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D E C I S I O N
of 5 May 2006

Case Number: T 1281/04 - 3.2.01

Application Number: 98952751.0

Publication Number: 0952038

IPC: B60R 13/02

Language of the proceedings: EN

Title of invention:

Rapid fixing of a door lining to a door structural assembly or
a door module

Applicant:

Grupo Antolin-Ingenieria, S.A.

Opponent:

-

Headword:

-

Relevant legal provisions:

EPC Art. 54, 56

Keyword:

"Novelty (yes)"
"Inventive step (yes)"

Decisions cited:

-

Catchword:

-



Case Number: T 1281/04 - 3.2.01

D E C I S I O N
of the Technical Board of Appeal 3.2.01
of 5 May 2006

Appellant:

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Representative:

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Decision under appeal:

Decision of the Examining Division of the
European Patent Office posted 4 June 2004
refusing European application No. 98952751.0
pursuant to Article 97(1) EPC.

Composition of the Board:

Chairman: J. Osborne
Members: C. Narcisi
G. Weiss

Summary of Facts and Submissions

- I. The European patent application Nr. 98952751.0 was refused with the decision of the Examining division posted on 4 June 2004. The Examining division considered that the subject-matter of claim 1 extended beyond the content of the application as filed (Article 123(2) EPC) and that the claim did not comply with the requirements of clarity (Article 84 EPC). Moreover, according to the Examining division, the subject-matter of claim 1 would anyway lack an inventive step with regard to the combination of the embodiment of figure 21 of D3 (US-A-4 648 208) with D2 (DE-A-3 330 221).
- II. Against this decision an appeal was filed on 3 August 2004. The appeal fee was paid on 3 August 2004 and the grounds of appeal were filed on 4 October 2004. The appellant requested that the decision be set aside and a patent granted on the basis of amended claims 1-5 and amended pages 1-5 of the description as filed on 4 October 2004.
- III. The following additional prior art was cited in the search report: US-A-5 308 138, WO-A-98/42527, WO-A-97/28977, ES-A-2 077 362.
- IV. In response to a communication of the Board the appellant filed on 31 March 2006 a new set of claims 1-5 according to the proposal made in said communication and replacing the claims on file.

Independent Claim 1 reads as follows:

"System of fast fixing of door trim (1) to door structural assembly, door shell or door module (4), comprising a totally finished door inner trim for connection to said door shell or to a door module of a vehicle, characterised in that the trim (1) has a folded upper outer portion (2) for it to be supported on the inner upper end of the door shell or door module, with at least one appendix (7,7A) protruding from the side of the trim which is towards the door and becoming housed in the corresponding hole(s) cut in the door shell or in the door module and at least one fast assembly/disassembly coupler (6) which, by passing through the trim, secures it to the said door shell or door module, in that the trim is fitted by means of a movement quasi-parallel to the door shell or door module outer plane, in that the appendices protruding from the trim are T-shaped or L-shaped and the couplers are also received in suitably situated holes in said door shell or door module."

Independent claim 3 reads as follows:

"System for fast fixing of door trim (1) to door structural assembly, door shell or door module, comprising a totally finished door inner trim for connection to said door shell or door module of a vehicle, characterised in that the trim (1) has folded upper outer portion (2) for it to be supported on the inner upper end of the door shell or door module and in that fast assembly/disassembly couplers (6) are provided, which by passing through the trim secure it to the door shell or door module, and, by being housed

in suitably situated holes in the door shell or door module, fix said trim in a movement quasi perpendicular to the said door shell or door module outer reference plane".

- V. In the grounds of appeal the appellant essentially expresses the view that the feature of original claim 1 implying that "the trim (1) has a folded upper outer portion (2) for it to be supported on the inner upper end of the door or door module" is neither disclosed nor suggested either in D3 or in any of the cited prior art. Further, in the set of claims presently on file those features were removed which gave rise to objections on the grounds of Article 123 (2) and 84 EPC in the contested decision.

Reasons for the Decision

1. The appeal is admissible since it meets the requirements of Articles 106 to 108 EPC in conjunction with Rules 1(1) and 64 EPC.
2. It is first noted that the subject-matter of amended claim 1 meets the requirements of Articles 123(2) and 84 EPC. In fact, it results clearly from original claim 1 in conjunction with the description (see for instance published patent application, column 2, lines 45-48) and the figures that the element designated by reference sign 4 in the figures is intended to define alternatively a door structural assembly, a door shell or a door module. The trim is then fitted by means of a movement quasi parallel to

the outer plane of said door structural assembly, door shell or door module.

Independent claim 3 equally satisfies the requirements of Articles 123(2) and 84 EPC. It is supported by original claims 1 and 3 in conjunction with column 1, lines 48-54, column 3, lines 10-16 and figure 8 of the published patent application. The features implying that "only fast assembly/disassembly couplers are used" and that the trim is fixed "in a movement quasi perpendicular to the said door shell" in original claim 3 make indeed clear that this represents a distinct embodiment of the invention.

The wording which the examining division found unclear is no longer in the claims.

3. The subject-matter of claims 1 and 3 is new (Article 54 EPC) since the closest prior art D3 does not disclose that the "trim (1) has a folded upper outer portion (2) for it to be supported on the inner upper end of the door shell or door module".

In fact, on a reasonable assessment of this feature in conjunction with the description and the figures it is clear that the trim is supported on said inner upper end of the door shell by said folded upper portion 2. This is not the case in the door assembly disclosed in D3. In the embodiment of figure 21 of D3 the trim 620 is merely a foamed lining on the inner surface of a "unit carrier" which forms the inner wall of the door and carries items such as the window winder and has an upper recessed outer part which however does not

contribute in any manner to support the trim on the upper end of the door shell or door module.

Further, there is no suggestion in D3 for the implementation of such a constructive measure, since the "unit carrier" comprising the trim 620 is attached to the door by screw-means (column 15, line 62 to column 16, line 13).

The above mentioned feature is not disclosed in the further cited prior art either and no suggestion can be derived from the prior art with regard to this feature. Given that there is also no evidence that it forms part of the skilled person's common general knowledge it has to be concluded that the subject-matter of claims 1 and 3 would not be obvious for the person skilled in the art in view of the cited prior art documents (Article 56 EPC).

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 first instance with the order to grant a patent on the basis of the following documents:
 - claims 1-5 as filed with letter received on 31 March 2006;
 - description pages 1-5 as filed with letter received on 4 October 2004;

 - figures 1-11 as published.

The Registrar:

The Chairman:

A. Vottner

J. Osborne