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D E C I S I O N
of 20 January 2006

Case Number: T 1151/03 - 3.2.01

Application Number: 98961259.3

Publication Number: 0962347

IPC: B60J 5/04

Language of the proceedings: EN

Title of invention:
Simplified door for motor vehicles

Applicant:
Grupo Antolin Ingenieria, S.A.

Opponent:
-

Headword:
-

Relevant legal provisions:
EPC Art. 56

Keyword:
"Inventive step (yes, after amendments)"

Decisions cited:
-

Catchword:
-



Case Number: T 1151/03 - 3.2.01

D E C I S I O N
of the Technical Board of Appeal 3.2.01
of 20 January 2006

Appellant: Grupo Antolin Ingenieria, S.A.
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Decision under appeal: Decision of the Examining Division of the
European Patent Office posted 2 June 2003
refusing European application No. 98961259.3
pursuant to Article 97(1) EPC.

Composition of the Board:

Chairman: S. Crane
Members: Y. Lemblé
S. Hoffmann

Summary of Facts and Submissions

I. European patent application No. 98 961 259.3 was refused by a decision of the Examining Division posted 2 June 2003.

II. The reason given for the decision was that amended claim 1 did not involve an inventive step in view of the prior art disclosed in

D1: FR-A-2 724 346

D2: EP-A-0 780 255

D3: FR-A-849 640

III. On 8 August 2003 the appellants (applicants) lodged an appeal against this decision and paid the prescribed appeal fee at the same time. The statement of grounds of appeal was filed on 10 October 2003.

IV. Following a communication of the Board dated 3 June 2005, the appellants requested that the decision under appeal be set aside and that a patent be granted on the basis of the following documents:

Claim:

- 1 as filed with letter dated 30 September 2005

Description:

- columns 1 to 4 as filed with letter dated 30 September 2005, including the added paragraph [0004a] filed on the same date

Figures:

- 1-3 as filed with letter dated 30 September 2005

V. Claim 1 according to this request reads as follows:

"Door for automobiles, with a door casing formed from an external panel (1) and an internal panel (8) between which a frame (9) is located and with the corresponding sealing and reinforcing items, characterised in that the internal panel (8) is made symmetrically in relation to a horizontal axis X-X' of symmetry, with the majority of the parts that are incorporated into the door being assembled on the side of said internal panel (8), the internal panel (8) being a part with an elongated shape and provided at its longitudinal ends with a set of prolongations of specific shapes (4',5') in order to receive the hinges and lock of the door, respectively, as well as another two supplementary parts, namely a hinge reinforcement (4; 4'') and a lock reinforcement (5; 5''), that close off these ends, all of said prolongations and supplementary parts being symmetrical in relation to the previously mentioned axis of symmetry."

Reasons for the Decision

1. The appeal meets the requirements of Articles 106 to 108 and Rule 64 EPC and is therefore admissible.

2. *Amendments*

There are no formal objections under Article 123(2) EPC to the amendments made to claim 1 and the description, since they are adequately supported by the original disclosure.

More particularly, comparing present claim 1 with claim 1 as filed, the features added to the characterizing part refer to the symmetrical construction of the internal panel in relation to a horizontal axis and have a clear basis in the passage of column 3, lines 23-27 of the application as published.

3. *Novelty and inventive step*

- 3.1 Claim 1 is based in its pre-characterising portion on the disclosure of the prior art document D1 acknowledged in the introductory part of the description.

The door 2 of D1 is made principally of an inner and an outer steel sheet panel which are fitted together by means of a circumferential folding which also surrounds the window frame. In order to reduce the costs linked to the construction of one separate door for one side of the vehicle and another one for the other side, D1 proposes a symmetrical door that allows the same symmetrical parts to be used in both types of side doors (see especially page 2, lines 1-13 and page 4, lines 6-8). The advantages achieved thereby are obvious: door panels, hinge devices 4a,4b, lock devices 5a,5b

- and other parts 13 mounted on the door casing can be used on the doors on both sides.
- 3.2 In accordance with the characterising part of claim 1 there is proposed to build the internal panel symmetrically in relation to a horizontal axis X-X' of symmetry, with the majority of the parts that are incorporated into the door being assembled on the side of said internal panel. Accordingly, manufacturing the door is further simplified.
- 3.3 The basic construction principle disclosed in D1 relies on a vertical axis of symmetry for the door. Since the inner and outer panels of D1 enclose the window frame, there is nothing in this document which could lead the skilled person to making the internal panel of the door symmetrically in relation to a horizontal axis of symmetry. On the contrary, a horizontally symmetrical internal panel would not be compatible with the teaching of D1 and necessitate a complete and non-obvious rethinking of the door design.
- 3.4 The structure of the vehicle door of document D2 differs completely from that of the invention and consists mainly of an upper 24 and a lower 26 longitudinally extending cross-members rigidly fixed to an inner contoured frame 18 so as to form a box-like assembly. The door hinges 32,34 are attached to the front ends 28,30 of the cross-members and the door lock is attached to the rear end 36 of the upper cross-member 24. A panel 20 on the inner side of the frame 18 only serves to seal a central aperture for access to the internal devices of the door. It does not receive

any parts on its side, neither does it significantly contribute to the structural strength of the door.

3.5 Document D3 discloses the idea of making the door of a vehicle with symmetrical hinges and locks in order to allow it to be opened from one or the other vertical end of the door. This document does not come nearer to the claimed subject-matter than document D1.

3.6 The Board concludes that the prior art documents D1-D3 cited in the decision of the Examining Division, taken alone or in combination, are not prejudicial to the patentability of the subject-matter of claim 1.

Accordingly, the subject-matter of claim 1 is new and involves an inventive step.

Order

For these reasons it is decided that:

1. The decision under appeal is set aside.
2. The case is remitted to the first instance with the order to grant a patent on the basis of the documents indicated in point IV above.

The Registrar:

The Chairman:

A. Vottner

S. Crane