

The examination is being carried out on the **following application documents**

Description, Pages

1-36 as originally filed

Claims, Numbers

1-15 as originally filed

Drawings, Sheets

1/13-13/13 as originally filed

Reference is made to the following document; the numbering will be adhered to in the rest of the procedure.

D1 US 7 367 481 B2 (ROOF RACK IND PTY LTD [AU]) 6 May 2008
(2008-05-06)

1 Clarity and Conciseness (Art. 84 EPC)

- 1.1 The application does not meet the requirements of Article 84 EPC, because claim 1 is not clear.
 - 1.1.1 In claim 1 is the expression "the anchoring arm stands upright on the abutment surface and, in a top view on the abutment surface, at least partially extends away from the centerline of the cross bar at an extension angle." not clear.
- 1.2 The vague and imprecise statement in the description on page 32, second paragraph to page 36 implies that the subject-matter for which protection is sought may be different to that defined by the claims as the statement is formulated as claims, thereby resulting in a lack of clarity of the claims (Article 84 EPC) when the description is used to interpret the claims (see Guidelines F-IV, 4.4). This statement should therefore be deleted to remove this inconsistency.

2 Novelty and Inventive Step (Art. 52(1), 54 and 56 EPC)

- 2.1 Furthermore, notwithstanding the above-mentioned lack of clarity, the subject-matter of claim 1 is not new within the meaning of Article 54(1) and (2) EPC, and the requirements of Article 52(1) EPC are therefore not met.

2.1.1 Document D1 discloses a roof rack foot (11) for securing a cross bar (10) to a roof of a vehicle, the cross bar (10) comprising a bottom wall (wall on which reference 20 shows in figure 2) with a slot (15) extending in the longitudinal direction of the cross bar (10) and a cavity (see figure 2) for forming an abutment surface on the inner side of the bottom wall (wall on which reference 20 shows in figure 2) adjacent the slot (15) in widthwise direction of the cross bar (10), wherein the slot (15) comprises a centerline, the roof rack foot (11) comprising

a supporting surface (46,47) for supporting the bottom wall (wall on which reference 20 shows in figure 2) of the cross bar (10) thereupon;

a first and a second clamping portion (16,26) for clamping the roof rack foot (11) to the roof of the vehicle, preferably for clamping a roof rail therebetween, the second clamping portion (26) comprising an anchoring arm (21,24), preferably a plate-like anchoring arm, and being configured to extend through the slot (15) into the cavity (see figure 2) and lock the cross bar (10) to the supporting surface (46,47) of the roof rack foot (11) by an engagement of the anchoring arm (21,24) with the abutment surface of the cross bar (10);

wherein, when the cross bar (10) is locked to the roof rack foot (11), the anchoring arm (21,24) stands upright on the abutment surface (see figure 2) and, in a top view on the abutment surface (see figure 2), at least partially extends away from the centerline (c) of the cross bar (10) at an extension angle (see figure 2).

The subject matter of claim 1 is not new.

2.2 Given the clarity issues mentioned above, it is not clear what could constitute basis for a new and clear claim. To the examiner it seems as if claim 9 could provide the additional features necessary for a claim which is both clear and novel over document D1.

2.3 Dependent claims 2-8 and 10-15 do not appear to contain any additional features which, in combination with the features of any claim to which they refer, meet the requirements of the EPC with respect to novelty, see document D1.

3 Further Objections

4 Independent claim 1 is not in the two-part form in accordance with Rule 43(1) EPC, which in the present case would be appropriate, with those features known in combination from the prior art (document D1) being placed in the

preamble (Rule 43(1)(a) EPC) (see 2.1.1 above) and the remaining features being included in the characterising part (Rule 43(1)(b) EPC). Independent claim 1 should therefore be redrafted accordingly.

- 4.1 To meet the requirements of Rule 42(1)(b) EPC, document D1 should be identified in the description and the relevant background art disclosed therein should be briefly discussed.

5 **Procedure**

- 5.1 The applicant is invited to file new claims which take account of the above comments.

- 5.2 In order to comply with the requirements of Rule 137(4) EPC, the applicant should clearly identify the amendments made, irrespective of whether they concern amendments by addition, replacement or deletion, and indicate the passages of the application as filed on which these amendments are based (see Guidelines H III, 2.1).

If the applicant considers it appropriate, these indications could be submitted in handwritten form on a copy of the relevant parts of the application as filed or in documents with tracked changes.

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Primary Examiner

For the Examining Division