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**Datasheet for the decision
of 20 March 2019**

Case Number: T 0937/16 - 3.2.01

Application Number: 04796876.3

Publication Number: 1680321

IPC: B64D11/00

Language of the proceedings: EN

Title of invention:

MODULAR OVERHEAD STOWAGE BIN SYSTEMS AND ASSOCIATED METHODS

Patent Proprietor:

The Boeing Company

Opponents:

Airbus Operations SAS/ Airbus Operations Limited/
Airbus Operations GmbH/ Airbus Operations S.L./
Airbus SAS

Headword:

Relevant legal provisions:

EPC Art. 56, 100(a), 100(b), 100(c)

Keyword:

Sufficiency of disclosure - (yes)

Amendments - extension beyond the content of the application
as filed (no)

Inventive step - (yes)

Decisions cited:

G 0001/10, T 0089/00

Catchword:



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Case Number: T 0937/16 - 3.2.01

D E C I S I O N
of Technical Board of Appeal 3.2.01
of 20 March 2019

Appellants:
(Opponents)

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Decision under appeal:

**Decision of the Opposition Division of the
European Patent Office posted on 19 February
2016 rejecting the opposition filed against
European patent No. 1680321 pursuant to Article
101(2) EPC.**

Composition of the Board:

Chairman G. Pricolo
Members: W. Marx
P. Guntz

Summary of Facts and Submissions

I. The opponents lodged an appeal against the decision of the opposition division rejecting its opposition against European patent No. 1 680 321.

II. In its decision the opposition division held that the grounds for opposition under Article 100(b) and (c) EPC were without merit, that the priority dated was validly claimed for all independent claims, and that the independent claims were new and inventive with respect to, *inter alia*, the following documents:

D1: EP 0 718 189 A1;
D3: EP 0 731 021 A1;
D5: WO 90/08674 A1.

III. Oral proceedings before the board took place on 20 March 2019.

The appellants (opponents) requested that the decision under appeal be set aside and the European patent be revoked.

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

IV. Independent claim 1 as granted reads as follows:

"An aircraft fuselage (12) having a sidewall portion and comprising an overhead stowage bin system (18), said overhead stowage bin system comprising:

- a first stowage bin (42) coupleable to the fuselage (12), the first stowage bin (42) having a first capacity;

- a second stowage bin (44) coupleable to the fuselage (12), the second stowage bin (44) having a second capacity different than the first capacity;
- the first and second stowage bins (42, 44) being configurable in first and second configurations, a first overhead aisle being positioned between the first and second stowage bins in the first configuration, the first overhead aisle having first opposing edge portions in a first position relative to the sidewall portion of the fuselage (12); and
- a second overhead aisle being positioned between the first and second stowage bins (42, 44) in the second configuration, the second overhead aisle having opposing second edge portions in a second position relative to the sidewall portion of the fuselage (12), the second opposing edge portions in the second configuration being shifted laterally in the same direction relative to the position of the first opposing edge portions of the first overhead aisle in the first configuration."

Independent method claim 18 reads as follows:

"A method of configuring an interior of an aircraft fuselage, comprising:

- coupling first stowage bin modules to the fuselage; the first stowage bin modules having a first storage capacity; and
- coupling second stowage bin modules to the fuselage, the second stowage bin modules having a second storage capacity different than the first storage capacity, the first and second stowage bin modules being positionable in first and second configurations, in the first configuration the first stowage bin modules being connected to the

first bin support and the second stowage bin modules being connected to the second bin support, and the first and second stowage bin modules in the first configuration have a first overhead aisle positioned therebetween, the first overhead aisle having opposing edge portions spaced apart from each other, and in the second configuration the first stowage bin modules being connected to the second bin support and the second stowage bin modules being connected to the first bin support, and the first and second stowage bin modules in the second configuration have a second overhead aisle therebetween, the second overhead aisle having second opposing edge portions in a position shifted laterally relative to the position of the opposing edge portions of the first overhead aisle in the first configuration."

Further independent method claim 19 reads as follows (erroneous term underlined - see below point 1.):

"A method of reconfiguring an interior of an aircraft fuselage, comprising:

- removing first stowage bin modules (42) in a first configuration from a first bin support (36) coupled to the aircraft fuselage (12), the first stowage bin modules (42) having a first storage capacity;
- removing second stowage bin modules (44) in a second configuration from a second bin support (38) coupled to the aircraft fuselage (12), the second stowage bin modules (44) having a second capacity different than the first capacity, the second stowage bin modules (44) in the first configuration being laterally apart from the first stowage bin modules (42), a first overhead aisle positioned between the first and second stowage bin modules,

the first overhead aisle having first opposing edge portions;

- attaching a plurality of first stowage bin modules (42) to the second bin support (38) in a second configuration; and
- attaching the plurality of second stowage bin modules (44) to the first bin support (36) in the second configuration, the second stowage bin modules (44) being spaced laterally apart from the plurality of the first stowage bin modules (42), a second overhead aisle being positioned between the first and second stowage bin modules, the second overhead aisle having second opposing edge portions shifted laterally in the same direction relative to the position of the first opposing edge portions of the first overhead aisle in the first configuration."

Reasons for the Decision

1. *Sufficiency of disclosure (Article 100(b) EPC)*
 - 1.1 The board holds that the invention as specified in method claim 19, which was objected to by the appellant under Article 100(b) EPC, is sufficiently disclosed.
 - 1.2 According to the appellant, the wording of claim 19 was perfectly clear and the description could not be used to interpret its meaning, but it didn't allow to work the invention, due to the following wording in claim 1: "*- removing second stowage bin modules (44) in a second configuration from a second bin support (38) ...*"

Allegedly, contrary to the opposition division's view, it could not be established that there was an obvious

error in the wording of claim 19. If the skilled person had to first think about what was behind the wording of the claim, the error would not be obvious (T 89/00), and it was not a clarity issue. Moreover, correction of an error in a granted patent was inadmissible (see G 1/10, OJ EPO 2013, 194). It would have been possible to amend claim 19 during opposition proceedings (G 1/10, point 13: provided it satisfied all the legal requirements for amendments, e.g. Article 123 EPC), but not in appeal proceedings (see Article 12(4) of the Rules of Procedure of the Boards of Appeal).

- 1.3 The reconfiguration method according to claim 19 specifies that first and second first stowage bin modules are removed from respective first and second bin supports and attached in a second configuration cross-wise to the second and first bin supports. The initial configuration from which stowage bin modules are removed is inconsistently referred to as "a first configuration" for the first stowage bin modules and as "a second configuration" for the second stowage bin modules. In both configurations, the first and second stowage bin modules are explicitly specified as being spaced laterally apart from each other, forming a first and a second aisle, i.e. the first and second bin supports must also be spaced laterally from each other.
- 1.4 The board agrees with the opposition division's finding that claim 19 relates to a method of reconfiguring an interior which as such cannot start from a "second" configuration, and because a "first" configuration is already mentioned in the preceding paragraph. Therefore, it is readily evident to the skilled person that the steps of "removing" relate to the first configuration as the starting point, so that the term "*removing second stowage bin modules in a second*"

configuration" is erroneous. Moreover, the wording of method claim 19 is even contradictory when specifying first that ("in a second configuration") second stowage bin modules are removed from a second bin support and then, in a subsequent step, attached ("in the second configuration") to the first bin support, although the second configuration relates to a second overhead aisle defined by first stowage bin modules attached to the second bin support and the second stowage bin modules attached to the first bin support only. In case of such obscure wording of a claim in its granted version, the skilled person has no alternative but to search for clarification in the patent specification. He would notice that a wording corresponding to that of claim 19 can be found in paragraph [0009], which uses the term "*removing second stowage bin modules in a first configuration*". Such interpretation is also in line with the remainder of the specification, in particular with the further independent claims (claims 1 and 18), so the board cannot see that the invention according to claim 19 is insufficiently disclosed.

- 1.5 Decision T 89/00 cited by the appellant, dealing with an essential feature missing from claim 1 which infringed Article 100(b) EPC is not applicable in the present case. In particular, this decision dealt with a case in which a term in claim 1 was interpreted by the patent proprietor in a broader way (arguing that the skilled person would have deduced the deletion of further structural means from the documents of the patent in suit as filed) which could not be deduced from the patent documents as originally filed and was even in contradiction with the teaching of these documents.

As the considerations so far relate to the patent as granted, the appellant's objections referring to decision G 1/10 and Article 12(4) RPBA are irrelevant.

2. *Amendments (Article 100(c) EPC)*

2.1 - as regards claim 1:

2.1.1 Claim 1 as granted is directed to an "*aircraft fuselage having a sidewall portion and comprising an overhead stowage bin system*". The term "comprising" used in this context means that the fuselage - a closed structure of the aircraft delimiting an interior space - contains an overhead stowage bin system. In the board's view, it does not necessarily mean that the stowage bins form part of the fuselage.

2.1.2 The appellant contests that claim 13 as originally filed, which formed the basis for granted claim 1, implicitly disclosed the claimed combination of the fuselage and the stowage bin system, since according to the original wording of claim 13 the bins were only "coupleable" to the fuselage. When considering the overall disclosure of the application as filed, paragraph [0001] recited stowage bin systems in aircraft passenger cabins, and paragraph [0015] distinguished between such stowage bin systems (i.e. the invention) and other details describing the well-known structures and systems associated with aircraft, more specifically, with aircraft fuselages, which were not set forth in the following when describing the invention. The fuselage therefore did not form part of the invention as originally claimed in claim 13. The original application documents contained other claims which might provide a basis for claim 1 as granted, but these claims (e.g. claim 23) included further features

(e.g. support means), indicating that these features were essential.

- 2.1.3 Original claim 13 specifies a "*modular overhead bin system for use in an aircraft fuselage*", i.e. discloses clearly that a bin system can be used within the interior space provided by the fuselage.

The board cannot see that the redirection of what is now granted claim 1 introduces new subject-matter, as already found by the opposition division, or would present any new information to the skilled reader. On the contrary, the new wording of claim 1 as granted clarifies only what might not have been clear enough in the wording of original claim 13, which on the one hand seems to define a stowage bin system per se ("*for use in an aircraft fuselage*" and "*coupleable to the fuselage*", which does not necessarily imply that the fuselage forms part of the claimed subject-matter), and on the other hand refers "*to the sidewall portions of the fuselage*" when specifying the overhead aisles in the first and second configurations of the first and second stowage bins. Moreover, admissibility of amendments has to be assessed on the basis of the entire disclosure of the application as filed (and not only a single claim), and a combination of stowage bin systems and fuselage is e.g. also clearly disclosed in the figures of the application as filed.

Paragraph [0015] cited by the appellant might express that the invention resides in the modular overhead stowage bin system and not in a well-known fuselage. However, this passage still discloses the combination of the stowage bin system and the fuselage.

2.1.4 Therefore, the board finds that claim 13 as originally filed already on its own provides a sound basis for the wording of granted claim 1, irrespective of whether other claims might explicitly show a combination of a fuselage and an overhead stowage bin system combined with further features.

2.2 - as regards claims 21, 22:

2.2.1 The appellant objects to the opposition division's finding that "*the first and second bin assemblies*" (of granted claim 21, which was dependent upon claim 1) were identical to "*the first and second stowage bins*" (of claim 1 as granted), which was not consistent with paragraph [0023] of the description of the patent, according to which a bin assembly included either the large bin modules, the small bin modules, or both. Thus, a bin assembly comprised two bins. In view of the two different terms, claim 21 - and also claim 22 which was dependent on claim 21 - specified a combination of bins and bin assemblies which was not disclosed in the application as filed. Claim 1 and claim 21 defined first and second overhead aisles which were different in both claims, as claim 1 defined a first and second overhead aisle between the first and second stowage bins, whereas claim 21 (which was derived from original claim 43) specified e.g. a second overhead aisle between the second and fourth stowage bins. There was no definition in the patent that a bin assembly was an arrangement of several bins in the longitudinal direction. When using the definite article "the", it was referred to something which was defined before. Moreover, claim 22 had its basis in claim 49 as filed, which was an independent claim.

2.2.2 Admittedly, the wording of granted claims 1, 21 and 22 may comprise some inconsistencies. However, these are to be regarded in the first place as issues of clarity, which cannot be invoked against the granted patent.

The board follows the appellant in that a bin assembly within the meaning of the patent specification includes at least two bin modules (see e.g. paragraph [0023]; or paragraph [0028] cited by the respondent, stating that bin assemblies include a plurality of bin modules). Therefore, use of the definite article in claim 21 for "the first and second bin assembly" must be erroneous, since bin assemblies are mentioned in claim 21 for the first time (claim 1 only defines "a first and a second stowage bin") and cannot be equated with single stowage bins.

2.2.3 However, the board takes the view that the combination of features in granted claim 21 (including the features of claim 1) is originally disclosed, irrespective of whether first to fourth bin assemblies are required in addition to the first and second stowage bins or not, the reason being as follows:

The subject-matter of claim 1 is defined rather broadly and requires only a first and a second stowage bin of different capacity, which can be configured in a first and second configuration providing a first and a second overhead aisle, which differ in their laterally shifted position. Claim 1 specifies only the position of two single stowage bins relative to each other and refers to overhead aisle configurations seen in the lateral direction (above one row of seats).

Claim 21 specifies first to fourth bin assemblies, each of which requiring at least two bins. Moreover, the

first and third bin assembly (spaced apart from each other) relate to a first configuration "*having a first overhead aisle positioned therebetween*", and the second and fourth bin assembly (spaced apart from each other) to a second configuration "*having a second overhead aisle positioned therebetween*". Since an "overhead aisle" extends longitudinally through the aircraft's cabin, the board agrees with the respondent that a bin assembly as specified in claim 21 relates to a series of stowage bins above rows of seats, i.e. bins arranged in the longitudinal direction of the aircraft's cabin.

The combination of features as specified in claim 21 as granted (including the features of claim 1) is unclear (which is not a ground for opposition) and leaves room for interpretation. No clear reference is established between the stowage bins of claim 1 and the bin assemblies of claim 21, or (in view of claim 21 using the indefinite article) between the first and second configurations having first and second overhead aisles specified in claims 1 and 21. The meaning of what is specified by claim 21 has therefore to be construed accordingly in a reasonable way.

In the board's view, the numbering "first" and "second" for the stowage bins of claim 1 cannot correspond to the numbering for the bin assemblies used in claim 21. In claim 1, the same numbering applies with regard to the first and second stowage bins in the first and the second configuration, i.e. it specifies stowage bins as physical entities which define respective first and second overhead aisles and are therefore spaced apart laterally and not at the same position. By contrast, the numbering "first" and "second" in claim 21 specifies bin assemblies coupleable to the fuselage at the same position and relates either only to the first

configuration (formed by spaced-apart first and third bin assemblies) or to the second configuration (with spaced-apart second and fourth bin assemblies). On a reasonable interpretation with a "mind willing to understand", the first (respectively the second) stowage bin of claim 1 forms part of the first (third) bin assembly in the first configuration and will become a stowage bin of the fourth (second) bin assembly in the second configuration. Moreover, the "bin assemblies" of claim 21 require a plurality of stowage bin modules (i.e. at least two stowage bins per bin assembly) which define respective first and second overhead aisles in the first and second configuration. The wording of claim 21 leaves open whether the at least two stowage bins of an assembly are positioned longitudinally or laterally with respect to the longitudinal axis of the aircraft. Claim 21 might therefore specify either only one aisle of the aircraft's cabin, as shown e.g. in the left half portion of Figures 2 and 3 of the application as filed, or a two-aisle structure as originally disclosed when considering the entire cross-sectional view in these Figures 2 and 3 as filed.

Therefore, the board cannot follow the appellant's view that the combination of features of claims 1 and 21 as granted should not be originally disclosed.

2.2.4 Claim 22 as granted is dependent on granted claim 21 and specifies that the first and second bin assemblies of different stowage capacity (according to claim 21 coupleable to the fuselage in the same position in the first and second configuration) are outboard bin assemblies coupleable to the fuselage at selected outboard positions. Moreover, inboard bin assemblies are spaced apart from the first bin assemblies in the

first configuration and removed in the second configuration, so that a second overhead aisle is formed between spaced-apart second outboard bin assemblies. Such reconfiguration is disclosed in Figures 2 and 4 of the application as filed.

Apart from arguing that the additional features of claim 22 as granted stem from independent claim 49 as originally filed, the appellant has not shown which new information should be provided to the skilled person when reading claim 22 as granted. Therefore, the board is not convinced that the combination of features according to claim 22 extends beyond the disclosure in the application as filed.

2.3 - As regards dependent claims 11-16:

2.3.1 Acknowledging that claims 11-13 as granted were based on original claims 17-19, and claims 15-16 as granted on original claims 20-21, the appellant raised the following objections under Article 100(c) EPC:

- The "floor"-feature of granted claim 11 was not disclosed in claims 13 and 17-21 as filed.
- The combination of granted claims 7 and 11 resulted in an aircraft system comprising a floor assembly coupled to the fuselage and a plurality of seats removably attached to the floor assembly, and a floor connected to the fuselage and a plurality of seats attached to the floor, which was not originally disclosed.
- The term "configurable" used in claims 17-21 as filed had been replaced by "reconfigurable".
- No basis for granted claim 14 could be identified.
- The interdependence of dependent claims 11-16 allowed for such a variety of seat arrangements which was not originally disclosed. For example:

Claim 11 as granted specified a plurality of seats reconfigurable between first and second seat-row arrangements, which were further specified in claim 12 (outboard set of seats including at least one of one, two and three seats) and in claim 13 (center set of seats including at least one of two, four and five seats). Certain alternatives taken from claim 12 (e.g. 3 outboard seats; or 1 outboard seat only) or from claim 13 (e.g. 5 center seats) or from claim 14 (e.g. 1 outboard seat and 1 center seat) were clearly contradictory to certain alternatives as specified in dependent claims 14-16 (e.g. to the 2-2-2 seat-row arrangement, claim 15).

- 2.3.2 None of these objections could convince the board.
- The "floor"-feature and the term "reconfigurable" are originally disclosed in claim 9 as filed, which also discloses explicitly the additional features of claim 14.
 - The board cannot see what new information should be provided by the combination of claims 7 and 11 as granted. There might be some inconsistency in wording (claim 7: "floor assembly coupled to the fuselage"; claim 11, "floor connected to the fuselage"), but this is at best a clarity issue in the granted claims which has to be resolved by interpreting accordingly.
 - Claim 11 distinguishes between a plurality of seats reconfigurable between first and second seat-row arrangements in the first and second configuration. As regards the different alternatives specified in claims 11-16, the board notes that claim 12 defines the first seat arrangement with regard to the outboard seats, and claim 13 the second seat arrangement with regard to the center seats, i.e. each claim only introduces further features which

are not related to each other and are originally disclosed in claims 18 and 19. In claim 14, the first seat arrangement is specified with regard to a set of outboard seats and a set of center seats, as originally disclosed in claim 9. Moreover, the embodiments as defined in claim 14 still fall under the open range ("includes a set of at least") of embodiments defined in claims 12 and 13, so that the board cannot see any new information provided in comparison to the originally filed claims. The same applies as regards granted claims 15 and 16, including additional features as disclosed in claims 20 and 21 as originally filed, which merely define specific embodiments of the higher ranking claims 11-14.

- 2.4 Therefore, the board comes to the conclusion that the ground for opposition under Article 100(c) EPC does not prejudice the maintenance of the patent as granted.

The board notes that the granted claims might show several deficiencies when it comes to the use of the indefinite or definite article, or the use of singular or plural wording. However, these are issue of clarity in the granted patent which have to be accepted and only need appropriate interpretation.

3. *Inventive step (Articles 56 and 100(a) EPC)*

- 3.1 The subject-matter of independent claims 1, 18 and 19 involves an inventive step and thus complies with the requirements of Article 56 EPC.

- 3.2 - Starting from D1 as the closest prior art:

3.2.1 According to the appellant, D1 suggested to use existing bin supports when exchanging bin modules, e.g. when providing bin modules having a larger capacity. D1 did not concern different seat arrangements, so the technical problem to be solved was to suggest an alternative bin arrangement which was suitable for different seat arrangements.

Dependent on the requirements of the airlines, the layout of the passenger cabin had to be adapted, i.e. different seat arrangements and corresponding bin volumes had to be provided, as known from D3 (title, abstract; Figures 3 and 6, showing 2-2-2 and 2-5-2 seat arrangements, the outer seats in Figure 3 being broader, see also column 2). When providing more center seats, larger stowage bins were needed, as stated in the contested patent in paragraph [0006]. Therefore, the skilled person would look for prior art showing larger and smaller bins and would find document D5, relating to ceiling/luggage-rack combinations (title, abstract). Figure 1 in D5 showed (see page 4) the left part of an aircraft's cabin comprising a center bin 2 larger than an outboard bin 3. Figure 3 showed a cross-section according to Figure 1 (page 5, second paragraph) and the upper portion of seats which were arranged in a 3-5-3 configuration, with smaller bins positioned outboard (above a shorter seat group) and larger bins in the center (above a longer seat group), which was also suitable for the seat arrangement comprising five seats in the center shown in Figure 6 of D3. When changing the seat arrangement in D3 (see Figure 6 in comparison to Figure 3), the set of center seats in Figure 6 was broader than in Figure 3 and the set of seats on the side shorter. Allegedly, this inevitably resulted in a lateral shift of the opposing edges of the overhead aisles.

Therefore, the skilled person starting from D1 (which taught to use existing bin supports when exchanging bins) would, in view of its knowledge and the teaching of D3 (reconfiguration from Figure 3 to Figure 6), allegedly consider a corresponding reconfiguration of the seat arrangement and associated bins known from D5 (smaller/larger bins above shorter/longer sets of seats). Summarised, a change in configuration of sets in the center and outboard implied a corresponding rearrangement of bins and thus a corresponding change of the position of the opposing edge portions of the overhead aisle.

- 3.2.2 The appellant's reasoning could not convince the board. The wording of claim 1 as granted requires a cross-wise interchange of first and second stowage bins having a different capacity when changing from a first to a second configuration. Moreover, since this swapping of position of the stowage bins leads to a lateral shift of the opposing edge portions of the overhead aisle in the same direction, it requires a shift of the edge portions of both the first and the second stowage bin.

Starting from D1 it might be known to the skilled person that the cabin of an aircraft shows different seat arrangements, as e.g. known from D3 (see abstract: *"overhead storage compartment that may be reconfigured to account for different seat configurations"*).

However, as already found by the opposition division, D3 only teaches (Figures 3 and 6)

- to reconfigure the extension/extraction mechanism of the first (center) stowage bin, while the same overhead aisle width is maintained when the center bin is closed, and

- is silent about the second (outboard) bin, e.g. as regards its capacity or size.

Consequently, D3 cannot provide any indication to the skilled person to interchange cross-wise center and outboard bins, as required by the wording of claim 1 when changing from a first to a second configuration. Moreover, D3 already provides a solution to account for a change in seating arrangement, so there is no need for the skilled person to continue and look for further prior art, such as D5 as referred to by the appellant.

Finally, irrespective of whether the skilled person would consult D5 (which is about cabin lighting) at all, the teaching of D5 even contradicts the appellant's conclusion that larger seating groups (the set of five center seats in a 3-5-3 seat arrangement) required larger stowage bins than the outboard set of seats, since the center bins only provide stowage for half of the center seats, i.e. for 2.5 seats in comparison to 3 outboard seats. Moreover, as already found by the opposition division, D5 only discloses center and outboard bins remaining in the same position, so there is no teaching to modify the overhead aisle width.

3.3 - Starting from common general knowledge:

3.3.1 During oral proceedings, the appellant presented a further line of argument, starting from the common general knowledge that first and second stowage bins having different stowage capacity were known (see e.g. D10, US 6 045 204 A, Figure 1). Claim 1 as granted (and also claim 18) required only a first and second stowage bin "coupeable to the fuselage", i.e. capable of being placed in a first and second configuration as claimed, which was possible with any set of bins having a first

size and a second size. Taking two bins, they were configurable to be mounted such that their edges shifted in the lateral direction. In view of the teaching of Document D3, which discussed the issue of the overhead aisle when moving from a first class to an economy seating configuration, the skilled person would arrive at the claimed subject-matter, in particular since additional constructional means were not specified in the claims.

3.3.2 The board does not follow the appellant's broad interpretation of the subject-matter of claim 1 or 18. Although claim 1 does not further define the means for mounting the stowage bins to the fuselage, it specifies a first and a second configuration of the first and the second stowage bins providing a first and a second overhead aisle, respectively, which are shifted laterally relative to each other when interchanging the first and second stowage bins cross-wise. Therefore, the stowage bins "*being configurable in first and second configurations*" (as recited in claim 1 as granted) must be such that they can be placed in either of the two configurations, meaning that appropriate provisions are made for coupling the two stowage bins cross-wise interchangeably to the fuselage. Contrary to the appellant's argument, this does not mean that any set of bins having a first and a second size is capable of being mounted as claimed. Moreover, as argued already above, D3 does not provide any hint to swap the position of center and outboard bins.

3.4 Therefore, neither of the lines of argument starting from D1 or the common general knowledge as the closest prior art could convince the board and could render the subject-matter of granted claim 1 obvious.

3.5 Method claims 18 and 19 as granted specify (apart from using the term "bin module" instead of "bin") first and second bin supports in addition to the structural features of claim 1, as acknowledged by the appellant. This means that the method claims even specify explicitly the appropriate means for connecting or attaching the first and second bin modules to the fuselage. Therefore, the combination of first and second bins and first and second bin supports must be such that first and second configurations showing first and second overhead aisles as claimed can be achieved by configuring (claim 18) or reconfiguring (claim 19) an interior of an aircraft fuselage as claimed. With similar reasoning as above, this is not obvious in view of the prior art, so that the subject-matter of method claims 18 and 19 involves an inventive step.

Order

For these reasons it is decided that:

The appeal is dismissed.

The Registrar:

The Chairman:



A. Vottner

G. Pricolo

Decision electronically authenticated