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**Datasheet for the decision  
of 9 February 2012**

**Case Number:** T 1411/10 - 3.2.08

**Application Number:** 02773096.9

**Publication Number:** 1436475

**IPC:** E05B 9/02, E05B 63/08

**Language of the proceedings:** EN

**Title of invention:**  
Plate element for lock device

**Patent Proprietor:**  
ASSA AB

**Opponent:**  
Dorma GmbH + Co. KG

**Headword:**  
-

**Relevant legal provisions:**  
EPC Art. 56, 100(a)

**Relevant legal provisions (EPC 1973):**  
-

**Keyword:**  
"Inventive step (yes) - after amendments"

**Decisions cited:**  
-

**Catchword:**  
-



Case Number: T 1411/10 - 3.2.08

**D E C I S I O N**  
of the Technical Board of Appeal 3.2.08  
of 9 February 2012

**Appellant:** Dorma GmbH + Co. KG  
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**Decision under appeal:** Decision of the Opposition Division of the  
European Patent Office posted 19 May 2010  
rejecting the opposition filed against European  
patent No. 1436475 pursuant to Article 101(2)  
EPC.

**Composition of the Board:**

**Chairman:** T. Kriner  
**Members:** M. Alvazzi Delfrate  
E. Dufrasne

## Summary of Facts and Submissions

- I. By its decision posted on 19 May 2010 the opposition division rejected the opposition against European patent No. 1 436 475.
- II. The appellant (opponent) lodged an appeal against this decision on 30 June 2010, paying the appeal fee on the same day. The statement setting out the grounds for appeal was filed on 23 September 2010.
- III. Oral proceedings before the board of appeal were held on 9 February 2012.

The appellant (opponent) requested that the appealed decision be set aside and that the patent be revoked.

The respondent (patent proprietor) requested that the decision under appeal be set aside and that the patent be maintained on the basis of auxiliary request 8 filed with letter dated 9 January 2012.

- IV. Claim 1 of this sole request reads as follows:

"A lock arrangement comprising a plate element (10) and a lock housing (21, 22) fitted to said plate element (10) and housing a lock mechanism (30, 40), wherein said plate element includes a face plate (11) and a bar (12) having a generally U-shaped cross-section and being attached to said face plate (11), and wherein the face plate (11) includes openings for accommodating at least one bolt (13; 14), characterised by  
- at least one bolt (13; 14) fitted to said plate element (10) and adapted for movement between an

extended and a withdrawn position, wherein when in said withdrawn position the bolt (13, 14) is essentially surrounded sideways by said bar (12); and  
- a drive element (14a; 16) connected mechanically to said bolt (13, 14); wherein said drive element (14a, 16) is adapted to be manoeuvred by a lock mechanism; and wherein said lock mechanism (40) communicates with at least one bolt (13) through the medium of a separate pressure rod (42) whose length has been adapted to the relevant key insertion depth."

V. The following documents are relevant for the present decision:

D3: DE -A- 27 05 213;

D7: US -A- 5 501 492; and

D12: US -A- 372 962.

VI. The arguments of the appellant can be summarised as follows:

D12 disclosed a lock arrangement comprising a plate element (E, L) and a lock housing (A) fitted to said plate element and housing a lock mechanism, wherein said plate element includes a face plate (L) and a bar (E) being attached to said face plate, and wherein the face plate includes openings for accommodating at least one bolt (C). Moreover, the lock arrangement shown in the drawings of D12 comprised at least one bolt adapted for movement between an extended and a withdrawn position, wherein when in said withdrawn position the bolt was essentially surrounded sideways by said bar by means of the flanges K. Furthermore, Figure 1 showed a

drive element connected mechanically to said bolt and adapted to be manoeuvred by a lock mechanism.

Moreover, since the bolt C was guided between the flanges K of the element E, it was fitted to said element.

The through-opening for the bolt in the face plate did not extend to the region at the extremities of the flanges K. Hence, the bar had a generally U-shaped cross-section adjacent to the through-opening.

Moreover, even if this was not true, the feature concerning the U-shaped cross-section could not justify an inventive step. In view of the teaching of Figure 1 of D3, it was obvious to form the bar E in a U-shape to improve the security of the lock.

As to the pressure rod, this term merely defined an intermediate element which exercised pressure. Elements of this type were also provided in the lock arrangement shown in the drawings of D12, for instance element S. If it was considered that D12 did not disclose said pressure rod, its provision was at least suggested by the teaching of D7, which disclosed a lock arrangement comprising a pressure rod 46.

Accordingly, the subject-matter of claim 1 was not novel or at least did not involve an inventive step.

VII. The arguments of the respondent can be summarised as follows:

It was true that D12 disclosed a lock arrangement comprising a plate element and a lock housing fitted to

said plate element and housing a lock mechanism, wherein said plate element included a face plate and a bar being attached to said face plate, and wherein the face plate included openings for accommodating at least one bolt.

However, D12 did not disclose all the features of claim 1. The bar E of the arrangement disclosed in this document could not be considered to have a generally U-shaped cross-section. Such a cross-section could only exist in the area of the flanges K. However, in this area the bar E was provided with a through-opening for the bolt. Moreover, in the arrangement shown in D12 the bolt C was not fitted to the plate element but to the housing, and the latch bolt was not operated by means of a pressure rod but connected to a gravity lever.

Thanks to these distinguishing features the object of an improved modularization was achieved. No hint could be found in the prior art as to how to achieve this objective according to claim 1. Accordingly, its subject-matter was novel and involved an inventive step.

## **Reasons for the Decision**

1. The appeal is admissible.
2. It is undisputed that the drawings of D12 show a lock arrangement comprising a plate element (E, L) and a lock housing (A) fitted to said plate element and housing a lock mechanism, wherein said plate element includes a face plate (L) and a bar (E) being attached

to said face plate, and wherein the face plate includes openings for accommodating one bolt (C), which is adapted for movement between an extended and a withdrawn position, wherein when in said withdrawn position it is essentially surrounded sideways by said bar by means of the flanges K (see Figure 1). Figure 1 further shows a drive element connected mechanically to said bolt, wherein said drive element is adapted to be manoeuvred by a lock mechanism.

According to present claim 1, the bolt is "fitted to" the plate element. This feature does not necessarily require that the bolt is fixed to or mounted on the face plate. Rather, due to the very broad meaning of the expression "fitted to", it also encompasses the case wherein the bolt is merely guided in its movement by the face plate. Since this is the case for the lock arrangement described in D12 (see page 2, lines 55-65), it is considered that this document also discloses the bolt fitted to the plate element.

3. However, D12 does not disclose that the bar E has "a generally U-shaped cross-section". This feature requires that the cross section of the bar generally has a U-shape and not merely, as submitted by the appellant, that it presents one cross section with a U-shape in a minor region. This is also in agreement with the embodiments of the arrangement according to the patent in suit, wherein the bar has a cross section along most of its length, so that it is generally U-shaped.

As to the "pressure rod", this term does not merely define an element which exercises pressure, but also

the shape of this element which must be that of a rod. Although the drawings of D12 show that the lock element communicates with the bolt through elements exercising pressure, said elements, in particular element S, are not in the shape of a rod. Therefore, D12 does not disclose a separate pressure rod through which the lock mechanism communicates with the bolt.

4. Starting from D12, the object underlying the claimed invention can be seen in the provision of a modular lock assembly, with simplified stock-keeping and simplified assembly (see paragraph [0003] of the patent in suit).

This object is achieved by the fact that the lock mechanism communicates with at least one bolt through the medium of a separate pressure rod whose length has been adapted to the relevant key insertion depth. In this way the lock mechanism and the bolt can be realised in two separate modules.

5. The cited prior art does not render it obvious to achieve said object in accordance with claim 1.

In particular, D7 cannot lead to the claimed subject-matter. This document relates to a lock arrangement which functions in a completely different way compared to the one shown in D12, wherein the bolt is actuated by a gravity lever. Hence, it would not be obvious for the person skilled in the art to extract element 46 from the arrangement disclosed in D7 and apply it in the lock arrangement known from D12.



**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 maintain the patent on the basis of:
  - claims 1 to 7 of auxiliary request 8 filed with letter dated 9 January 2012;
  
  - description: columns 1 and 2 filed during oral proceedings and columns 3 to 6 of the patent as granted; and
  
  - Figures: 1 to 5d of the patent as granted.

The Registrar:

The Chairman:

V. Commare

T. Kriner