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Datasheet for the decision of 10 December 2013

Case Number: T 2040/11 - 3.2.08

Application Number: 07124108.7

Publication Number: 1939389

IPC: E06B9/26, B60J1/20, B64C1/14

Language of the proceedings: EN

Title of invention:
Motorized window shade

Applicant:
Aerospace Technologies Group, Inc.

Headword:

Relevant legal provisions:
EPC Art. 56

Keyword:
Inventive step - (yes)

Decisions cited:

Catchword:

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Case Number: T 2040/11 - 3.2.08

D E C I S I O N
of Technical Board of Appeal 3.2.08
of 10 December 2013

Appellant: (Applicant)	Aerospace Technologies Group, Inc. 2009 Corporate Drive Boynton Beach, FL 33426 (US)
Representative:	Epping - Hermann - Fischer Patentanwaltsgesellschaft mbH Ridlerstrasse 55 80339 München (DE)
Decision under appeal:	**Decision of the Examining Division of the European Patent Office posted on 15 April 2011 refusing European patent application No. 07124108.7 pursuant to Article 97(2) EPC.**

Composition of the Board:

Chairman: T. Kriner
Members: P. Acton
D. T. Keeling

Summary of Facts and Submissions

I. On 14 June 2011 the appellant (applicant) filed a notice of appeal against the examining division's decision posted on 15 April 2011 refusing the European patent application No. 07 124 108.7 (publication number EP 1 939 389). The appeal fee was paid simultaneously and the statement of grounds was received on 25 August 2011.

II. The examining division held that the subject-matter of claim 1 then on file did not involve an inventive step with respect to the combined teaching of

D2: US-B-6 832 641 and
D1: DE-U-202 09 724.

III. In addition to D1 and D2 the following document was cited in the search report:

D3: EP-A-1 674 650.

IV. The appellant requested that the decision under appeal be set aside and that a patent be granted on the basis of the following documents:

V.

description:	pages 1 to 18	filed with fax dated 4 December 2013;
claims:	1 to 13	according to the auxiliary request 3, filed with fax dated 7 November 2013 (now the main request);
drawings:	figures 1a to 10	as originally filed.

VI. Claim 1 reads as follows:

"A window (100) comprising:

a housing (110) defining a first opening (108) and a second opening (109), and comprising a first end (120), a second end (121), a first sidewall (122), and a second sidewall (123), the first and second sidewalls extending between the first end and the second end;

a first window shade (105) comprising a fixed end (210) and a free end (211), the first window shade being disposed inside the housing, the fixed end extending between the first and second sidewalls and being fixed proximate to the first end of the housing, the free end and extending between the first and second sidewalls and being movable along the first and second sidewalls between a retracted position, where the passage of light through the first and second openings is unobstructed by said first window shade, and an extended position, where the passage of light through the first and second openings is obstructed by said first window shade;

a second window shade (115) comprising a fixed end (310) and a free end (311), the second window shade being disposed inside the housing, the fixed end extending between the first and second sidewalls and being fixed proximate to the first end of the housing, the free end extending between the first and second sidewalls and being movable along the first and second sidewalls between a retracted position, where the passage of light through the first and second openings is unobstructed by the second window shade, and an extended position, where the passage of light through

the first end second openings is obstructed by the second window shade;

a first motor (602) secured proximate to the first end of the housing;

a second motor (610) secured proximate to the first end of the housing;

a first rotation means (606) rotatably secured proximate to the first end of the housing;

a second rotation means (616) rotatably secured proximate to the first end of the housing;

a first rotatable shaft (704) comprising a first end and a second end, the first rotatable shaft being rotatably secured proximate to the second end of the housing and disposed between the first and second sidewalls;

a second rotatable shaft (702) comprising a first end and a second end, the second rotatable shaft being rotatably secured proximate to the second end of the housing and disposed between the first and second sidewalls;

first rotation coupling means (306) extending along the first sidewall between the first motor and the first end of the second rotatable shaft to drive the second rotatable shaft in response to operation of the first motor;

third rotation coupling means (208) extending along the second sidewall between the second motor and the second end of the first rotatable shaft to drive the first

rotatable shaft in response to operation of the second motor;

characterized by

second rotation coupling means (308) extending along the second sidewall between the second end of the second rotatable shaft and the second rotation means to drive the second rotation means in response to operation of the first motor;

fourth rotation coupling means (206) extending along the first sidewall between the first end of the first rotatable shaft and the first rotation means to drive the first rotation means in response to operation of the second motor;

means for coupling the free end of the first window shade between the third and fourth rotation coupling means so that the first window shade is retracted or extended in response to operation of the second motor; and

means for coupling the free end of the second window shade between the first and second rotation coupling means so that the second window shade is retracted or extended in response to operation of the first motor,

wherein the second rotatable shaft (702) is rotatably secured inside and coaxial with the first rotatable shaft (704)."

Reasons for the Decision

1. The appeal is admissible.

2. Inventive step

2.1 The window according to D2 undisputedly represents the most relevant prior art. This document discloses a device according to the preamble of claim 1, in detail:

a window comprising:

a housing (12) defining a first opening and a second opening, and comprising a first end, a second end, a first sidewall, and a second sidewall, the first and second sidewalls extending between the first end and the second end;

a first window shade (14) comprising a fixed end and a free end (see figures 2, 2A), the first window shade being disposed inside the housing, the fixed end extending between the first and second sidewalls and being fixed proximate to the first end of the housing, the free end and extending between the first and second sidewalls and being movable along the first and second sidewalls between a retracted position, where the passage of light through the first and second openings is unobstructed by said first window shade, and an extended position, where the passage of light through the first and second openings is obstructed by said first window shade;

a second window shade (16) comprising a fixed end and a free end, the second window shade being disposed inside the housing, the fixed end extending between the first

and second sidewalls and being fixed proximate to the first end of the housing, the free end extending between the first and second sidewalls and being movable along the first and second sidewalls between a retracted position, where the passage of light through the first and second openings is unobstructed by the second window shade, and an extended position, where the passage of light through the first end second openings is obstructed by the second window shade;

a first motor (34) secured proximate to the first end of the housing;

a second motor (26) secured proximate to the first end of the housing;

a first rotation means (28, column 4, lines 9 to 10) rotatably secured proximate to the first end of the housing;

a second rotation means (28) rotatably secured proximate to the first end of the housing;

a first rotatable shaft (30, left bottom in Figure 2A) comprising a first end and a second end, the first rotatable shaft being rotatably secured proximate to the second end of the housing and disposed between the first and second sidewalls;

a second rotatable shaft (30, right bottom in Figure 2A) comprising a first end and a second end, the second rotatable shaft being rotatably secured proximate to the second end of the housing and disposed between the first and second sidewalls;

first rotation coupling means (32, left side) extending along the first sidewall between the first motor and the first end of the second rotatable shaft to drive the second rotatable shaft in response to operation of the first motor;

third rotation coupling means (32, right side) extending along the second sidewall between the second motor and the second end of the first rotatable shaft to drive the first rotatable shaft in response to operation of the second motor.

2.2 Starting from D2, the problem to be solved by the present invention resides in the provision of an alternative shades levelling means which assures a reliable operation of the shades while being of small size.

This problem is solved by a window according to claim 1, in particular by the features of its characterising portion.

2.3 D2 does not show any shaft spreading over the whole width of the window but two short, separate shafts, one to the right and one to the left of the shade.

Both D1 and D3 show a shaft disposed between the opposed sidewalls of the window. However, since the two latter documents describe windows with one shade only, they cannot suggest the coaxial positioning of two shafts which are related to two different shades.

2.4 Hence, since none of the documents cited in the search report discloses or suggests the use of coaxial rotatable shafts disposed between opposed sidewalls,

the subject-matter of claim 1 involves an inventive step.

Order

For these reasons it is decided that:

1. The decision under appeal is set aside.

2. The case is remitted to the examining division with the order to grant a patent on the basis of the following documents:

description:	pages 1 to 18	filed with fax dated 4 December 2013;
claims:	1 to 13	according to the auxiliary request 3, filed with fax dated 7 November 2013 (now the main request);
drawings:	figures 1a to 10	as originally filed.

The Registrar: The Chairman:

V. Commare T. Kriner

Decision electronically authenticated

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Case Number: T 2040/11 - 3.2.08

D E C I S I O N
of Technical Board of Appeal 3.2.08
of 25 February 2014
correcting an error in the decision
of 10 December 2013

Appellant: (Applicant)	Aerospace Technologies Group, Inc. 2009 Corporate Drive Boynton Beach, FL 33426 (US)
Representative:	Epping - Hermann - Fischer Patentanwaltsgesellschaft mbH Schloßschmidstraße 5 80639 München (DE)
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D. T. Keeling

On page 1 and on page 8 the date "4 December 2013" has to be replaced by "5 December 2013".

Moreover, on both pages, the wording

"figures: 1a to 10 as originally filed"

has to be replaced by:

"figures: 1a to 7a and 7c to 10 as originally filed
7b as filed with letter dated 25 November 2009"

The Registrar: The Chairman:

V. Commare T. Kriner

Decision electronically authenticated