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**Datasheet for the decision
of 20 September 2012**

Case Number: T 2463/10 - 3.2.08

Application Number: 00908198.5

Publication Number: 1165918

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E05D 11/00

Language of the proceedings: EN

Title of invention:
Device in doors

Patentee:
Svenska Bo-Produkter AB

Opponents:
Jeld-Wen Sverige AB
Inhan Tehtaat Oy Ab

Headword:
-

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

Keyword:
"Inventive step (yes)"

Decisions cited:
-

Catchword:
-



Case Number: T 2463/10 - 3.2.08

D E C I S I O N
of the Technical Board of Appeal 3.2.08
of 20 September 2012

Appellant: Inhan Tehtaat Oy Ab
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Decision under appeal: Decision of the Opposition Division of the
European Patent Office posted 9 November 2010
rejecting the opposition filed against European
patent No. 1165918 pursuant to Article 101(2)
EPC.

Composition of the Board:

Chairman: T. Kriner
Members: M. Alvazzi Delfrate
D. T. Keeling

Summary of Facts and Submissions

- I. By decision posted on 9 November 2010 the opposition division rejected the oppositions against European Patent No. 1 165 918.
- II. The appellant (opponent 2) lodged an appeal against said decision on 15 December 2010, paid the appeal fee on the same day and filed the statement setting out the grounds for appeal on 9 March 2011.

A further appeal was filed by opponent 1 on 3 January 2011, who paid the appeal fee on the same day and filed the statement setting out the grounds for appeal on 9 March 2011. However, this appeal was withdrawn with letter of 6 September 2012.

- III. Oral proceedings before the board of appeal were held on 20 September 2012.

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

The respondent (patent proprietor) requested that the appeal be dismissed.

- IV. Claim 1 reads as follows:

"Device in front-doors for houses and flats formed to be able to arrange the door for either right-hand or left-hand hanging, openable outwards or in applicable cases inwards, whereby the device comprise adjustable hinges (2), preferably safety hinges, which are adjustable vertically as well as laterally, a frame (3)

and a door (1), that the hinges (2) show a first part (4) which is in form of a plate-shaped body and a second part (6) which is intended to be arranged partly to a door (1) partly to a frame (3) and has a first leaf (7) and a second leaf (8) connected with each other by a hinge member (9), that the frame (3) is formed in parts with two frame sides (17 and 18), a frame head (19) and a door sill or doorstep (5) and is arranged to be able to be assembled on place and by that be joined by assembling means (36) to form the frame (3) for a right-hand hung or left-hand hung door (1) and that the hinges (2) or the said first and second leaves (7, 8) in a first frame side (17) and in the door (1) are intended to be arranged at the same distance from the ends or end-edges of the frame side (17) and the door (1) respectively and a striker plate (44) in the other frame side (18) is arranged in between the ends (37, 38) of the frame side (18), characterized in that said first part (4) of the hinges (2) is fixed anchored to the door (1) by means of anchoring means (24) and intended to form an anchoring for a security device (10) or a so-called back edge locking device and a basis for adjusting means (40) for lateral adjustment of the door (1), that said second part (6) of the hinges (2) is arranged to a frame side (17, 18) by that the said second leaf (8) is anchored to the frame side (17, 18) by means of fastening means (32, 34), that the said first leaf (7) in the second part (6) of the hinges (2) has a through aperture (25) for passing through and position of the security device (10) in said first leaf (7), that the said first leaf (7) in the second part (6) of the hinges (2) is intended to be arranged to the door (1) by means of fastening means (28) and to cover said first part (4)

of the hinges (2) and its anchoring by said anchoring means (24) and any attacking places in the hinge (2) are covered by the hinge member (9), that said door sill or doorstep (5) is arranged to be able to extend under the lower end (37) of the frame sides (17, 18) and said frame head (19) is arranged to be able to extend over the upper end (38) of the frame sides (17, 18), that the frame sides (17, 18) can be turned upside-down to be either right-hand hung or left-hand hung and that said security device (10) is used to facilitate the hanging of the door (1) in the frame (3) or to said second part (6) of the hinges (2)."

V. The following documents play a role in the present decision:

C10: US -A- 4 187 640;

C19: US -A- 4 489 517;

C2-D2: Product information with codes RT-X38-35356 RT-487-35356, dated 1998, pages 1 - 4; and

C2-D4: Photograph of hinge Fiskars 110 SS.

VI. The appellant argued essentially as follows:

C10 represented the most relevant prior art and disclosed a device in front-doors for houses and flats, which was formed to be able to arrange the door for either right-hand or left-hand hanging and openable outwards or in applicable cases inwards. The device comprised hinges, a frame and a door. The frame was formed in parts with two frame sides, a frame head and a door sill. As could be seen for instance in Figure 5 the frame head was arranged to be able to be assembled on place and joined by assembling means to form the

frame for a right-hand hung or left-hand hung door. Since the door sill comprised not only element 7 but also element 8, it was arranged to be able to extend over the upper end of the frame sides.

It was true that in Figure 5 the dimensions of the set components were such that, while the distances a_1 and a_2 from the hinges to the ends of the frame side were the same, the distances d and e from the hinges to the end-edges the door were different. However, said Figure depicted only one embodiment of the invention of C10. According to the more general description the height of the sill g could be any height greater of or equal to 0, the clearances c and f were equal, and $c+d=e+f+g-p$. Hence, the choice of a height of the sill g equal to the height of the supporting plate p resulted in $d=e$. Therefore, C10 disclosed also the feature according to which the hinges could be arranged at the same distance from the ends or end-edges of the frame side and the door respectively.

Starting from C10 the object underlying the claimed invention was to improve the door's security.

This object was achieved by the choice of hinges in accordance with claim 1 and the use of a striker plate.

In view of this object the person skilled in the art would have considered adopting the safety hinges Fiskars 110 SS, which were available before the priority date of the patent in suit.

These hinges were adjustable vertically as well as laterally. Moreover, as could be seen from C2-D4, they

showed a first part 4 which was in form of a plate-shaped body and a second part which was intended to be arranged partly to a door partly to a frame and had a first leaf 7 and a second leaf 8 connected with each other by a hinge member 9. Said first part of the hinges was fixed anchored to the door by an anchoring means and was also a basis for adjusting means for lateral adjustment of the door. The second part of the hinges was attached to a frame side and said second leaf was anchored to the frame side by means of fastening means. The first leaf in the second part of the hinges was intended to be attached to the door by a fastening means through the holes 27 and to cover said first part of the hinges and its anchoring by said anchoring means. Any attacking places in the hinge were covered by the hinge member.

Moreover, a screw was to be inserted through the holes 25 and 20 of respectively the first leaf of the second part and the first part. As said screw held the first and the second part together, it was to be seen as a security device, in addition to the further security devices represented by elements 99. Accordingly, the first leaf in the second part of the hinges had a through aperture 25 for passing through and positioning a security device in said first leaf. Moreover, said security device was to be seen as anchored to said first part of the hinges where hole 20 was formed. Additionally, said security device was used to facilitate the hanging of the door in the frame or on said second part of the hinges.

Accordingly, the hinges in accordance with claim 1 did not differ from the Fiskars 110 SS hinges. Therefore,

it was obvious to achieve the object above by adopting a hinge in accordance with claim 1.

Since the use of a striker plate was a standard measure, as could be seen for instance in C19, the claimed device did not involve an inventive step.

VII. The respondent argued essentially as follows:

It was true that C10 represented the most relevant prior art. However, the device according to claim 1 differed from the door set disclosed in C10 not only by the specific safety hinges and the provision of a striker plate, but also by features of the frame.

In particular in the door set disclosed in C10 the hinges were not arranged at the same distance from the ends or end-edges of the frame side and the door respectively. This was not the case in the embodiment shown in Figure 5 and was also excluded by the general teaching of C10. Since p was the height of a recess in the sill, whose height was g , p could not have the same value as g . Accordingly, the frame sides of the door set of C10 could not be turned upside-down to be either right-hand hung or left-hand hung.

By virtue of this feature the claimed device was not only more secure than the one shown in C10, but could also be arranged in more ways.

The prior art did not render it obvious to achieve the latter object in accordance with claim 1.

Moreover it was not obvious either to improve the security of the door set of C10 by adopting a hinge according to claim 1. Even accepting that the known Fiskars 110 SS hinge would have been chosen for this purpose, this would not have resulted in a hinge according to claim 1.

The security device of the known hinge was represented by elements 99 and not by the screw to be inserted in hole 25. Hence, in the Fiskars 110 SS hinge the first leaf of the second part of the hinge did not have a through aperture for passing through and position a security device and the first part of the hinge was not intended to form an anchoring for the security device.

Accordingly, the subject-matter of claim 1 involved an inventive step.

Reasons for the Decision

1. The appeal is admissible.
2. Inventive step
 - 2.1 The claimed invention relates to a door kit. It is common ground that C10 represents the most relevant prior art.
 - 2.2 C10 discloses a door set to be either left-hinged or right-hinged (see abstract). Since the set comprises a lock, the door can be used as front door. Moreover, depending on how the set is mounted, the door can open inwards or outwards. Hence, D1 discloses a device in

front-doors for houses and flats formed to be able to arrange the door for either right-hand or left-hand hanging, openable outwards or, in applicable cases, inwards.

The device disclosed in C10 comprises hinges, a frame and a door (see abstract). The frame is formed in parts with two frame sides (4 and 5), a frame head (6) and a door sill (7,8,9) and is arranged to be able to be assembled on site and joined by assembling means to form the frame for a right-hand hung or left-hand hung door. Since element 8 of the door sill extends under the lower end of the frame sides, the door sill is arranged to be able to extend under the lower end of the frame sides (see Figures 1 and 4). The frame head is arranged to be able to extend over the upper end of the frame sides (see Figure 5).

2.3 However, Figure 5 of C10 does not disclose the features according to which

(A) the hinges or the said first and second leaves in a first frame side and in the door are intended to be arranged at the same distance from the ends or end-edges of the frame side and the door respectively so that the frame sides can be turned upside-down to be either right-hand hung or left-hand hung.

Moreover, contrary to the appellant's opinion these features (A) are not disclosed by the general teaching of C10 either.

According to claim 1 of C10 a_1 is approximately equal to a_2 and $c+d=e+f+g-p$ wherein a_1 =the distance from the

middle of one hinge to one end of the frame side, a_2 =the distance from the middle of the other hinge to the other end of the frame side, c =the clearance between the frame head and the top of the door, d =the distance between the top end-edge of the door and the middle of the upper hinge, e =the distance between the middle of the lower hinge and the bottom end-edge of the door, f =the clearance between the bottom of the door and the top of the sill, g =the height of the sill, p =the height of the supporting plate, with g greater or equal to 0.

Accordingly, it is true that if the clearances c and f were equal and the height of the sill g were the same as the height of the supporting plate p the two distances d and e would be the same. However, C10 does not disclose that g and p are equal. On the contrary, such an arrangement is not compatible with the teaching of C10 since p , being also the depth of a bottom recess in the sill (see claim 1 and Figure 4), must be smaller than the height of the sill g .

Therefore, features (A) are not known from C10. By virtue of these features the door is formed symmetrically and the parts can be assembled according to the preference of the customer for a door for right-hand hanging or left-hand hanging and/or openable inwards, whereby the frame members are directed towards the intended direction (see column 8, lines 14-21 of the patent in suit).

- 2.4 Accordingly, the objects to be achieved by the claimed invention starting from C10 are also (a) to enable different arrangements of the door, and not only (b) to

improve the door's security (see paragraph [0003] of the patent in suit).

While object (a) is achieved by

the features (A),

object (b) is achieved by

(B) the use of a striker plate and hinges in accordance with claim 1.

- 2.5 Since the prior art does not render it obvious to provide said features (A) to achieve the object above, the subject-matter of claim 1 involves an inventive step already for this reason.
- 2.6 Additionally, according to present claim 1 the hinges comprise not only fastening means but also a security device which passes through a through aperture in the first leaf of the second part. Although said security device is not further defined in the claim, the person skilled in the art considers that a security device in a safety hinge is not a mere fastening means. This is consistent not only with the wording of the claim, which makes a distinction between fastening means and security device, but also with the embodiment shown in the drawings, wherein the security device is a threaded screw or bolt which secures the two leaves together, while the fastening means are screws that fix the elements to the frame or the door. Moreover, the security device of the hinges according to claim 1 must be anchored to the first part of the hinges.

By contrast in the hinge Fiskars 110 SS the screw to be inserted in the hole 25 has the same function as the screws to be inserted in holes 27 (see C2-D2, Figure E), i.e. that of a fastening means which fix the first leaf to the door. Moreover, said screw is simply inserted through the hole of the first part of the hinge to be screwed into the door and not, as required by present claim 1, anchored to said first part. Therefore, the hinge Fiskars 110 SS does not comprise a security device in accordance with claim 1.

Hence, contrary to the appellant's view, the adoption of Fiskars 110 SS hinges to achieve the object (b) would not have resulted in a device whose hinges were in accordance with present claim 1. Therefore, it was not obvious to achieve object (b) by means of features (B) either.

Also for this reason the subject-matter of claim 1 involves an inventive step.

Order

For these reasons it is decided that:

The appeal is dismissed.

The Registrar:

The Chairman:

V. Commare

T. Kriner