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**Datasheet for the decision  
of 5 May 2022**

**Case Number:** T 1835/17 - 3.2.08

**Application Number:** 00103644.1

**Publication Number:** 1031683

**IPC:** E05B7/00

**Language of the proceedings:** EN

**Title of invention:**

Vehicle door handle

**Patent Proprietor:**

U-Shin Italia S.p.A.

**Opponent:**

Huf Hülsbeck & Fürst GmbH & Co. KG

**Headword:**

**Relevant legal provisions:**

EPC Art. 123(2), 82, 54, 56

RPBA Art. 12(4)

RPBA 2020 Art. 12(3)

**Keyword:**

Amendments - allowable (yes)

Unity of invention - (not relevant in opposition appeal proceedings)

Novelty - (yes)

Inventive step - (yes)

**Decisions cited:**

G 0001/91

**Catchword:**



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Case Number: T 1835/17 - 3.2.08

**D E C I S I O N**  
**of Technical Board of Appeal 3.2.08**  
**of 5 May 2022**

**Appellant:** U-Shin Italia S.p.A.  
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**Decision under appeal:** **Interlocutory decision of the Opposition  
Division of the European Patent Office posted on  
27 June 2017 concerning maintenance of the  
European Patent No. 1031683 in amended form.**

**Composition of the Board:**

**Chairwoman** P. Acton  
**Members:** M. Foulger  
C. Schmidt

## **Summary of Facts and Submissions**

- I. The opposition division decided that the patent and the invention to which it related, in the version according to the then valid second auxiliary request, met the requirements of the EPC.
- II. The patent proprietor and opponent filed appeals against this decision.
- III. Oral proceedings took place before the Board on 5 May 2022. The appellant (opponent) did not attend the oral proceedings. In accordance with Rule 115(2) EPC and Article 15(3) RPBA 2020, the proceedings were continued in its absence. During the oral proceedings the patent proprietor withdrew its appeal.
- IV. The appellant (opponent) requested that the decision under appeal be set aside and that the patent be revoked.
- V. The respondent (patent proprietor) requested that the appeal be dismissed.
- VI. The independent claims of the respondent's main request (referred to as auxiliary request 1 in the grounds of appeal) read as follows:  
  
"1. A handle (1; 58; 90) for a vehicle door (2), the handle comprising a connecting element (5) which is fitted integrally to said door (2); a movable control element (13) connected to said connecting element (5) and activated manually by a user to control, in use, a lock on said door (2); and user presence detecting means (21) carried by said movable control element (13)

and in turn comprising an output cable (25), a first electric connecting member (30; 61; 91) connected to said output cable (25), and a second electric connecting member (31; 62; 92) connected to said first connecting member (30; 61; 91) and which is connected to a cable (29) on said door (2),

**(1.7)** at least one of said connecting members (30; 61; 91) (31; 62; 92) being connected to one of said elements (13) (5); **characterized in that**

**(1.8)** the connexion (*sic*) between the connecting members (30; 61; 91) (31; 62; 92) and said elements (5) (13) comprises click-on connecting means (47) (37),

and in that the click-on connecting means (47) (37) are interposed between at least one of said connecting members (92) and the relative said element (13) (5), and in that said click-on connecting means (37) comprise a seat (39) formed in said connecting element (5); and a tooth (41) carried by said second connecting member (31) and loosely engaging said seat (39); elastic means (43) being provided to keep said tooth (41) engaged inside said seat (39) to permit displacement of said second connecting member (31) with respect to said connecting element (5).

6. A handle (1; 58; 90) for a vehicle door (2), the handle comprising a connecting element (5) which is fitted integrally to said door (2); a movable control element (13) connected to said connecting element (5) and activated manually by a user to control, in use, a lock on said door (2); and user presence detecting means (21) carried by said movable control element (13) and in turn comprising an output cable (25), a first electric connecting member (30; 61; 91) connected to said output cable (25), and a second electric connecting member (31; 62; 92) connected to said first

connecting member (30; 61; 91) and which is connected to a cable (29) on said door (2),

**(1.7)** at least one of said connecting members (30; 61; 91) (31; 62; 92) being connected to one of said elements (13) (5); **characterized in that**

**(1.8)** the connexion (*sic*) between the connecting members (30; 61; 91) (31; 62; 92) and said elements (5) (13) comprises click-on connecting means (47) (37),

and in that click-on connecting means (47) (37) are interposed between at least one of said connecting members (61) (62) and the relative said element (13) (5) and in that

both said connecting members (61) (62) are connected to the respective said elements (13) (5) in fixed positions with respect to the respective elements (13) (5), and comprise respective contacts (63) (64) connected to one another in sliding manner.

10. A handle (1; 58; 90) for a vehicle door (2), the handle comprising a connecting element (5) which is fitted integrally to said door (2); a movable control element (13) connected to said connecting element (5) and activated manually by a user to control, in use, a lock on said door (2); and user presence detecting means (21) carried by said movable control element (13) and in turn comprising an output cable (25), a first electric connecting member (30; 61; 91) connected to said output cable (25), and a second electric connecting member (31; 62; 92) connected to said first connecting member (30; 61; 91) and which is connected to a cable (29) on said door (2),

**(1.7)** at least one of said connecting members (30; 61; 91) (31; 62; 92) being connected to one of said elements (13) (5); **characterized in that**

**(1.8)** the connexion (*sic*) between the connecting

members (30; 61; 91) (31; 62; 92) and said elements (5) (13) comprises click-on connecting means (47) (37), and in that the click-on connecting means (47) (37) are interposed between at least one of said connecting members (92) and the relative said element (13) (5); and in that said connecting element (5) comprises a connecting portion (59), and said second connecting member (92) is hinged to the connecting portion (59) to rotate, together with said first connecting member (91), about a respective hinge axis."

(Feature numbering 1.7 and 1.8 added in bold)

VII. The following documents are relevant for this decision:

D2: DE 196 33 894 A1

D3: Prior use relating to door handle Mercedes S-Class W140:

A1 - Drawing W140-IR-N

A2 - IR-Empfänger

A3 - Einkaufsabschlussbelege

A4 - Erzeugnisstückliste

A5 - Erzeugnis-Stückliste - Türgriff

A6 - Erzeugnis-Stückliste - Türgriff

A7 - "Lieferabrufe der Firma Mercedes-Benz AG"

D4: DE 195 07 911 A1

D5: DE 692 02 191 T2

D6: DE 36 28 376 A1

D7: DE 196 19 978 A1

D8: DE 38 19 104 A1

D9: DE 27 00 198 A1

D10: DE 195 39 496 A1

D11: DE 196 06 643 A1

D12: DE 196 53 513 A1

D13: DE 32 26 201 A1

D14: DE 36 34 695 A1  
D15: CH 154388  
D16: DE 196 47 021 A1

VIII. The appellant argued essentially as follows:

The respondent's main request was inadmissible.

The independent claims of the request lacked unity (Article 82 EPC).

The word "connexion" in the independent claims was not to be found in the application as originally filed. The requirements of Article 123(2) EPC were thus not met.

The subject-matter of the independent claims was not new and in this respect the appellant referred to submissions from the opposition proceedings in respect to D2 and D3 (p. 42 of the statement setting out the grounds of appeal).

Moreover, the subject-matter of the independent claims lacked an inventive step with regard to D2 as closest prior art in combination with D9 or the common general knowledge of the skilled person or at least one of documents D4 - D16.

The subject-matter of the independent claims was also not new with respect to D3. In this respect, the appellant referred to previous submissions regarding the dependent claims of the patent.

IX. The respondent argued essentially as follows:

The request was admissible indeed the current main request had been presented in opposition proceedings



and considered allowable by the opposition division.

Lack of unity was not relevant in opposition appeal proceedings.

The subject-matter of the claims according to the main request did not extend beyond that of the application as originally filed.

The subject-matter of the independent claims was new over D2 and involved an inventive step with regard to D2 as closest prior art either in combination with D9 or the common general knowledge of the skilled person.

The further novelty and inventive step attacks were not sufficiently motivated and should thus be dismissed.

### **Reasons for the Decision**

#### 1. Admissibility of the respondent's main request

According to the appellant (see letter of 5 March 2018, section III), the main request, i.e. previous auxiliary request 1, was not admissible because it had more dependent claims than the previous auxiliary request 2 which the opposition division found was allowable. The Board considers that this is not in fact the case and the claims of the current main request are the same as those considered by the opposition division.

Therefore, there is no reason to find the respondent's main request inadmissible.

2. Unity

The appellant objected that the claims according to the respondent's main request did not meet the requirements of unity of invention as set out in Article 82 EPC.

This objection is not relevant in opposition appeal proceedings (see G 1/91, Order) and consequently does not prejudice the maintenance of the European patent in amended form.

3. Article 123(2) EPC

The independent claims are based on the following:  
Claim 1 comprises claims 1, 6 and 7 as originally filed,  
Claim 6 comprises claims 1, 6 and 9 as originally filed,  
Claim 10 comprises claims 1, 6 and 11 as originally filed.

The word "connexion" as used in feature 1.8 of claims 1, 6 and 10 does not appear in the originally filed application documents. However, it is an obvious spelling mistake where "connection" is clearly meant. A connection is unambiguously disclosed because feature 1.7 of the preamble requires that "one of said connecting members ... being connected to one of said elements" and because through the use of the definite article "the" before "connexion" in feature 1.8, it can only be this connection to which the word "connexion" relates.

It is not a requirement of Article 123(2) EPC that the exact wording is taken from the application as originally filed but rather that the subject-matter of

the patent does not extend beyond that of the application as originally filed.

Hence, the main request meets the requirements of Article 123(2) EPC.

4. Novelty with respect to D2

Independent claims 1, 6 and 10 all comprise the feature 1.8 wherein the connection between the connecting members and the elements comprises click-on connecting means.

D2 mentions that the handle may be secured by suitable snap means, "geeignete Rastmittel" (see col. 5, l. 65 - 66). This however relates to the securing of the handle itself and not between the connecting members and the elements as claimed.

The appellant argues that the U-shaped holder 35 with the pins 29 could only be mounted by pushing it onto the fork 26 of the fixed bearing part 21. The pins 29 would then clip into the holes in the fixed bearing part 21 which could then be seen as "click-on connecting means".

The Board considers that there is no direct disclosure that the connection between the parts 35 and 21 is a click-on connecting means. Nor is there any indication in the drawings (see Figs. 2, 5 and 6) such as chamfers on the pins that would indicate click-on connecting means. As argued by the respondent, there are three possibilities of how the parts could be assembled:

- i) the pin 29 could be inserted after the parts are brought together,
- ii) the parts could be injection moulded *in situ*,

iii) the part 36 could be spread apart to allow 26 complete with pin 29 to be inserted.

Of these possibilities only the third can be regarded as a click-on connection. Thus as there are several possibilities of how the parts could be connected, feature 1.8 is not directly and unambiguously disclosed. This feature is common to all the independent claims and thus, at least for this reason, their subject-matter is new with respect to D2.

5. Inventive step considering D2 as closest prior art

5.1 In combination with D9 or the common general knowledge of the skilled person

D2 does not disclose at least feature 1.8 of the characterising part of claims 1, 6 and 10 wherein the connection between the connecting members and the elements comprises click-on connecting means.

The technical effect of this feature is to simplify the assembly of the door handle.

It is not disputed that click-on connections are generally known to the skilled person.

The skilled person undoubtedly could modify D2; it must however be considered what would have motivated the skilled person to do so.

The appellant suggests that the skilled person would consider D9. This document refers to an electrical connector which clips onto a panel; the cables to be connected are located on each side of the panel (see fig. 2). It does indeed disclose a tooth 20 which clips

onto a panel 32 to fix the connector. This arrangement is not however suitable for a door handle as shown in D2 because the connection of D2 is at the interior of the door panel 41, 42 and, hence, both cables are at the interior of the door rather than at either side of the panel. This would dissuade the skilled person from applying features of the connector of D9 to the door handle of D2 and the skilled person would have consequently required the exercise of inventive skill to have arrived at the subject-matter of the claims 1, 6 and 10.

Furthermore, the skilled person would not in the light of their common general knowledge apply the concept of a click-on connection to D2 because this would run contrary to the teaching of D2 whereby the normal assembly movement ("üblichen Montagebewegungen") is used to connect the mechanical and electrical parts and no further coupling measures are required, see col. 2, l. 17 - 31.

Thus the subject-matter of claims 1, 6 and 10 involves an inventive step in the light of D2 and the common general knowledge of the skilled person or D9.

5.2 In combination with one of documents D4 through to D16

As an auxiliary measure, the appellant also stated that the subject-matter of the independent claims did not involve an inventive step over the combination of D2 and one of D4 - D16, see statement setting out the grounds of appeal, p. 47, 1st and 5th paragraphs and p. 48, 5th paragraph.

This is however a mere assertion with neither a chain of reasoning which would allow the Board to verify the

correctness or not of the argument nor does it allow the Board to understand why the impugned decision should be set aside. Hence, it does not meet the requirement of Article 12(3) RPBA 2020 (which corresponds substantially to Article 12(2) RPBA 2007) to "specify expressly all the facts, arguments and evidence". These unspecified arguments are thus not taken into account in accordance with Article 12(4) RPBA 2007.

6. Novelty and inventive step with respect to D3

The appellant has presented arguments which simply refer back to submissions in the opposition procedure. In addition, in its submissions the appellant makes passing reference to several possibly relevant documents on which it may wish to rely (see statement setting out the grounds of appeal, p. 42, Section 6 and p. 48, c)).

However, this does not meet the requirement of Article 12(3) RPBA 2020 to "specify expressly all the facts, arguments and evidence". These unspecified documents and submissions are thus not taken into account in accordance with Article 12(4) RPBA 2007.

7. Therefore, the subject-matter of the independent claims is new and involves an inventive step.

**Order**

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

The appeal is dismissed.

The Registrar:

The Chairwoman:



C. Moser

P. Acton

Decision electronically authenticated