents (see additional sheet)

IV. Authorisation

1. Representative (name only one representative or name of association of representatives to whom notification is to be made)

Address of place of business

Telephone/Fax

Additional representative(s) on additional sheet/see authorisation

2. Name(s) of employee(s) of the opponent authorised to act in these opposition proceedings under Art. 133(3) EPC

Authorisation(s) to 1./2. not considered necessary

has/have been registered under No.

is/are enclosed

V. Opposition is filed against

• the patent as a whole

• claim(s) No(s).

VI. Grounds for opposition:

Opposition is based on the following grounds:

(a) the subject-matter of the European patent opposed is not patentable (Art. 100(a) EPC) because:

• it is not new (Art. 52(1); Art. 54 EPC)

• it does not involve an inventive step (Art. 52(1); Art. 56 EPC)

• patentability is excluded on other grounds, i.e. Article

(b) the patent opposed does not disclose the invention in a manner sufficiently clear and complete for it to be carried out by a person skilled in the art (Art. 100(b) EPC; see Art. 83 EPC).

(c) the subject-matter of the patent opposed extends beyond the content of the application/of the earlier application as filed (Art. 100(c) EPC, see Art. 123(2) EPC).

VII. Facts (Rule 76(2)(c) EPC)

presented in support of the opposition are submitted herewith on a separate sheet (annex 1)

VIII. Other requests:

IX. Evidence presented

Evidence is enclosed
will be filed at a later date

A. Publications:

1
Particular relevance (page, column, line, fig.):

2
Particular relevance (page, column, line, fig.):

3
Particular relevance (page, column, line, fig.):

4
Particular relevance (page, column, line, fig.):

5
Particular relevance (page, column, line, fig.):

6
Particular relevance (page, column, line, fig.):

Continued on additional sheet

B. Other evidence

Continued on additional sheet

Please do not use

X. Payment of the opposition fee is made

- as indicated in the enclosed voucher for payment of fees and costs (EPO Form 1010)
- via EPO Online Services

XI. List of documents

Enclosure No.

- 0 Form for notice of opposition
- 1 Facts (see VII.)
- 2 Copies of documents presented as evidence (see IX.)
 - a Publications
 - b Other documents
- 3 Signed authorisation(s) (see IV.)
- 4 Voucher for payment of fees and costs (see X.)
- 5 Additional sheet(s)
- 6 Other

Number of sheets

Please specify here:

XII. Signature of opponent or representative

Place

Date

Signature

Name (block capitals)

In case of legal persons, signatory's position within company