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**D E C I S I O N**  
**of 29 November 2005**

**Case Number:** T 1207/03 - 3.2.01  
**Application Number:** 95106695.0  
**Publication Number:** 0680921  
**IPC:** B66B 11/00, B66B 7/00,  
B66B 13/30  
**Language of the proceedings:** EN

**Title of invention:**

Arrangement in an opening in the wall of an elevator shaft and  
instrument panel

**Patentee:**

Kone Corporation

**Opponent:**

Schmitt & Sohn GmbH & Co.

**Headword:**

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**Relevant legal provisions:**

EPC Art. 54, 56, 123(2)

**Keyword:**

"Amendments - added subject-matter (no)"  
"Novelty (yes) after amendment"  
"Inventive step (yes)"

**Decisions cited:**

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**Catchword:**

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Case Number: T 1207/03 - 3.2.01

**D E C I S I O N**  
of the Technical Board of Appeal 3.2.01  
of 29 November 2005

**Appellant:** Schmitt & Sohn GmbH & Co.  
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**Appellant:** Kone Corporation  
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**Representative:** Zipse + Habersack  
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**Decision under appeal:** Interlocutory decision of the Opposition  
Division of the European Patent Office posted  
13 November 2003 concerning maintenance of  
European patent No. 0680921 in amended form.

**Composition of the Board:**

**Chairman:** S. Crane  
**Members:** J. Osborne  
S. Hoffmann

## Summary of Facts and Submissions

- I. The appeals by the patent proprietor (appellant I) and opponent II ( appellant II) are directed against the decision posted 13 November 2003 according to which it was found that, account being taken of the amendments made by the patent proprietor during the opposition proceedings, the patent and the invention to which it relates were found to meet the requirements of the EPC.
- II. The following prior art played a role during the appeal proceedings:
- D1: SU-A-1 654 214 with translation into German and abstract (Derwent Publications AN 1992-129827)
- D2: JP-A-03 018569 with translation into English and abstract (Patent Abstracts of Japan, vol. 15 no. 138 (M-1100), 8 April 1991)
- D3: JP-U-60-61259 with translation into English.
- III. During oral proceedings held 29 November 2005 appellant I requested that the decision be set aside and that the patent be maintained in amended form on the basis of claims 1 to 7 filed during the oral proceedings. Appellant II requested that the decision be set aside and the patent revoked.
- IV. Claim 1 according to appellant I's request reads as follows, whereby wording added in comparison with the claim as granted is indicated in italics:

"Arrangement in the opening for an automatic elevator landing door (3) in the wall of an elevator shaft, wherein the instrument panel (1) of the elevator, containing *on its side facing to the landing* elevator control equipment and the electric drive controlling the hoisting motor of the elevator, is placed in the same opening (2) with the landing door (3) of the elevator, characterized in that in the instrument panel (1) there is a window (6) or hatch through which the elevator shaft (17) is visible from the landing (18), and that the instrument panel (1) is covered with a cover (5) which can be opened from the landing (18) and consists of one or more parts."

Claims 2 to 7 define features additional to those of claim 1.

V. Appellant II argued essentially as follows:

There was no original disclosure of the feature added to claim 1 stating that control equipment and the electric drive controlling the hoisting motor is contained "on the side of the instrument panel facing to the landing".

The subject-matter of claim 1 is not new with respect to the disclosure of D2. When the auxiliary control panel is to be used the door carrying the main control panel is opened and the auxiliary control panel is raised into the opening, whereby the equipment of the auxiliary control panel faces the landing. The shaft would then be visible through the hole which can be seen below the auxiliary control panel in figure 3. The door carrying the main control panel forms the cover.

In an alternative approach the door carrying the main control panel forms the cover of the instrument panel and when it is open the control equipment and the electric drive controlling the hoisting motor face towards the landing and the shaft is visible through the opening.

As regards inventive step, the closest prior art is that disclosed by D3 which has all features of claim 1 except those relating to the electric drive controlling the hoisting motor. In D3 the cover is that for the inspection port. The panel beside the door implicitly carries the control equipment and so forms an instrument panel. The inspection port is not limited to being located adjacent to the speed governor. D1 discloses that it is beneficial to mount electrical equipment in the wall adjacent the door of an elevator and so the combination of D3 and D1 renders the subject-matter of claim 1 obvious.

VI. Appellant I's rebuttal may be summarised as follows:

Figures 1 and 2 in the application as originally filed clearly show that the control equipment and the electric drive controlling the hoisting motor is contained on the side of the instrument panel facing to the landing. Moreover, in column 4, lines 4 to 8 of the "A" publication it is stated that the equipment is accessible when the cover is open.

As regards novelty with respect to D2, in this document the control panel faces towards the shaft. If it were possible to open the door sufficiently for the control panel to face towards the landing, the door could no

longer be considered as a cover. Moreover, it is clear from the drawings that the auxiliary control panel normally is placed at the back of the pit, remote from the opening.

The skilled person would understand from D3 that the instrument panel would be located in the machine room. D1 is relevant only to the location of the indicators and these are located on the rear of the panels surrounding the door. There is no information in D1 relating to an instrument panel and a combination of its teaching with D3 provides no incentive to modify the instrument panel arrangement in D3.

### **Reasons for the Decision**

1. The patent relates to space-efficient installation of lifts ("elevators") in buildings. Conventionally the hoisting machinery and the instrument panel containing the lift control system and power electronics driving the hoisting machinery have been provided in a machine room additional to the lift shaft. It has previously been proposed to save the space required for the machine room by providing the hoisting machinery within the lift shaft. However, if the instrument panel is placed within the lift shaft it is difficult to gain access to it for maintenance purposes. According to the present patent the instrument panel is located adjacent the landing door and by providing a window or hatch within the instrument panel through which the elevator shaft is visible from the landing maintenance of the machinery within the lift shaft and of the instrument panel is facilitated.

*Addition of subject-matter*

2. The subject-matter of present claim 1 differs from that as granted by the addition of two features:
- that the control equipment and the electric drive controlling the hoisting motor is on the side of the instrument panel which faces to the landing; and
  - that the instrument panel is covered with a cover which can be opened from the landing and consists of one or more parts.
- 2.1 The first of these additional features is not explicitly mentioned in either the granted patent specification or the application as originally filed. Nevertheless, it is established case law that features disclosed solely in drawings may be introduced into claims provided the function and structure of those features was clearly, unmistakably and fully derivable from the drawings by the skilled person, not at odds with the other parts of the disclosure and not isolated from other, associated features shown in the drawings. In the present case figure 1 is a view seen from the landing and showing the instrument panel with the cover removed. The electric drive, the main switch and emergency operating buttons are visible and therefore are mounted on the side of the instrument panel facing towards the landing. Figures 2 and 3 both show a section through the instrument panel; the controller and the cover, which has also been introduced into claim 1, are located on the side of the instrument panel designated as the landing. No part of the

disclosure contradicts those parts mentioned above and appellant II has provided no explanation why the requirements of the case law would not be met.

2.2 The second feature formed the subject-matter of claim 2 as originally filed and its original disclosure is not contested.

2.3 The Board concludes from the above that the requirements of Article 123 (2) EPC are satisfied.

### *Novelty*

3. D2 relates to an arrangement for a lift having a main control panel for normal control of the lift and an auxiliary control panel for causing the lift car to descend if a problem occurs. Beside the passenger entrance doorway is a "decorated" panel incorporating a pivoting door on the rear side of which, i.e. facing the shaft when closed, is mounted the main control panel. The auxiliary control panel is normally mounted on a frame in the pit of the lift shaft. For maintenance of the control panels the auxiliary control panel is removed from its mounting in the pit and is located adjacent the main control panel. Access is obtained by opening the pivoting door.

3.1 According to D2 the main control panel is mounted on the pivoting door which in turn is mounted on the "decorated" panel. One side of this "decorated" panel is visible to people on the landing and it is clear that the use of the term "decorated" signifies that the one side is presented for aesthetic effect. However, this does not detract from the fact that the



"decorated" panel carries the main control panel and therefore forms an instrument panel within the meaning of present claim 1. Moreover, the elevator shaft would be visible from the landing through the opening formed by pivoting the door into its open position.

3.2 Figure 3 of D2 shows the auxiliary control panel in its normal position mounted on a frame in the pit of the lift shaft. Appellant II considers the auxiliary control panel mounted on the frame to be the instrument panel and a hole below the auxiliary control panel and between the arms of the frame to be a window or hatch as required by claim 1. However, since the frame is mounted in the shaft pit away from the side adjacent to the landing when the auxiliary control panel is mounted on the frame it is in a quite different location to the lift landing door. It follows that the auxiliary control panel and the hole beneath it when normally mounted on the frame is not "in the opening ... for a landing door" as required by present claim 1. When the auxiliary control panel is mounted adjacent to the main control panel it is no longer on the frame visible in figure 3 and the hole between the auxiliary control panel and the frame therefore no longer exists.

3.3 Appellant II's other approach based on D2 is to argue that the main control panel when pivoted outwardly on the door is on the side of the instrument panel facing towards the landing and that the pivoting door forms the cover. However, the pivoting door covers only the main control panel, not the "decorated" panel. It follows that if the pivoting door is to be considered as a cover within the meaning of present claim 1 the main control panel must be considered as the instrument

panel. However, in that case the aperture formed by opening the pivoting door is not a window or hatch "in" the instrument panel as required by present claim 1.

- 3.4 It follows from the foregoing that the subject-matter of present claim 1 is new with respect to D2.

*Inventive step*

4. D3 relates to an arrangement for an inspection port beside an automatic lift entrance door and forms the closest prior art for consideration of inventive step. According to D3 in hydraulic and drum-type lifts the machine room is not directly above the lift shaft and in the general layout illustrated in figure 1 a drum and motor are provided in an area adjacent to the base of the lift shaft. Although not designated as such this area would be understood by the skilled person as being the machine room. Since the machine room is not directly above the lift shaft equipment such as the speed governor is placed in the lift shaft and the inspection port according to D3 provides access to it. D3 is silent as regards the location of the elevator control equipment and the electric drive controlling the hoisting motor and the skilled person would understand them to be located in the machine room, as is conventional.

- 4.1 The subject-matter of present claim 1 differs from that of D3 by the following features:

- the instrument panel, which on its side facing the landing contains lift control equipment and the

electric drive controlling the hoisting motor, is placed in the same opening as the landing door;

- the instrument panel is covered with a cover which can be opened from the landing and consists of one or more parts.
- 4.2 The differentiating features have the effect that the instrument panel may be accessed from the landing, thereby solving the problem of easing maintenance.
- 4.3 Appellant II considers the disclosure of D1 when combined with the disclosure of D3 to render the subject-matter of present claim 1 obvious. D1 relates to a structure for the framework of the aperture of a lift landing door and particularly aims to ease the replacement of electrical equipment. In the preferred embodiment the equipment is merely conventional call buttons and indicator lights. Moreover, this electrical equipment is mounted on the rear side of the respective panels and the fundamental teaching of D1 is directed towards easing their removal. There is no disclosure relevant to an instrument panel within the meaning of present claim 1. It follows that no combination of D3 and D1 would arrive at the subject-matter of present claim 1. As can be deduced from the consideration of novelty under 3 above, D2 also does not disclose the differentiating features in combination.
- 4.4 On the basis of the foregoing the Board concludes that the subject-matter of present claim 1 involves an inventive step. This conclusion applies equally to claims 2 to 7 since they contain all features of claim 1.

**Order**

**For these reasons it is decided that:**

1. The decision under appeal is set aside.
2. The case is remitted to the department of the first instance with the order to maintain the patent on the basis of the following documents:
  - claims 1 to 7 and description submitted at the oral proceedings;
  - drawings as granted.

The Registrar:

The Chairman:

A. Counillon

S. Crane