

**Internal distribution code:**

- (A) [ - ] Publication in OJ
- (B) [ - ] To Chairmen and Members
- (C) [ - ] To Chairmen
- (D) [ X ] No distribution

**Datasheet for the decision  
of 8 March 2019**

**Case Number:** T 2609/17 - 3.2.01

**Application Number:** 14762454.8

**Publication Number:** 2969659

**IPC:** B60R19/24

**Language of the proceedings:** EN

**Title of invention:**

BUMPER BEAM WITH MOUNTING PLATES

**Applicant:**

Gestamp HardTech AB

**Headword:**

**Relevant legal provisions:**

EPC Art. 56

**Keyword:**

Inventive step - (yes)

**Decisions cited:**

**Catchword:**



**Beschwerdekammern**  
**Boards of Appeal**  
**Chambres de recours**

Boards of Appeal of the  
European Patent Office  
Richard-Reitzner-Allee 8  
85540 Haar  
GERMANY  
Tel. +49 (0)89 2399-0  
Fax +49 (0)89 2399-4465

Case Number: T 2609/17 - 3.2.01

**D E C I S I O N**  
**of Technical Board of Appeal 3.2.01**  
**of 8 March 2019**

**Appellant:** Gestamp HardTech AB  
(Applicant) P.O. Box 828  
971 25 Luleå (SE)

**Representative:** Ehrner & Delmar Patentbyrå AB  
Drottninggatan 33, plan 4  
111 51 Stockholm (SE)

**Decision under appeal:** **Decision of the Examining Division of the  
European Patent Office posted on 21 June 2017  
refusing European patent application No.  
14762454.8 pursuant to Article 97(2) EPC.**

**Composition of the Board:**

**Chairman** G. Pricolo  
**Members:** C. Narcisi  
O. Loizou

## **Summary of Facts and Submissions**

- I. European patent application No. 14 762 454.8 was refused by the decision of the Examining Division posted on 21 June 2017. Against this decision an appeal was lodged by the Applicant in due form and in due time pursuant to Article 108 EPC.
- II. Oral proceedings were held on 8 March 2019. The Appellant (Applicant) requested that the decision under appeal be set aside and that a patent be granted on the basis of the set of claims of the main request as filed during oral proceedings, the amended description as filed during oral proceedings and the figures as originally filed.
- III. Claim 1 reads as follows:

"A bumper beam for a vehicle with a hat-shaped profile, having a U-profile with its top directed toward the vehicle, and having fastening portions (8,9) with mounting plates (16, 17) welded to the fastening portions, the mounting plates being bolted to the end plates (19) on the side rails (18) of the vehicle, wherein the hat-shaped profile of the bumper beam has a central flange (11) and two sides (12, 13) that end in side flanges (14, 15);

wherein

against each side rail (18), the mounting plate (16, 17) has a horizontal central U-profile (31), the top of which takes support against the end plate of the side rail, and a U-profile (21, 22) on each side of the central U-profile, which have their tops abutting the bumper beam and welded to the bumper beam at the edges (23, 24) of said central flange (11) and have sides (25, 26) that end against the end plate (19) where the

end plate is supported by the edges of the side rail (18) and undergo a transition to side flanges (27, 28) with bolt holes (20) for engaging with and bolting to the end plate, the mounting plate being horizontally broader than the side rail."

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

The subject-matter of claim 1 (main and sole request) does not include subject-matter extending beyond the content of the application as filed (see published patent application hereinafter designated as WO-A), the amendments being based on claim 2 as filed, as well as the description of WO-A (page 2, line 25, lines 27-28; page 3, lines 5, 6).

The subject-matter of claim 1 involves an inventive step. The feature disclosing that the welds are provided at the edges of the central flange is advantageous as it provides a beneficial force transmission from the two sides 12 and 13, via said welds at the edges 23 and 24, and via the U-profiles to the side rails. This stands in contrast to figure 19 of D1, where no analogous and equivalent force transmission occurs. The aforementioned feature is not disclosed or suggested by the available prior art and would not be obvious for the skilled person.

### **Reasons for the Decision**

1. The appeal is admissible.
2. The subject-matter of amended claim 1 of the main request complies with Article 123(2) EPC. In effect, the features of claim 2 (concerning the hat-shaped

profile of the bumper beam) have been entirely included into claim 1, and the further added feature (see "at the edges of said central flange 11") is based on the second paragraph (lines 5-6) on page 3 of WO-A, the remaining features of this paragraph being substantially already comprised in claim 1 as filed, i.e. thus including features directly and indissolubly linked to said added feature (see e.g. "the side flanges 27 and 28 of the U-profiles 21 and 22 rest against the end plate 19 and have bolt holes 20"; "central U-profile 31 is formed between these U-profiles 21 and 22").

3. The subject-matter of claim 1 of the main request meets the requirements of Article 56 EPC since it is not rendered obvious by the available prior art or by common general knowledge. The added features improve transmission of collision forces to the side rails of the vehicle via said tops of said U-profiles 21 and 22 being welded at the edges 23 and 24 of said central flange 11 of the bumper beam. This constructional feature is not suggested by D1 and the further cited documents, no evidence also being available for this feature to result from common general knowledge.

## Order

### For these reasons it is decided that:

1. The decision under appeal is set aside.
2. The case is remitted to the department of first instance with the order to grant a patent on the basis of the following documents:

#### Description:

Pages 1-2a as filed during oral proceedings  
and pages 3-4 as originally filed;

#### Claims:

No 1-3 of the main request as filed during oral  
proceedings;

#### Drawings:

Fig. 1-4 as originally filed.

The Registrar:

The Chairman:



A. Vottner

G. Pricolo

Decision electronically authenticated