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**Datasheet for the decision
of 17 November 2014**

Case Number: T 1703/11 - 3.2.01

Application Number: 06708504.3

Publication Number: 1986914

IPC: B64D11/04

Language of the proceedings: EN

Title of invention:

GALLEY AND METHOD OF CATERING FOR PASSENGERS ON AN AIRCRAFT

Applicant:

Airbus Deutschland GmbH

Headword:

Relevant legal provisions:

EPC Art. 56, 84, 123(2)

Keyword:

Inventive step (yes); clarity (yes); extended subject-matter (no)

Decisions cited:

Catchword:



**Beschwerdekammern
Boards of Appeal
Chambres de recours**

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Case Number: T 1703/11 - 3.2.01

D E C I S I O N
of Technical Board of Appeal 3.2.01
of 17 November 2014

Appellant: Airbus Deutschland GmbH
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Representative: UEXKÜLL & STOLBERG
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Decision under appeal: Decision of the Examining Division of the
European Patent Office posted on 14 February
2011 refusing European patent application No.
06708504.3 pursuant to Article 97(2) EPC.

Composition of the Board:

Chairman G. Pricolo
Members: C. Narcisi
D. T. Keeling

Summary of Facts and Submissions

- I. European patent application No. 06 708 504.3 was refused by the decision of the Examining Division, posted on 14 February 2011, on the grounds that the subject-matter of claim 1 was not novel over the disclosure of document D1 (WO-A1-2004/009444). Against this decision an appeal was filed by the Applicant on 18 April 2011 and the appeal fee was paid at the same time. The statement of grounds of appeal was filed on 24 June 2011.

- II. On 10 June 2014 the Board issued a summons to oral proceedings to be held on 29 October 2014. In the annex to the summons the Board stated that whilst the subject-matter of claim 1 (and of method claim 17) of the main request (filed with the statement of grounds of appeal) was new over D1, nevertheless it could not be regarded as inventive over this same document. The Board also indicated that claim 1 (and claim 17) did not fulfil the requirements of Article 123 (2) EPC and Article 84 EPC.

- III. The Appellant (Applicant) filed on 29 September 2014 a new main request including an amended set of claims and further filed on 23 October 2014 an amended version of the description with adapted pages. The Appellant requested that the impugned decision be set aside and that a patent be granted on the basis of the claims and the description according to the new main request. It likewise requested the cancellation of the oral proceedings, unless the new main request should be unexpectedly deemed not allowable by the Board.

- IV. Claim 1 reads as follows:

"Galley unit for an aircraft comprising a galley body (1) being fixed on a cabin floor (2) for accommodating a plurality of storage boxes, appliances and at least one service car; a plurality of storage boxes (12) for storing goods, and a service cart (27) for conveying goods to and from said galley body (1) for distribution to passengers on board, characterized in that said storage boxes (12) are standard boxes all having the same predetermined width (w), predetermined depth (d) and predetermined height (h), said galley body (1) has a plurality of vertical levels (3a-3e) that are substantially equidistant from each other, wherein each of said vertical levels (3a-3e) is subdivided into a plurality of laterally adjacent compartments (4) for accommodating the storage boxes (12), wherein the horizontal and vertical dimensions of said compartments (4) are equal to an integer multiple of the respective dimensions of a single one of said storage boxes (12), and a transfer table (7; 20) is provided movable in front of said galley body (1) for access to each of said compartments (4)."

Claim 17 reads as follows:

"Method of catering for passengers on an aircraft in a galley with the steps of

- storing goods in a plurality of storage boxes;
- conveying a plurality of said storage boxes to and from said galley by at least one service cart; and
- accommodating a plurality of said storage boxes, appliances and the at least one service cart in a galley body (1) of said galley being fixed on a cabin floor (2), characterized by

- providing standard boxes (12) as said plurality of storage boxes all having the same predetermined width (w), predetermined depth (d) and predetermined height (h), wherein said galley body (1) has a plurality of vertical levels (3a-3e) that are substantially equidistant from each other, wherein each of said vertical levels (3a-3e) is subdivided into a plurality of laterally adjacent compartments (4) for accommodating the storage boxes (12), and wherein the horizontal and vertical dimensions of said compartments (4) are equal to an integer multiple of the respective dimensions of a single one of said standard boxes (12);
- arranging said standard boxes (12) in said at least one service cart (27), wherein the horizontal and vertical dimensions of said service cart (27) are equal to an integer multiple of the respective dimensions of a single one of said standard boxes (12) and conveying said standard boxes (12) to said galley (1) by said service cart (27));
- discharging said standard boxes (12) from said at least one service cart (27) and mounting them on a transfer table (7); and
- transporting said standard boxes (12) to their respective destination compartment (4) in said galley body (1) and stowing them therein."

V. The Appellant's arguments may be summarized as follows:

The subject-matter of claim 1 complies with the requirements of Article 123(2) EPC and Article 84 EPC. In particular, in both present claims 1 and 17 the features included in respective claims 1 and 17 as originally filed were reintroduced and it was likewise clarified that all standard boxes have the same predetermined width (w), predetermined depth (d) and predetermined height (h), i.e. the same dimensions.

Additionally, in claim 17 the missing structural features as found in claim 1 were introduced. The subject-matter of claim 1 and 17 is new and inventive. Document D1 (WO-A1-2004/009444) and the further documents mentioned in the search report can only be regarded as technological background. Indeed, none of these documents teaches or suggests a transfer table, as required by the aforesaid claims.

VI. On 24 October 2014 the Board informed the Appellant that the oral proceedings were cancelled.

Reasons for the Decision

1. The appeal is admissible.
2. Claims 1 and 17 comply with the requirements of Article 123(3) EPC and 84 EPC. Specifically, claim 1 is identical with claim 1 as originally filed, except for the feature reading "said storage boxes (12) are standard boxes all having the same predetermined width (w), predetermined depth (d) and predetermined height (h)". This feature was introduced into claim 1 for reasons of clarity and is based on the application as originally filed (see published version, hereinafter designated as WO-A, paragraph bridging pages 6 and 7; paragraph bridging pages 8 and 9; page 9, fourth paragraph, inter alia). The remaining amendments to claim 1 (as originally filed) imply only minor editorial changes.
As to present claim 17, it differs from originally filed claim 17 in that the feature reading "providing standard boxes (12) as storage boxes having a predetermined width (w), a predetermined depth (d) and a predetermined height (h)" was amended to read "providing standard boxes (12) as said plurality of

storage boxes all having the same predetermined width (w), predetermined depth (d) and predetermined height (h)". This amendment was introduced, as in claim 1, for reasons of clarity, and is based on the same parts of the originally filed application as indicated in relation to claim 1 (see above). The feature in claim 17 following immediately after the previously mentioned amended feature is identical with the corresponding feature of claim 1, and includes structural features which were missing in claim 17 as originally filed. Here, as in claim 1, only minor and obvious editorial amendments were made.

Amendments were also made to the dependent claims, where necessary, in order to bring them into conformity with the independent claims.

3. The subject-matter of independent claim 1 and 17 is new and inventive over the prior art. D1 discloses a modular galley with modules "of various types and/or various sizes" (D1, page 6, lines 29-31) and represents the closest prior art. Notably, D1 does not explicitly or implicitly disclose that the modules or compartments have vertical and horizontal dimensions all equal to an integer multiple of the respective dimensions of a single given storage box. Moreover, D1 does not disclose or suggest that a "transfer table (7; 20) is provided movable in front of said galley body (1) for access to each of said compartments (4)" (see claim 1, with corresponding equivalent features being included in claim 17). With the arrangement according to the invention all compartments of the galley body are accessible by the transfer table for stowing storage boxes therein, the transfer table being movable in a horizontal and vertical direction. By contrast, D1 merely teaches that for mounting the modules composing the modular galley, appropriate lifting means for

raising or lowering said modules are provided. This exclusively helps to ensure an easier assemblage of the modular galley. The further cited documents do not provide any teaching as to means permitting, as done by the invention, easier access to all compartments of the galley, in order to facilitate stowing of said storage boxes. Thus, the requirements of Article 56 EPC are fulfilled.

Order

For these reasons it is decided that:

1. The appealed decision is set aside.
2. The case is remitted to the first instance with the order to grant a patent in the following version:
 - claims 1 to 18 of the main request, submitted on 29 September 2014;
 - description pages 1 to 18, submitted on 23 October 2014;
 - drawing sheets 1/6 to 6/6, submitted on 23 October 2014.

The Registrar:

The Chairman:



A. Vottner

G. Pricolo

Decision electronically authenticated