

OPINION UNDER SECTION 74A

Patent	EP(UK) 1364565
Proprietor(s)	Gore Enterprise Holdings Ltd
Exclusive Licensee	
Requester	Arka Technologies Ltd, on 29 June 2009
Observer(s)	Gore Enterprise Holdings Ltd
Date Opinion issued	14 October 2009

The request

1. The comptroller has been requested to issue an opinion as to whether EP 1364565 is valid in view of the disclosures in the patent documents D1-D10 listed below. The requester alleges that the four independent claims and most of the dependent claims are not valid.

D1 GB 2,322,012 (Nokia)
D2 WO 97/41716 (Kauhaniemi)
D3 WO 95/14288 (ITT)
D4 GB 2,285,181 (Hitec Sheet Metal Limited)
D5 EP 0,265,285 (Instrument Specialities)
D6 US 4,890,199 (Motorola (Beutler))
D7 US 5,014,160 (D.E.C.(McCoy))
D8 WO 94/19874 (Motorola)
D9 WO 01/99483 (Laird Technologies)
D10 US 6,126,455 (Tessera (Haba))

2. Referring to the independent claims, the requester alleges that claims 1 and 11 lack novelty over D1 and inventive step over D2, that claim 18 lacks novelty over D1 or D2, and that claim 28 lacks inventive step over the combinations of D1 with D10, and D2 with D10.
3. The requester alleges that some claims are unclear, while conceding that clarity is beyond the scope of an opinion. I will not discuss clarity

beyond what is required to construe the claims.

Observations

4. Observations were filed by the proprietor, including an invitation to the Comptroller to “reject the whole request”.

Observations in reply

5. Observations in reply were submitted, rebutting the proprietor’s allegation of insufficiency and commenting on the proprietor’s observations in respect of independent claims 1, 18 and 28, and dependent claims 2 and 27.

Discussion

ALLOWABILITY

6. The proprietor invites the Comptroller to reject the request in view of alleged insufficiency of the requester’s submissions, which I take to mean that the proprietor is asking the Comptroller to decline to issue an opinion. The requester denies the request is insufficient. I note that Insufficiency of submission is not listed as a ground for refusal in rule 94 (1) of the Patents Rules 2007.
7. Document D10 was cited in the patent search report but is here combined with new art and I conclude that the opinion is not revisiting a question that has been sufficiently considered before (the subject of rule 94 (1) (b)). I consider that the request should be allowed.

BACKGROUND

8. Shields are often used to prevent the exit or entrance of electromagnetic interference (EMI) from sections of a printed circuit board (PCB). Conventional shields may be soldered to the earth track on the printed circuit board, making the shields difficult to remove for rework, repair, or inspection of components under the shield. The patent relates to an EMI shield which is removable.

NOVELTY OF CLAIM 1

9. Claim 1 recites:

“An apparatus comprising:

- (a) a substrate having at least one electrical component disposed thereon;
 - (b) a plurality of discrete electrically conductive fastening units disposed in a pattern on said substrate surrounding said at least one electrical component;
 - (c) an EMI shield comprising a dielectric material layer having an inner surface and an outer surface and an electrically conductive layer over at least one of said inner and outer surface;
 - (d) a plurality of apertures formed in said EMI shield such that said apertures correspond to said pattern of said electrically conductive fastening units;
 - (e) wherein at least one of said apertures has a contact region and wherein both said dielectric material layer and said electrically conductive layer of said EMI shield at said contact region of said aperture are deflectable to the extent necessary to allow said contact region to engage and retain at least one of said electrically conductive fastening units;
 - (f) and wherein said electrically conductive layer of said EMI shield at said contact region is in electrical contact with at least one said electrically conductive fastening unit.”
10. The requester alleges that this claim lacks novelty over D1. The proprietor rebuts this allegation principally by reference to part (b).
11. The standard principles of claim construction were set out by Lord Hoffman in *Kirin-Amgen and others v Hoechst Marion Roussel Limited and others* [2005] RPC 9 (see paragraphs 32-52). The key point made in that judgement was that the approach in construing a claim should be to establish “what a person skilled in the art would have thought the patentee was using the language of the claim to mean”.
12. On referring to the specification, the phrase “a plurality of discrete electrically conductive fastening units” appears to imply that there are two or more units (“plurality”), that the units are separate from each other (“discrete”), that they are able to conduct electricity from the electrically conductive layer of the shield to the substrate (see part (f) and the first sentence in paragraph 0015), and that at least one of them is operable to be engaged and retained by the shield (part (e)).
13. On referring to the specification, and following a purposive construction,

the phrase “disposed in a pattern on said substrate surrounding said at least one electrical component” appears to mean that the fastening units on the substrate substantially enclose the component, the gaps between the units being short enough to allow the shield to be effective in keeping EMI in or out.

14. Referring to D1, the requester alleges that the tabs disposed to project from two sides of the substrate (see 6 in figures 1-3) represent the fastening units of the claim. The requester relies on what is conceded to be a broad construction for “surrounding”, contending in the observations-in-reply that it would encompass an arrangement where the fastening units are disposed on two sides and other fixing means are disposed on the other two sides. The requester points out that figure 1 of the specification shows “just isolated groups of fastening units 14”, but paragraph 0015 at line 19 makes perfectly clear that this is merely for ease of illustration. The requester then lights on the word “preferable” in the clause at lines 21-23 (“it is preferable that all ground trace pads (13) have an electrically conductive fastening unit (14) disposed on them”) to argue that the necessary degree of enclosure may be reduced. This point is reiterated in the observations-in-reply, but I think that this clause merely makes the common sense point that it is not essential for the successful working of the invention that each and every pad should carry a fastening unit; a small number may be omitted without serious detriment. For this reason I do not think the requester’s broad interpretation for “surrounding” is justified.
15. The proprietor points out that the tabs in D1 are provided to clamp to two edges only of the shield. The two remaining edges of the shield are coupled to the substrate by tabs on the shield, not on the substrate. As the requester’s broad interpretation of “surrounding” is not apparently justified I conclude that the tabs of D1 do not surround the component to be shielded.
16. The proprietor submits that the tabs 6 in D1 are not “**on** the substrate”, rather they extend from the edge of the substrate. I consider that a skilled reader of the specification would take “on” to mean “on the same surface as the component”, because all of the numerous and various embodiments are of this nature and there is no hint otherwise. The requester points to the phrase “the tabs which are fitted on the printed circuit board” which appears in the fourth paragraph on page 2 of D1, but the preposition “on” is in my view being used in a different sense in D1 to the sense which the skilled reader would appreciate from a reading of the patent the subject of the opinion. The tabs are fitted on, or to, the rim of the PCB in D1 and not on, or to, the surface of the PCB.
17. For these two reasons at least, D1 appears to lack the “clear description

of, or clear instructions to do or make, something that would infringe the patentee's claim" , which is the test for anticipation set out in *General Tire & Rubber Company v Firestone Tyre & Rubber Company Limited*, [1972] RPC 457, at pages 485-6.

INVENTIVE STEP OF CLAIM 1

18. The requester alleges that claim 1 lacks an inventive step with respect to a combination of D2 on one hand and D1, D5 and D6 on the other hand.
19. The approach to be taken when assessing inventive step is set out in *Pozzoli SPA v BDMO SA* [2007] EWCA Civ 588 at paragraph 23:
 - (1) (a) Identify the notional "person skilled in the art".
 - (1) (b) Identify the relevant common general knowledge of that person;
 - (2) Identify the inventive concept of the claim in question or if that cannot readily be done, construe it;
 - (3) Identify what, if any, differences exist between the matter cited as forming part of the "state of the art" and the inventive concept of the claim or the claim as construed;
 - (4) Viewed without any knowledge of the alleged invention as claimed, do those differences constitute steps which would have been obvious to the person skilled in the art or do they require any degree of invention ?.
20. Referring to step (1) (a), the requester, in the first page of the observations in reply, considers that the skilled person would have a knowledge of both EMI shielding technology and of attachment means, in particular in the field of electrical components.
21. Referring to step (1) (b), the requester states that "the two layer construction is well known", and refers to disclosures in D1, D5 and D6 to support this view. The proprietor submits in Section 1.0 of the observations that the requester has not discussed the common general knowledge of the skilled person at the priority date of the patent, but it seems to me that the requester is proposing that at least the use of a two-layer shield is common general knowledge (CGK) in this art.
22. Referring to step (2), the inventive concept of the claim appears to be the use of a two-layer shield with apertures which can be used to couple to fastening units on the substrate by deformation of the shield.

23. Referring to step (3), the differences between the inventive concept and the disclosure of D2 appear to be:
 - a) the nature of the apertures, and
 - b) the two-layer structure of the shield.
24. Referring to step (4) in respect of difference a), the proprietor denies that D2 discloses the "apertures" of claim 1. Referring to the various embodiments of the invention, in each case the aperture is a hole or cutout formed in the plane of the shield. There is no contemplation of other geometries. The requester contends in the observations in reply that "an aperture can be any opening", but the nature of the aperture of the claims must be interpreted by reference to what the skilled reader would take the author to mean by the use of this term. I conclude that the addressee would take the term "aperture" to mean a hole or cutout formed in the plane of the shield.
25. The requester suggests that the gaps between the legs 19a and 19b of figure 5b, and between the branches 24 in figure 5d, represent apertures in the sense of the invention. The proprietor submits that the open end between the legs 19a and 19b in figure 5b of D2 is not an aperture in the sense of claim 1 and that the open end is not "formed in the shield". The requester points out that the arrangements in D2 grip the side of the attachments. The apertures, however, are not defined solely by their function, they are defined, as stated above, by what the skilled reader would take the author to mean by the use of the term, which, incorporating both geometrical and functional aspects, is a hole or cutout in the plane of the shield operable to engage and retain a fastening unit. The proprietor's submission is in agreement with what I believe is the correct construction of "aperture" and I conclude that D2 lacks the apertures of claim 1.
26. The passage at paragraph 0038 lines 3-6 of the patent states that it is within the scope of the invention to "dispense with apertures". Such arrangements cannot lie in the scope of claims 1, 11 or 18 since these claims clearly recite the presence of apertures. Section 125 of the Act requires claims to be read in the light of the description. The description thus allows the nature of the apertures to be determined, but the description cannot be allowed to destroy the common-sense meaning of claims 1-27, that apertures, of some form, are required. Certain embodiments without apertures may fall in the scope of claim 28.
27. Referring to step (4) in respect of difference b), the requester submits that the skilled practitioner would readily modify the metal screen of D2 to comprise a dielectric layer with a conductive layer over at least one of

the inner and outer surfaces. The requester submits that the use of such coated dielectrics is well known in the art, and the proprietor does not rebut this point. However, the proprietor rejects the submission that the shields shown in figures 5b and 5d of D2 could be readily modified to include the layered structure of claim 1, stating that “the addition of the leg 19b or branch 24 would make such a layered construction a complex alteration due to the required conductivity and insulation properties of the shield”. In response, the requester denies that there would be such difficulty in modifying the arrangements of figures 5b and 5d of D2, pointing in particular to the layered construction apparent in figure 5d, where the left and right branches 24 extend from layers of the spring or lug 23. The requester suggests a modification of the arrangement of figure 5d wherein one of these layers is metal and the other dielectric, so that one branch 24 is metal and the other is dielectric. However, the layered constructions of the common general knowledge appear to comprise a dielectric base supporting a metal film which is thinner than the layers shown in figures 5b or 5d. For this reason I do not consider that the requester’s suggested modifications are obvious.

28. Furthermore, D2 lacks the apertures of claim 1 so that even were this non-obvious modification of D2 to be adopted, it would not yield the arrangement of claim 1. I conclude that claim 1 does not lack an inventive step over D2.

NOVELTY OF CLAIM 11

29. Claim 11 recites:

“An EMI shield for a substrate having at least one electrical component disposed thereon and a plurality of discrete electrically conductive fastening units disposed in a pattern on the substrate surrounding the at least one electronic component, said EMI shield comprising:

- (a) a dielectric material layer having an inner surface and an outer surface;
- (b) an electrically conductive layer over at least one of said inner and outer surface;
- (c) a plurality of apertures formed in said shield such that said apertures correspond to the pattern of the electrically conductive fastening units;
- (d) wherein at least one of said apertures has a contact region and wherein both said dielectric material layer and said electrically conductive layer of said shield at said contact region of said

aperture are deflectable to the extent necessary to allow said contact region to engage and retain at least one of said electrically conductive fastening units; and

(e) wherein said electrically conductive layer of said EMI shield at said contact region is in electrical contact with at least one said electrically conductive fastening unit.”

30. Claim 11 is thus similar to claim 1 but is drawn to the shield rather than the apparatus comprising the shield, the substrate and the fastening units together. I interpret the opening phrase “An EMI shield for a substrate” to mean “An EMI shield *suitable* for a substrate”, so that in addition to possessing the features of parts (a) and (b), and the apertures of part (c), it should be suitable for co-operating with the features of the substrate as set out in the remainder of the claim.
31. The requester alleges lack of novelty of claim 11 over D1, submitting that “surrounding” should be interpreted broadly, as discussed for the corresponding part of claim 1. As explained above (paragraphs 13-14) in relation to that claim I do not consider that a broad interpretation of “surrounding” is justified. The proprietor makes no observations in relation to the novelty of claim 11.
32. Part (c) of claim 11 requires that the apertures of the shield correspond to the pattern of the fastening units, and the preamble requires that the fastening units are disposed in a pattern “surrounding the ...component”. In order for the shield to be suitable for the substrate it must have apertures which form a corresponding pattern surrounding that part of the shield which covers the components to be shielded. The shield in D1 has apertures on only two sides and so this shield cannot anticipate the shield of claim 11.
33. The requester submits that part (c) requires only that the apertures are formed in a pattern that is capable of matching “a” pattern of fastening units on a substrate, but as explained in the preceding paragraph the pattern of fastening units of part (c) is defined in the preamble to surround the component. I conclude that D1 does not anticipate claim 11.

INVENTIVE STEP OF CLAIM 11

34. The requester alleges that D2 impugns the inventive step of claim 11. The proprietor makes no observations in relation to the inventive step of claim 11. As discussed above in paragraphs 24 and 25, the shields of D2 do not appear to possess apertures of the form required by the claim

as read in the light of the description, that is, holes or cutouts in the plane of the shield. I conclude that claim 11 does not lack an inventive step over the disclosure of D2.

NOVELTY OF CLAIM 18

35. Claim 18 recites:

“An apparatus comprising:

- (a) a substrate having at least one electrical component disposed thereon;
- (b) a plurality of discrete electrically conductive fastening units disposed in a pattern on said substrate surrounding said at least one electrical component;
- (c) an EMI shield consisting essentially of an electrically conductive material;
- (d) a plurality of apertures formed in said EMI shield such that said apertures correspond to said pattern of said electrically conductive fastening units;
- (e) wherein at least one of said apertures has a contact region and wherein said electrically conductive material of said EMI shield at said contact region is deflectable to the extent necessary to allow said contact region to engage and retain at least one of said electrically conductive fastening units;
- (f) and wherein said electrically conductive material of said EMI shield at said contact region is in electrical contact with at least one said electrically conductive fastening unit.”

36. Claim 18 is thus similar to claim 1, but part (c) is different; the shield does not require a dielectric layer, rather the phrase “consisting essentially of an electrically conductive material” suggests that the shield is formed of a single conductive material. This claim appears to relate to those shields discussed in the description which do not have both a dielectric layer and a conductive layer and so cannot fall in the scope of claims 1 or 11, such as a shield, the subject of dependent claim 27, consisting of a dielectric material containing conductive particles.

37. Dependent claims 22-24, like corresponding claims 6-8 and 13-15 depending from claims 1 and 11 respectively, recite a layer, but the dependency of claims 22-24 from claim 18 appears to be imperfect since

claim 18 lacks a precedent for “layer”. I do not consider that claims 22-24 imply a layered structure for the shield of claim 18.

38. The requester alleges that claim 18 is anticipated by D1. The proprietor makes similar points as for claim 1, that the tabs of D1 are not “on” the substrate and that the tabs do not surround the component. For the reasons set forth above in respect of claim 1 (paragraphs 14-16) I do not consider that D1 anticipates claim 18.
39. The requester alleges that claim 18 is anticipated by D2. The proprietor submits that the shields of D2 do not possess the apertures of claim 18. For the reasons set forth above in respect of claim 1 (paragraphs 24-25) I do not consider that the shields of D2 possess the apertures of claim 18. I conclude that D2 does not anticipate claim 18.

INVENTIVE STEP OF CLAIM 18

40. Neither the requester nor the proprietor make submissions on the inventive step of claim 18. For reasons similar to those set forth above in respect of claim 1, I consider that claim 18 does not lack an inventive step over D1 or D2.

INVENTIVE STEP OF CLAIM 28

41. Claim 28 recites:

“An apparatus comprising:

- (a) a substrate having at least one electrical component disposed thereon;
- (b) a plurality of solder spheres disposed on said substrate surrounding said at least one electrical component;
- (c) an EMI shield comprising at least one compartment adapted to cover said at least one electrical component, said EMI shield further comprising a dielectric material layer having an inner surface and an outer surface and an electrically conductive layer over at least one of said inner and outer surface; and
- (d) wherein said electrically conductive layer of said EMI shield is in electrical contact with at least one of said solder spheres, and wherein said EMI shield and said solder spheres combine to limit electromagnetic radiation from entering or exiting said at least one compartment.”

42. Claim 28 is shifted in scope with respect to the other main claims. It is narrower in one respect in that it specifies that the units on the substrate and surrounding the component are solder spheres, but it is considerably broader by a simpler interaction of the units and the shield; apertures and contact regions are not required, nor is deflection of the shield to allow a contact region to engage and retain the units.
43. Referring to the description, which explains that the object of the invention is to provide a removable shield (paragraphs 0008 and 0015), it appears that the electrical contact of part (d) cannot encompass soldering of the shield to the spheres; electrical connection is made by reversible contact between the conductive layer of the shield and the solder spheres.
44. The requester alleges that claim 28 lacks invention with respect to the combination of D1 and D10, or the combination of D2 and D10.
45. Referring to the *Pozzoli* steps elaborated above in relation to claim 1, the notional “person skilled in the art” of step (1)(a) is considered by the requester to have a knowledge of both EMI shielding technology and of attachment means, in particular in the field of electrical components. I consider this to be a reasonable statement of who is the skilled person.
46. Referring to step (1) (b), the proprietor submits in Section 1.0 of the observations that the requester has not discussed the common general knowledge of the skilled person at the priority date of the patent, but it seems to me that the requester is proposing that at least the use of a two-layer shield is common general knowledge (CGK) in this art.
47. Referring to step (2) the inventive concept of the claim appears to be the use of solder spheres on the substrate, surrounding the component, and coupling electrically (but removably) to a two-layer shield.
48. Referring to step (3) the difference between this inventive concept and the matter of D1 appears to be:
 - a) the use of solder spheres on the substrate, and
 - b) the spheres surrounding the component.
49. Referring to step (4), the requester refers to the submission made in respect of claim 2, where it is pointed out that D10 discloses the use of solder spheres 13 as “electrically conductive joining units” (column 6 lines 52-57 of D10), with D10 being in “a very similar technical field”. D10 relates to the coupling of an Integrated Circuit (IC) to a printed circuit board (PCB), while D1 relates to the coupling of a shield. The

proprietor makes no observations on this point. Both applications relate to mechanical and electrical coupling of parts to a substrate. I therefore think it is reasonable for the skilled practitioner in the art of connecting parts to substrates to consider the disclosures of D1 and D10 together.

50. The proprietor submits that the teaching of D1 would lead to replacement fastening units being on the rim of the PCB and not on the main surfaces, and that the tabs in any event do not surround the component so that replacement solder spheres, if used, also would not surround the component. I note that the solder spheres 13 in D10 which are active in the coupling are attached to the part to be connected and not to the substrate. The invention thus requires solder spheres on a part for coupling to a substrate to be migrated to the substrate, and further migrated from a non-surrounding pattern on the rim to a surrounding pattern on the surface. These modifications appear to be beyond what would be contemplated by an unimaginative skilled practitioner. I conclude that claim 28 does not lack an inventive step in respect of the combination of D1 and D10.

51. Referring to D2, the request and the observations refer to the discussion for claim 2, which introduces solder spheres to the arrangement of claim 1. The requester submits that D2 discloses spherical attachment means, pointing to page 9 lines 35-36; the proprietor disagrees, stating that the attachment member of figure 5h is described as being elongate. Both parties agree that the sentence at page 9 lines 35-37 contemplates an attachment means (left side of figure 5h) having a circular cross-section:

“On the left, the attachment means has a cross section shaped like a circle, in which case it may be round or oblong, i.e. a piece of filament having a circular cross section”.

The passage at page 6 lines 12-20 appears to contemplate three classes of attachment piece, those which in *plan view* are oblong, elliptic and round. It is stated in the sentence quoted above that if the means of figure 5h is oblong then the means is a filament. It is not stated that if the means is round that the means is spherical, but that appears to be implied, and this interpretation is reinforced by the discussion of the attachment means shown on the right side of figure 5h, at page 10 lines 7-11, which states that the attachment piece may be “an ellipsoid or a piece of filament”; in consideration of non-filament arrangements, if the elliptical cross-section represents an ellipsoid then a circular cross-section by analogy must represent a sphere. The requester, in the observations in reply, makes similar points to those made above. In my view D2 *does* disclose a spherical attachment means.

52. Referring to step (3), and in view of the passage at page 6 lines 28-32

of D2 which makes clear that the attachment means may be made of metal, the difference between the inventive concept and the matter of D2 appears to be:

- a) the use of a two-layer shield to couple to the attachment means of D2, and
 - b) the metal spherical attachment means being solder spheres.
53. Referring to step (4) for difference a), the use of a two-layer shield appears to be common general knowledge in this art as discussed at paragraph 46 above. The sentence at page 10 lines 6-7 of D2 makes clear that the spheres of figure 5h (left hand side) may be used in the arrangement of figure 5a. It is plain that they could be used in the arrangement of figure 5c also. The arrangements of figures 5a and 5c are suitable for connecting to shields with conducting layers respectively on the external and internal surfaces. I conclude that difference a) does not provide an inventive step for claim 28.
54. Referring to step (4) for difference b), the invention requires a solder sphere to be used as the spherical attachment disclosed in figure 5h of D2. The requester points out that D10 discloses the use of solder spheres 13 as “electrically conductive joining units” at column 6 lines 52-57. The proprietor makes no submission on this point. The requester fails to make the assertion corresponding to that made for the combination of D1 and D10, that D2 and D10 are in similar fields, but this appears to be an oversight and there is little doubt that the requester believes that D2 and D10 lie in similar fields. The proprietor is silent on this point.
55. The proprietor observes that the requester “simply combines” the disclosures of D2 and D10. The requester observes in reply that D2 relates to EMI shields, that D10 relates to means for attaching components to circuit boards, and that the skilled person would look to these documents when seeking to provide an EMI shield with new attachment means. The requester’s reasoning appears to be that the skilled person seeking a suitable sphere 11 for use in the left-hand side of figure 5h of D2 would be likely to consult documents in the same and similar fields, would find D10, and would find it obvious to use the solder spheres 13 of D10 as the spheres 11 of D2.
56. The passage at page 6 lines 24-32 of D2 makes clear that the attachment spheres may be metallic and may be manufactured in various ways; the message is that almost any metallic sphere on a substrate would be suitable for coupling to the shield. However, the spheres 13 in figures 2-6 of D10 are *not* mounted on the printed circuit

board (PCB) substrate, rather they are mounted, as is conventional, on the integrated circuit 10 to be attached to the PCB. I consider that it is beyond the imagination of the notional skilled person to contemplate a transposed version of the arrangements of D10, with the solder sphere 13 mounted on the PCB.

57. The solder spheres 9 of figures 3, 4 and 6 of D10, which spheres neither party discuss, *are* on the PCB, but they appear to be a part of the socket arrangement and become mounted on the substrate only when the socket is attached to the substrate. See column 5 lines 57-62 of D10. The solder spheres 9 do not appear to be mounted on the substrate and then connected to the remainder of the socket. I consider that it requires imagination beyond that of the notional skilled person to contemplate independent mounting of the spheres 9 on the substrate comparable to figure 5h of D2.
58. I conclude that claim 28 does not lack an inventive step with respect to the combination of D2 with D10.

DOCUMENTS D3-D9

59. The discussions set forth above relate principally to disclosures in D1, D2 and D10, with some reference to D5 and D6 for establishing common general knowledge in the art. The documents D3-D9 do not appear to provide a sound basis for alternative arguments against the validity of the main claims.
60. I note that document D9, to which the requester refers in respect of the inventive step of dependent claims 9, 16 and 25, was published after the priority date of the patent subject to this opinion. In order to cite D9 in respect of inventive step of these claims it is necessary to show that the patent is not entitled to its declared priority date in respect of the matter of these claims. The requester does not address this point. I have looked at the priority document and see no reason why the patent should not be entitled to its declared priority date.

DEPENDENT CLAIMS

61. The dependent claims appear to be valid in view of their dependency from valid main claims.

Opinion

62. I conclude that claims 1-28 of EP1364565 are valid with respect to D1-D10.

NOTE

This opinion is not based on the outcome of fully litigated proceedings. Rather, it is based on whatever material the persons requesting the opinion and filing observations have chosen to put before the Office.

K Sylvan
Examiner