

# LKGLOBAL

LKGlobal UK Ltd | Cambridge House | Henry Street | Bath BA1 1BT | United Kingdom

Detroit, USA  
Hamburg, DE  
Munich, DE  
London, UK  
Phoenix, USA  
San Diego, USA

Lorenz & Kopf, LLP  
Registered in USA, AZ no. 4004092

LKGlobal UK Ltd.  
Registered in UK, 939

European Patent Office  
80298 Munich  
Germany

February 14, 2023  
Filed via OLF 2.0 only

**European Patent Application No. EP15181646.9 / EP2998540**  
**Applicant: Garrett Transportation I Inc.**  
**Appeal No. T0053/22**  
**Our Ref.: H0046262 (123.1101EP)**

---

Further to the Opponent Appellant's letter of September 15, 2022, we file herewith our comments in response.

## **I. Main Request**

### **I.1 – Technical effect of the novel features of Claim 1**

In Section A.I of their letter, the Opponent Appellant argues that the subject patent is only concerned with misalignments that occur over time, during operation, and is not concerned with misalignments that occur during assembly of the control linkage (see A.1.b of the Opponent Appellant's letter – "*However, figure 3 and the referenced portions of the specification do not specify misalignment during assembly*". Rather, as with paragraph [0025], the specification refers to clearances that may change over time...").

This is a misleading characterization of the teaching of the subject patent.

Quoting paragraph [0025] of the subject patent directly, the patent teaches that "*during assembly, operation, etc., some misalignment may occur.*"

As such, whilst the patent does teach that misalignment in the control linkage may occur over time, during operation, the patent also directly and unambiguously teaches that misalignment may occur during assembly of the control linkage. Despite the Opponent Appellant's attempts to disregard this disclosure of the patent and read paragraph [0025] as referring only to misalignments that occur over time, during operation, paragraph [0025] nevertheless contains an