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**Datasheet for the decision  
of 20 April 2016**

**Case Number:** T 0470/13 - 3.2.01

**Application Number:** 05005758.7

**Publication Number:** 1582399

**IPC:** B60N2/12, B60N2/235

**Language of the proceedings:** EN

**Title of invention:**

Vehicle seat position adjusting device

**Patent Proprietor:**

AISIN SEIKI KABUSHIKI KAISHA

**Opponent:**

Johnson Controls Components GmbH & Co. KG

**Headword:**

**Relevant legal provisions:**

EPC Art. 54(1), 56

**Keyword:**

Novelty - (yes)  
Inventive step - (yes)

**Decisions cited:**

**Catchword:**



**Beschwerdekammern**  
**Boards of Appeal**  
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European Patent Office  
D-80298 MUNICH  
GERMANY  
Tel. +49 (0) 89 2399-0  
Fax +49 (0) 89 2399-4465

Case Number: T 0470/13 - 3.2.01

**D E C I S I O N**  
**of Technical Board of Appeal 3.2.01**  
**of 20 April 2016**

**Appellant:** Johnson Controls Components GmbH & Co. KG  
(Opponent) Hertelsbrunnenring 2  
67657 Kaiserslautern (DE)

**Representative:** Liedtke, Markus  
Liedtke & Partner  
Patentanwälte  
Gerhart-Hauptmann-Strasse 10-11  
99096 Erfurt (DE)

**Respondent:** AISIN SEIKI KABUSHIKI KAISHA  
(Patent Proprietor) 1, Asahi-machi 2-chome  
Kariya-shi, Aichi-ken 448-8650 (JP)

**Representative:** TBK  
Bavariaring 4-6  
80336 München (DE)

**Decision under appeal:** Interlocutory decision of the Opposition  
Division of the European Patent Office posted on  
21 December 2012 concerning maintenance of the  
European Patent No. 1582399 in amended form.

**Composition of the Board:**

**Chairman** G. Pricolo  
**Members:** H. Geuss  
O. Loizou

## Summary of Facts and Submissions

I. The appeal of the opponent is directed against the interlocutory decision of the opposition division posted on 21 December 2012, by which European patent No. 1582399 was maintained in amended form.

II. The opposition division held that claim 1 met the requirements of novelty and inventive step (Articles 54(1) and 56 EPC 1973) with respect to documents

EP 0 872375 A2 (D1),  
DE 4436101 A1, (D4), and  
DE 101 48 073 A1 (D5).

III. Oral proceedings before the Board were held on 20 April 2016.

The appellant requested that the decision of the opposition division be set aside and that the European patent be revoked. The patent proprietor (respondent) requested that the appeal be dismissed.

IV. Claim 1 as allowed by the Opposition Division reads as follows (the numbering of features in bold is in accordance with the numbering in the decision under appeal):

A vehicle seat position adjusting device, comprising:  
- **feature 1.0** -

- a slide adjuster (2) having a slide lock mechanism (23) for slidably supporting a vehicle seat (1) relative to a vehicle floor and holding the vehicle seat (1) at a predetermined position relative to the vehicle floor by restricting a relative sliding

movement of the vehicle seat (1) relative to the vehicle floor;

- **feature 1.1** -

- a reclining adjuster (5) for rotatably supporting a seat back (4) of the vehicle seat (1) about a rotational axis line (0) relative to a seat cushion (3) of the vehicle seat (1); and

- **feature 1.2** -

- a walk-in mechanism (9) disposed between the slide adjuster (2) and the reclining adjuster (5) for actuating the slide lock mechanism (23) of the slide adjuster (2) to allow the sliding movement of the vehicle seat (1) relative to the vehicle floor when the seat back (4) is rotated equal to or more than a predetermined angle relative to the seat cushion (3) by operating the reclining adjuster (5),

- **feature 1.3** -

- the walk-in mechanism (9) includes a detecting plate (92) for detecting the predetermined angle or more than the predetermined angle rotation of the seat back (4) relative to the seat cushion (3),

- **feature 1.4** -

characterized in that

-the reclining adjuster (5) includes a lower plate (6) for supporting the seat cushion (3) and an upper plate (7) rotatably supported by the lower plate (6) and supporting the seat back (4),

- **feature 1.5** -

- wherein a supporting surface (71b) for rotatably supporting the detecting plate (92) is arranged at an

outer profile of the reclining adjuster in parallel to an extension direction of the rotational axis line (0) of the seat back (4) relative to the seat cushion (3),  
- **feature 1.6** -

- and wherein the detecting plate (92) is supported by the supporting surface (71b) of the upper plate (7) of the reclining adjuster (5)  
- **feature 1.7** -

V. In its statement of grounds of appeal, the appellant essentially submitted that feature 1.7 of claim 1 was disclosed by document D1 and that, if this feature would be regarded as a distinguishing feature, it would not support the presence of an inventive step either in view of D1 alone or in view of D5. During the oral proceedings, the appellant additionally submitted that features 1.6 and 1.7 did not require the supporting surface to be horizontal but also encompassed a vertical supporting surface. Furthermore, the supporting surface in feature 1.6 referred to the reclining adjuster whereas the supporting surface in feature 1.7 was a supporting surface of the upper plate. Thus, claim 1 defined two supporting surfaces. A detecting plate (40) which was laterally supported by an upper plate (17) was also disclosed in D1.

As regards inventive step, the appellant additionally submitted that the skilled person would consider modifying the sloping portion of the upper plate 17 in D1 such as to be oriented horizontally and would further modify the diameter of the detecting plate 40 such that the latter was supported by said horizontal surface in order to reduce the axial space occupied by the recliner.

The respondent underlined that it was clear from the wording of features 1.6 and 1.7 that these referred to the one and same supporting surface which was arranged in parallel to the rotational axis of the recliner. Moreover, the appellant's argument with respect to inventive step was based on hindsight.

### **Reasons for the Decision**

1. The appeal is admissible.
2. The invention as defined by the features of claim 1 is novel and involves an inventive step, Articles 54 (1) and 56 EPC.
  - 2.1 As regards the appellant's arguments presented in writing, which are the same as presented in opposition proceedings, the Board sees no reason to deviate from the reasoning of the Opposition Division in the impugned decision. This reasoning is complete, as it takes into account all relevant submissions of the appellant (opponent), and explains clearly why feature 1.7 of claim 1 is not disclosed in D1, which represent the closest prior art, and why the provision of this feature in the device according to D1 is not obvious for a skilled person, even taking into account the disclosure of D4 or D5. The Board does not see what else could be added to this reasoning and makes it as its own.
  - 2.2 As regards the appellant's further arguments as presented in the oral proceedings, they are not convincing for the following reasons:

According to feature 1.6 of claim 1, there is a supporting surface of the reclining adjuster which supports the detecting plate. Feature 1.7 further defines that

the detecting plate is supported by the supporting surface of the upper plate of the reclining adjuster. There is no doubt that the supporting surface referred to in features 1.6 and 1.7 is the same, since it has the same function of supporting the detecting plate and it is a surface of the reclining adjuster (the upper plate being a feature thereof).

Accordingly, since feature 1.6 recites that the supporting surface is arranged in parallel to the rotational axis line of the seat back, if the latter is horizontal, as in D1 (see Fig. 3), then the supporting surface is also horizontal and not vertical, in contrast to the vertical supporting surface of upper plate 17 which supports the detecting plate 40 as shown in D1 (see Fig. 3).

2.3 Furthermore, the Board does not follow the appellant's view that it would be obvious to modify the device of D1 by arranging the detecting plate 40 on a horizontal portion of the upper plate 17, in order to reduce axial space. According to the appellant, this would only require modifying the sloping portion of the upper plate 17 such that it is oriented horizontally and adapting the diameter of the detecting plate such that it fits on the horizontal portion.

However the Board does not see any motivation for the skilled person to do so. Even assuming that the skilled person would seek to reduce the axial space occupied by the recliner of D1, there is no apparent reason why he would specifically consider modifying the connection between detecting plate 40 and upper plate 17. In fact, the proposed modification would require fundamental



changes of the recliner in the upper and the lower portions. In particular, it would require the provision of a larger diameter for the detecting plate 40, which would lead to undesirable interference with parts 35 and 56.

Accordingly, the above-mentioned appellant's argument is based on hindsight, as submitted by the respondent.

**Order**

**For these reasons it is decided that:**

The appeal is dismissed.

The Registrar:

The Chairman:



A. Vottner

G. Pricolo

Decision electronically authenticated