Collegio Italiano dei
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Paper C EQE 2022

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FÉDÉRATION INTERNATIONALE DES CONSEILS EN PROPRIÉTÉ INTELLECTUELLE
INTERNATIONAL FEDERATION OF INTELLECTUAL PROPERTY ATTORNEYS
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DISCLAIMER

- The following presentation contains private opinions of the tutors. It is intended to provide the best advice according to the knowledge of the tutors.
- Each paper is different, and there is no single „methodology“ guaranteed to yield the correct solution of the paper. The best methodologies are called „knowledge“ and „common sense“.
- This presentation is not intended as a „methodology”

WHAT DO YOU RECEIVE?

PART C(I)

- first Client´s letter
- A1 – patent to be opposed: only a part of the claims and/or description!
- Annexes A2 to A? (typically A2 to A6) – prior art documents provided by the client. All prior art documents provided, also those not usable for attacking claims of PART C(I)!
- **Annexes may be printed**

PART C(II)

- second Client's letter
- A1 – patent to be opposed: complete version
- Annexes A2 to A? (typically A2 to A6)

WISEFLOW

- Electronic tool for EQE 2021, EQE 2022 and …?
- Familiarize with it! Read all documents, take part to mocks, prepare your PC system
- Solve papers in wiseflow mode

  hiips://www.epo.org/learning/eqe/e-eqe.html

- Possible last-minute updates: stay tuned!

WHAT ARE YOU REQUIRED TO PREPARE?

- A notice of opposition against A1
- Attack all claims that can be attacked
- Art. 100(a) grounds: not patentable under Art. 52-57
- Art. 100(c) grounds: added subject-matter
- Do NOT use Art. 100(b) ground

NOTICE OF OPPOSITION

- ✓ Identify the patent to be opposed and the opponent.
- ✓ Payment of the opposition fee has to be indicated.
- ✓ The intended opponent is the company and not the person signing the client's letter.
- ✓ All relevant information, a statement of the extent to which the European patent is opposed, opposition grounds, evidence, facts and arguments have to be in the answers.
- ✓ Features table are not awarded marks.

STEPS

I. Read the client's letter
2. Establish the number of claims and their dependency
3. Establish effective dates of the claims
4. Establish dates of the prior art annexes and their usability
5. Read the claims
6. Read and analyze A1
7. Read and analyze prior art annexes A2 – AX (X = 5 or 6 typically)
8. Establish attacks
9. Draft the Notice of Opposition

→ for part C(I) and part C(II)

EFFECTIVE DATES OF CLAIMS AND PRIOR ART

11 marks available

- No effective date issues (quite unusual)
- Many issues on prior art! (more than usual)

Annex 2: publication from Internet retrieved from wayback machine (GL G-IV 7.5)

Annex 3: post-published article disclosing **two prior uses** which took place before the effective date (GL G-IV 7.2)

→ To be treated as **TWO distinct Annexes**

Annex 4: slides provided to participants of a conference on a USB stick

Annex 6: prior art under Art. 54(3) EPC

NOVELTY ATTACK (I)

- Basically copy the claim and for each feature explain in parentheses **where** it can be found in the cited Annex and **why** it is the same (if not indicated by the same word)
- You gain marks for finding the feature (use of information marks), but more importantly for **arguing where it is found and why it is the same feature** (argumentation marks)
- In this argumentation you will sometime refer to another Annex, in which the definition is given

NOVELTY ATTACK (II)

- Generic vs. specific (specific disclosure takes away the novelty of generic disclosure, but not vice versa, e.g., „copper“ vs. „metal“; ranges)
- Implicit features – only if there is a strong case (sometimes hinted on by other documents) – do not speculate or overthink, do not use your specialist knowledge
- Correspondence of features may be provided in the same document OR **in another document** OR in the PATENT to be OPPOSED

ANNEX 1 – PART C(I)

The hybrid yarn

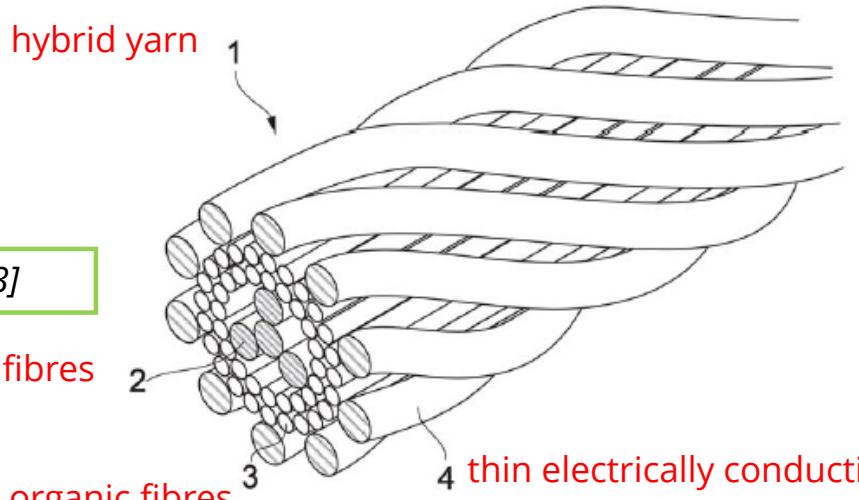


FIG. 1

If the hybrid yarn (1) is then exposed to a chemically aggressive solvent, the intermediate layer of chemically removable organic fibres (3) is dissolved and the core or inner strand of chemically resistant organic fibres (2) and the outer layer of thin metal wires (4) remain. This creates a structure having a void between the inner strand and the outer layer, par. [0015]

e.g. polyester, par. [0013]

e.g. polyamide, par. [0013]

e.g. copper or its alloy or stainless steel (not working for detectable ball), par. [0014]

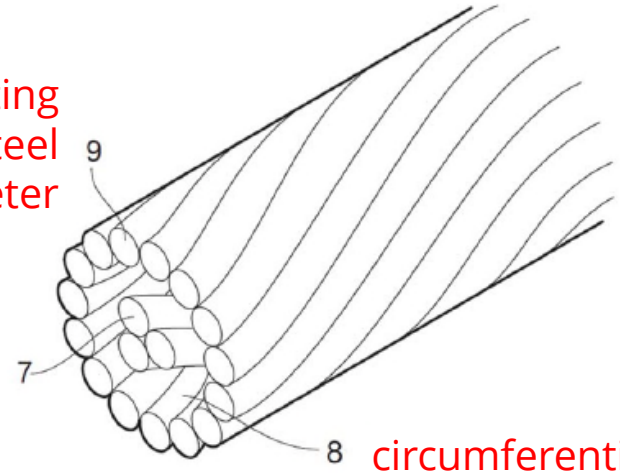
CLAIM 1 – PART C(I)

1. A hybrid yarn (1) for use under high mechanical stress conditions, such as for a ball (9) for a ball game, wherein the yarn (1) comprises an inner strand of chemically-resistant organic fibres (2) and a circumferential outer layer consisting of 10-20 thin electrically conductive metal wires (4), the thin electrically conductive metal wires (4) being twisted around the inner strand along the longitudinal axis of the yarn (1), whereby a void is formed between the inner strand and the outer layer by removal of material using a solvent.

ANNEX 5

outer layer (9) consisting of 15 to 30 stainless steel wires of 25 µm diameter

core consisting of 3 to 5 polyester fibres



circumferential void

FIG. 3

polyamide fibres are wound around the polyester fibre core before the stainless steel wires are added. Polyamide has a lower melting point than polyester, such that by applying a thermal treatment to the intermediate product the polyamide fibres can be at least partially removed. Thereby, the above-mentioned void (8) between the inner polyester fibre core (7) and the outer stainless steel wire layer (9) is created, par. [0010]

publication date before effective date claim 1 ➡ prior art 54(2) EPC

NOVELTY ATTACK TO CLAIM 1

CLAIM 1	Annex 1	Annex 5	info from other Annexes
A hybrid yarn (1)		**yarns or cords** (par. [0003])	A2: **The yarn is a hybrid (composite) yarn as it comprises organic polyester fibres and metal wires** (p. 1 l. 16-17)
for use under high mechanical stress conditions,		high mechanical stress (par. [0002])	
such as for a ball (9) for a ball game,		**bycicle tyre**	
wherein the yarn (1) comprises an inner strand of chemically-resistant organic fibres (2)	e.g. polyester (par. [0013])	core (7) consisting of 3 to 5 polyester fibres (claim 1)	
and a circumferential outer layer consisting of 10-20 thin electrically conductive metal wires (4)	stainless steel, even if less preferred (par. [0014])	outer layer (9) consisting of 15 to 30 stainless steel wires of 25 µm diameter (claim 1)	A6: in this field of technology the term "metal wire" refers to a diameter of greater than 100 µm and **the term "thin metal wire" to a diameter equal to or below that value** (par. [0006])
the thin electrically conductive metal wires (4) being twisted around the inner strand along the longitudinal axis of the yarn (1),	**are wound as an outer layer around the intermediate layer along its longitudinal axis, so that a twist is implemented** (par. [0013])	**wound** around the core (7) along its longitudinal axis (claim 1)	
whereby a void is formed between the inner strand and the outer layer		a circumferential void (8) is present between the core and outer layer of the cord (claim 1)	
by removal of material using a solvent.		at least partial removal of polyamide fibers by thermal treatment (par. [0010])	A4: polyamide dissolved by solvent (footnote 1 to step 4)

GOOD ATTACK TO CLAIM 1?

20 marks available

A5 discloses a hybrid yarn (cord 5) for use under high mechanical stress conditions, such as for a ball for a ball game (optional, hence not limiting), wherein the yarn comprises an inner strand of chemically-resistant organic fibres (core 7 of polyester fibres) and a circumferential outer layer consisting of 10-20 thin electrically conductive metal wires (outer layer 9 of 15-30 stainless steel wires), the thin electrically conductive metal wires being twisted around the inner strand along the longitudinal axis of the yarn (stainless steel wires are wound around the core, see claim 1), whereby a void is formed between the inner strand and the outer layer (void 8) by removal of material using a solvent.

Therefore **A5** discloses all the features of claim 1, which thereby lacks novelty.

GOOD ATTACK TO CLAIM 1! (I)

A5 discloses a hybrid yarn (cord in claim 1 of A5, where "cord" is a synonym of "yarn", see par. [0003] of A5; the cord or yarn of A5 is also "hybrid", see definition in page 1, lines 16-17 of A2 : "the yarn is a hybrid yarn as it comprises organic polyester fibres and metal wires". The cord of A5 is a polyester-stainless steel cord, hence it is hybrid)

for use under high mechanical stress conditions ("for" means "suitable for", see GL F-IV 4.13.1. The cord of A5 is also suitable for high mechanical stress, see par. [0002] of A5)

such as for a ball for a ball game (optional feature, hence not limiting the scope of claim 1, see GL F-IV 4.9)

GOOD ATTACK TO CLAIM 1! (II)

wherein the yarn comprises an inner strand of chemically-resistant organic fibres (a core consisting of 3 to 5 polyester fibres, see claim 1 of A5. Polyester is a specific type of the chemically-resistant organic material, see par. [0013] of A1)

and a circumferential outer layer consisting of 10-20 thin electrically conductive metal wires (an outer layer consisting of 15 to 30 stainless steel wires of 25 μm diameter, see claim 1 of A5. Stainless steel is an electrically conductive metal, see par. [0014] of A1. The wires of A5 are thin because 25 μm diameter falls within the range < 100 μm defining "thin wires", see par. [0006] of A6. The value 15 disclosed by claim 1 of A5 is within the range 10-20, hence it takes away novelty of that range, see GL-G VI 8)

GOOD ATTACK TO CLAIM 1! (III)

the thin electrically conductive metal wires being twisted around the inner strand along the longitudinal axis of the yarn (the stainless steel wires of claim 1 of A5 are wound around the core. "wound around" is a synonym for "twisted around", see par. [0013] of A1)

whereby a void is formed between the inner strand and the outer layer (a circumferential void is present between core and outer layer, see claim 1 of A5)

GOOD ATTACK TO CLAIM 1! (IV)

a void is formed by removal of material using a solvent (a product-by-process feature can establish novelty only if it causes the claimed product to have different properties from the prior art, see GL F-IV 4.12.1. According to A5, the void is formed by thermal treatment of an intermediate layer of polyamide fibres, see par. [0010]. The same would result also be achieved by using a solvent, see footnote 1 in slide 3 of A4).

Therefore **A5** discloses all the features of claim 1 of **A1**, which thereby lacks novelty.

NOVELTY ATTACK - SUMMARY

- cite specific reference in the relevant document (paragraph, line, page, figure)
- if prior art uses different terminology, explain **why** it has the same meaning (using information provided in the annexes, not based on your knowledge)
- repeating claim wording without specific references in the relevent document and without explanations on different terminology gives you very few marks.

NOVELTY ATTACK –SUMMARY (II)

- The use of information requires citation of the specific reference in the relevant document (e.g. paragraph, line, claim, figure, as appropriate). If prior art uses different terminology to the feature in a claim, a full reasoning requires an explanation why the meaning is the same, on the basis of the information provided in the Annexes

- For example, in this year's paper the correspondence of terms such as “yarn" and “cord” or “twisted” and “wounded” was to be established based on definitions found in Annex 5 and Annex 1 itself. “thin metal wires” should be explained with reference to definition in Annex 6.

INVENTIVE STEP ATTACK (I)

1. determine closest prior art (CPA)
   - **add reasoning for selecting the CPA**
   - Not necessarily the document used for a novelty attack of the independent claim
   - Not necessarily the document having the highest number of features in common
2. mention features in common with the claim
   1. similar to a novelty attack
3. determine the difference between claim and CPA
   1. In term of object
4. technical effect of that difference
   - as presented in A1

INVENTIVE STEP ATTACK (II)

5. formulate objective technical problem

- Choose the "macroscopic effect"
- Effect is the same as in the CPA – the OTP is to find an alternative
- No technical effect of the different feature – no OTP

6. combine CPA with another document/disclosure and mention why said document may be considered by skilled person

- Motivation of the skilled person to find the second document (e.g., same field, more general field, neighboring field – why the SP would look there)

7. argue why skilled person is motivated to use solution from said document (could/would approach)

- compatibility of materials, no need for further technical modifications, direct hint in the second document that the solution is generally utilizable, etc..

8. Conclusion

Annex 1 – PART C(II)

The electronically detectable ball

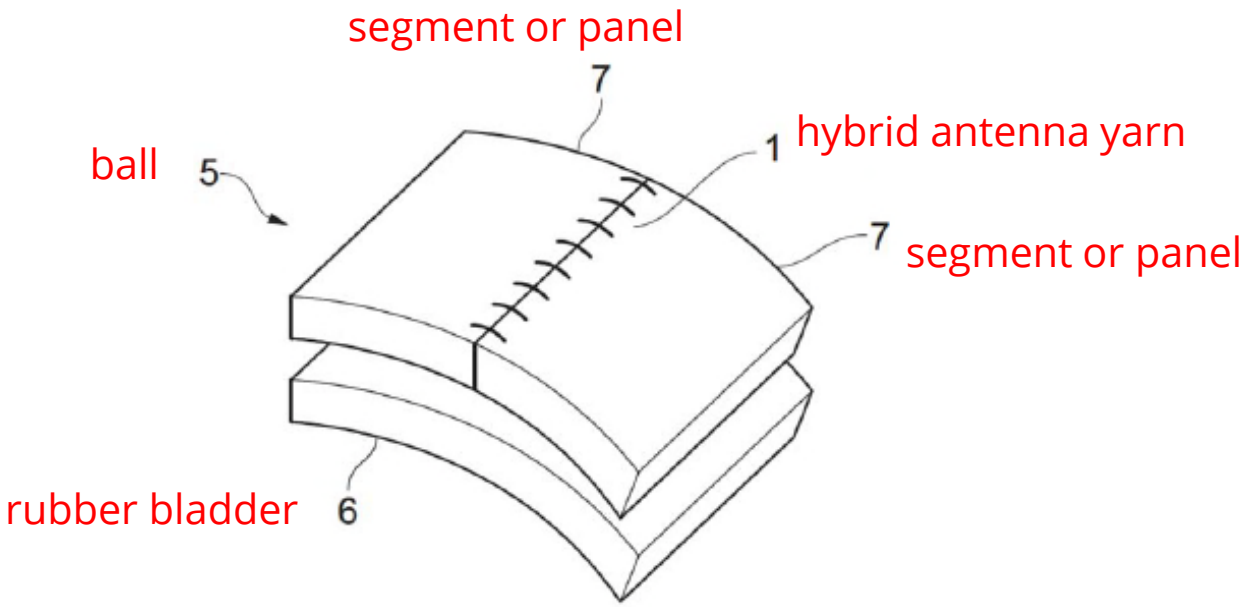


FIG. 2

CLAIM 4 – PART C(II)

CLAIM 3

4. An electronically detectable ball (9) *comprising a rubber bladder (6) and an external covering enclosing said bladder (6), the covering comprising a plurality of segments (7) and a passive antenna, characterized in that the passive antenna is a structural component of the external covering to allow electronic detection of the ball (9),* characterized in that

it further comprises a yarn (1) fastening the segments (7) of the external covering to each other, the yarn (1) being a hybrid yarn consisting of organic fibres (2) and thin metal wires (4) forming the passive antenna.

CLAIM 4 – PART C(II)

A2: electromagnetic shielding garments;

A3A: ball with a bladder and a passive antenna suitable for interfering with an electromagnetic field, the ball is sewn together with the antenna ;

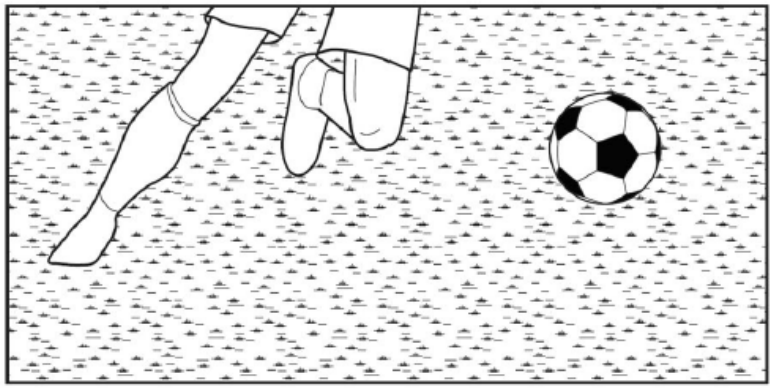
A3B: ball with seamless covering and antenna coils attached to its inner side;

A4: hybrid cord;

A5: bicycle tires with reinforcement layer;

A6: 54(3)

Annex 3 – 1° generation Vuweseeler



...Metal yarn had broken and the seams joining the ball's segments had ripped. The **yarn was obviously unable** to withstand the **high mechanical stress** resulting from the ball being kicked, due to the **lack of tensile strength of the material**

The first model, introduced in 2010, was a classical hand sewn one with a high-quality **rubber bladder** made from vulcanized natural caoutchouc.

The innovation was that it included a **passive antenna** formed by a **copper yarn**. This metal yarn was used **to sew the segments of the ball's outer casing**, **thereby creating a structure** consisting of the segments and the yarn, with the yarn being evenly distributed on the ball's surface.

The antenna coils produced in this way could interfere with an-electromagnetic field generated by ultrahigh-frequency transceivers of a specific goal. ➔ provide an arrangement for electronic goal detection

INVENTIVE STEP ATTACK TO CLAIM 4

CLAIM 4	Annex 3A	Annex 1
An electronically detectable ball (9)	A3 page 2, lines 25 – 29, states "the antenna coils (of the ball) produced in this way could interfere with an electromagnetic field generated by ultrahigh-frequency transceivers of a specific goal" which makes the ball electronically detectable	
comprising a rubber bladder (6)	A3, page 2, lines 20 and 21: "a high-quality rubber bladder"	
and an external covering enclosing said bladder (6),	A3, page 2, line 23: "ball's outer casing" which is an "external covering"	
the covering comprising a plurality of segments (7)	A3, page 2, line 23: "the segments of the ball's outer casing"	
and a passive antenna	A3, page 2, lines 22 to 24, state that "a passive antenna (is) formed by a copper yarn" and that "this metal yarn was used to sew the segments of the ball's outer casing" thereby "creating a structure consisting of the segments and the yarn"	
the passive antenna is a structural component of the external covering to allow electronic detection of the ball (9).		
a yarn (1) fastening the segments (7) of the external covering to each other,		
to allow electronic detection of the ball (9).	*see feature 1*	
the yarn (1) being a hybrid yarn consisting of	**yarn is made of copper see A3 page 2 line 22**	**T.E. highly elastic and (of) high-tensile strength" (A1[0018])**
organic fibres (2) and thin metal wires (4) forming the passive antenna		

Annex 2
Internet Newsletter from BrainTex AG

BrainTex® has designed and created a full range of **electromagnetic shielding garments** which has been available on the market since the beginning of this year. The innovative material used for this product line consists of **fabrics made of a hybrid polyester yarn having an outer layer of a plurality of metal wires of about 30 µm in diameter**.

These metal wires serve as **passive antennae that interfere with electromagnetic waves** such that the fabrics guarantee a high degree of protection against electromagnetic radiation. The yarn is a hybrid (composite) yarn as it comprises **organic polyester fibres and metal wires**.

Apart from the electromagnetic shielding, we are convinced that there is great potential for our product **in other applications which require the electronic detection** of living beings such as humans or animals, or **objects such as sports devices**.
In particular, sports devices are often subject to **high mechanical stress due to dynamic deformation**.

Due to the use of polyester fibres and thanks to its construction, our yarn is lightweight, has controlled elasticity, and a high tensile strength compared with typical electrically conducting pure metal yarns such as copper yarns.

Our yarn would therefore improve the **durability** of such devices.

INVENTIVE STEP ATTACK TO CLAIM 4

CLAIM 3	Annex 2	Annex 6
	relates to passive antenna (page 1 line 14) ==> suggest use in situaiton with high mechanical sress due to dynamic deformation (page 1 line 24) and propose a yarn that is lighweight has controlled elasticity and high tensile strength compared with metal yarns and copper yarns	
the yarn (1) being a hybrid yarn consisting of	page 1, lines 17 and 18: "The yarn is a hybrid (composite) yarn as it comprises organic polyester fibres and metal wires"	metal wire of a diameter below 100 µm is a thin metal wire
organic fibres (2) and thin metal wires (4) forming the passive antenna	wires being thin (page 1, lines 13: "metal wires of about 30 µm" diameter"	

GOOD ATTACK TO CLAIM 4?

16 marks available

The ball of **A3A** is closest prior art as it serves the same purpose which is to provide a ball that is electronically detectable.

A3A discloses an electronically detectable ball (A3, page 2, lines 25 – 29, states "the antenna coils (of the ball) produced in this way could interfere with an electromagnetic field generated by ultrahigh-frequency transceivers of a specific goal" which makes the ball electronically detectable) comprising:

- a rubber bladder (A3, page 2, lines 20 and 21: "a high-quality rubber bladder"),
- an external covering enclosing said bladder (A3, page 2, line 23: "ball' s outer casing" which is an "external covering"),
- the covering comprising a plurality of segments (A3, page 2, line 23: "the segments of the ball's outer casing"), the ball further comprises
- a yarn which is fastening the segments of the external covering to each other ... the passive antenna is a structural component of the external covering (A3, page 2, lines 22 to 24, state that "a passive antenna (is) formed by a copper yarn" and that "this metal yarn was used to sew the segments of the ball' s outer casing" thereby "creating a structure consisting of the segments and the yarn"),
- to allow electronic detection of the ball (see above)

GOOD ATTACK TO CLAIM 4?

16 marks available

A3A does not disclose that: (the yarn is) a hybrid yarn consisting of organic fibres and thin metal wires forming the passive antenna.

This **distinguishing feature** provides the **technical effect** that the hybrid yarn is "highly elastic and (of) high-tensile strength" (A1[0018]).

Therefore, the distinguishing feature solves the **objective technical problem** of providing a ball with an antenna formed by a hybrid yarn for increasing the reliability of the detection over time

To solve the objective technical problem posed the skilled person **would look at A2** because it relates to **hybrid yarn with high tensile strength** (A2, page 1, lines 25 - 27).

A2 discloses the distinguishing feature on page 1, lines 17 and 18: "The yarn is a hybrid (composite) yarn as it comprises organic polyester fibres and metal wires".

A2 discloses further the metal wires being thin (see page 1, lines 13: "metal wires of about 30 µm" diameter.

16 marks available

GOOD ATTACK TO CLAIM 4?

The skilled person is prompted to apply the teaching of A2 to the ball of A3A, as A3, page 2, lines 3 - 7, mentions that the **yarn of A3a was unable to withstand high mechanical stress**.

The yarn of **A2** provides this required high mechanical stress resistance, see **A2**, page 1, line 24: "sports devices are often subject to high mechanical stress due to dynamic deformation".

Therefore, the skilled person would use the hybrid yarn of **A2** instead of the copper yarn of **A3A** for sewing together the segments of the ball of **A3A**.

GOOD ATTACK TO CLAIM 4 (I)

The ball of A3A is closest prior art as it serves the same purpose.
which is to provide a ball that is electronically detectable, and has segments sewn together with a metal yarn, which acts as an antenna, and a bladder

A3A discloses an electronically detectable ball (A3, page 2, lines 25 – 29, states "the antenna coils (of the ball) produced in this way could interfere with an electromagnetic field generated by ultrahigh-frequency transceivers of a specific goal" which makes the ball electronically detectable) comprising:

- a rubber bladder (A3, page 2, lines 20 and 21: "a high-quality rubber bladder"),
- an external covering enclosing said bladder (A3, page 2, line 23: "ball' s outer casing" which is an "external covering"),
- the covering comprising a plurality of segments (A3, page 2, line 23: "the segments of the ball's outer casing"), the ball further comprises
- a yarn which is fastening the segments of the external covering to each other ... the passive antenna is a structural component of the external covering (A3, page 2, lines 22 to 24, state that "a passive antenna (is) formed by a copper yarn" and that "this metal yarn was used to sew the segments of the ball' s outer casing" thereby "creating a structure consisting of the segments and the yarn"),
- to allow electronic detection of the ball (see above)

GOOD ATTACK TO CLAIM 4 (II)

A3A does not disclose that: (the yarn is) a hybrid yarn consisting of organic fibres and thin metal wires forming the passive antenna.
This distinguishing feature provides the technical effect that the hybrid yarn is "highly elastic and (of) high-tensile strength" (A1[0018]).

Therefore, the distinguishing feature solves the objective technical problem of providing a ball with “reliable goal detection throughout a long lifetime” (A1[0019]).

To solve the objective technical problem posed the skilled person would look at A2 because it relates to an antenna yarn with high tensile strength (A2, page 1, lines 25 - 27)

A2 discloses the distinguishing feature on page 1, lines 17 and 18: “The yarn is a hybrid (composite) yarn as it comprises organic polyester fibres and metal wires”).

A2 discloses further the metal wires being thin (see page 1, lines 13: “metal wires of about 30 µm" diameter and A6[0006] a metal wire of a diameter below 100 µm is a thin metal wire.

GOOD ATTACK TO CLAIM 4 (III)

The skilled person is prompted to apply the teaching of **A2** to the ball of **A3A**, as **A3**, page 2, lines 3 - 7, mentions that the **yarn of A3a was unable to withstand high mechanical stress**.

The yarn of **A2** provides this required high mechanical stress resistance, see A2, page 1, line 24: "sports devices are often subject to high mechanical stress due to dynamic deformation".

Therefore, the skilled person would use the hybrid yarn of **A2** instead of the copper yarn of **A3A** for sewing together the segments of the ball of **A3A**.

There is no hindrance to do so as the yarn of **A2** can be used for sewing leather segments of a sports device for a high stress applications, see **A2**, page 2, lines 12 - 15.

Thus, claim 4 lacks inventive step (Article 56 EPC) in view of A3A and A2.

PARTIAL PROBLEMS APPROACH (I)

- Allows to combine more than 2 documents for PSA
- When there are 2 (or more) differences between the CPA and the attacked object
- Comes up very often
- Basis: if the distinguishing features solve different problems which do not have anything in common (i.e., there is no synergy between the effects), they can be treated separately
- *Attention if the same document discloses both the distinguishing features partial problem approach still required*

PARTIAL PROBLEMS APPROACH (II)

- Determine the differences from the CPA
- For each difference, determine effect
- Argue why the effects are independent, i.e., why there is no synergy or cooperation between the effects
- Determine the OTPs, treat the OTPs separately, i.e., continue with a separate PSA for each difference

MIXED TYPE CLAIMS

- Technical and non-technical features
- When assessing inventive step, only features contributing to the technical character of the invention shall be considered (**COMVIK approach**, see GL G-VII 5.4)
- A feature which is not technical when taken in isolation may contribute to the technical character of the invention (e.g. mathematical steps of an algorithm having a technical purpose)

CLAIM 6 – PART C(II)

6. A computer-implemented method for adapting the odds in live sports betting when a goal is detected by the arrangement (8) of claim 5.

- A computer-implemented method: technical
- for adapting the odds in live sports betting: non-technical (business) and does not contribute to technical character of the invention
- when a goal is detected by the arrangement (8) of claim 5: technical

ADDED SUBJECT MATTER ATTACK

- Explain why the claim has no basis in the application as filed
- Compare the text of the application **as filed** with the text of the granted claim
- If also the relevant part of the description has been added after filing, the claim has nonetheless **NO** basis in the application as filed
- ATTENTION: the reference for a 123(2) attack is A1 as filed, NOT the priority document!

CLAIM 3 – PART C(II)

Dear Mr Eleh,

Our server has been repaired, so we are now sending you the full set of documents and information to be used to file a notice of opposition to European patent EP 4 474 901 B1 (Annex 1) on behalf of our company, iBalls Co., Ltd. We trust that the enclosed Annexes 2 to 6 will be of use to you in this regard.

File inspection has revealed that the application as originally filed had five claims. Claims 1, 2, 5 and 6 as granted are identical to claims 1, 2, 4 and 5, respectively, as originally filed. The subject matter of claim 3 as originally filed was split into claims 3 and 4 as granted. The dependencies have been amended accordingly. The rest of the patent application was not amended during examination.

added subject matter attack?

CLAIM 3 – PART C(II)

3. An electronically detectable ball (9) comprising a rubber bladder (6) and an external covering enclosing said bladder (6), the covering comprising a plurality of segments (7) and a passive antenna, characterized in that the passive antenna is a structural component of the external covering to allow electronic detection of the ball (9).

CLAIM 4 – PART C(II)

4. The electronically detectable ball (9) according to claim 3, characterized in that it further comprises a yarn (1) fastening the segments (7) of the external covering to each other, the yarn (1) being a hybrid yarn consisting of organic fibres (2) and thin metal wires (4) forming the passive antenna.

ATTACK TO CLAIM 3 (I)

Claim 3 contains subject matter which extends beyond the content of the application as filed.

A number of features of original claim 3 (a hybrid yarn of organic fibers and metal wires fastening the segments of the external covering of the ball and forming the passive antenna of the ball) have indeed been removed in claim 3 as granted.

Removal of features from a claim however does not contravene Art. 123(3) EPC only if the "gold standard" of G 2/10 is met (GL H-V 3.1: "directly and unambiguously derivable by a skilled person from the application as filed using common general knowledge").

ATTACK TO CLAIM 3 (II)

The application as filed discloses an electronically detectable ball in original claim 3, par. [0018]-[0019] and Fig. 2.

In all cases, the features of claim 3 as granted (rubber bladder, external covering made of segments, passive antenna as a structural component of the external covering) are disclosed exclusively in combination with the removed features. Further, the removed features are not disclosed to be optional or replaceable (namely, no alternative to hybrid yarns fastening the segments is disclosed or suggested for forming the passive antenna).

ATTACK TO CLAIM 3 (III)

From the application as filed, the skilled person would then not derive directly and unambiguously any implementation of the passive antenna other than the hybrid yarns fastening the segments.

Removal of such features from claim 3 therefore results in an unsupported intermediate generalization, which contravenes Art. 123(2) EPC.

THANK YOU FOR YOUR ATTENTION!

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