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**Datasheet for the decision  
of 8 July 2021**

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**Title of invention:**  
Infant travel system

**Patent Proprietor:**  
ARTSANA S.p.A.

**Opponent:**  
Britax Römer Kindersicherheit GmbH

**Headword:**

**Relevant legal provisions:**  
EPC Art. 54, 56

**Keyword:**  
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Inventive step - (yes)

**Decisions cited:**

**Catchword:**



**Beschwerdekammern**  
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Case Number: T 0312/17 - 3.2.06

**D E C I S I O N**  
**of Technical Board of Appeal 3.2.06**  
**of 8 July 2021**

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**Decision under appeal:** **Interlocutory decision of the Opposition  
Division of the European Patent Office posted on  
29 November 2016 concerning maintenance of the  
European Patent No. 1591307 in amended form.**

**Composition of the Board:**

**Chairman** M. Harrison  
**Members:** M. Hannam  
J. Hoppe

## Summary of Facts and Submissions

- I. An appeal was filed by the appellant (opponent) against the interlocutory decision of the opposition division in which it found that European patent No. 1 591 307 in an amended form met the requirements of the EPC. An appeal against the interlocutory decision was also filed by the appellant (patent proprietor).
- II. The opponent requested that the decision under appeal be set aside and the European patent be revoked. The patent proprietor requested that the decision under appeal be set aside and the patent be maintained as granted (main request), or as an auxiliary measure that the patent be maintained in amended form based on one of auxiliary requests 1 or 2, where auxiliary request 2 is the amended form of the patent found to meet the requirements of the EPC by the opposition division.
- III. The following documents, referred to by the opponent in its grounds of appeal, are relevant to the present decision:
- |    |                   |
|----|-------------------|
| D1 | EP-A-0 560 184    |
| D2 | US-A-2003/0151286 |
| D3 | US-A-2002/0113470 |
| D6 | AU-B-56348/80     |
| D7 | WO-A-86/02050     |
- IV. The Board issued a summons to oral proceedings and a subsequent communication containing its provisional opinion, in which it indicated *inter alia* that the subject-matter of claim 3 of the main request appeared to extend beyond the content of the application as

filed and that it anticipated holding auxiliary request 1 inadmissible. It further indicated that the subject-matter of claim 1 of the main request appeared to be novel and to involve an inventive step.

V. Oral proceedings by videoconference were held before the Board on 8 July 2021, during which the patent proprietor withdrew the main request, auxiliary request 1 and also withdrew its appeal.

VI. At the close of the oral proceedings, the parties' requests were as follows:

The opponent requested that the decision under appeal be set aside and the European patent be revoked.

The patent proprietor requested that the opponent's appeal be dismissed.

VII. Claim 1 of the proprietor's sole request (former auxiliary request 2) reads as follows (with paragraph annotation as used by the opponent in its grounds of appeal):

1 An infant travel seat base (12) comprising:  
2 a frame (14) dimensioned to rest upon a  
vehicle seat (32) and defining front (13) and  
a rear (15) portions and a center line;  
3 an adjustment assembly (38)  
3.1 that is coupled to the frame (14) and  
3.2 includes a locking assembly (42),  
3.3 the adjustment assembly (38) is positioned at  
a selected one of the front (13) and rear  
(15) portions of the frame (14);  
4 a tether (64) including

- 4.1 a free end (74) which is releasably secured in the locking assembly (42) of the adjustment assembly (38), and
- 4.2 at least one securing end (68, 70) adapted to be secured to an anchor (36) mounted within the vehicle
- 5 so that movement of the tether (64) through the locking assembly (42) adjusts the position of the securing end (68, 70) with respect to the frame (14); characterised in that
- 6 the tether (64) is Y-shaped and
- 6.1 the opposed divergent ends of the Y each include a securing end (68, 70) of the tether (64) and
- 6.2 the central leg end of the Y is the free end (74).

VIII. The opponent's arguments relevant to the present decision may be summarised as follows:

#### Novelty

The subject-matter of claim 1 lacked novelty over D1. It was not contested that the features of the preamble of claim 1 were known from the third embodiment of D1. Regarding the Y-shaped tether, it was clear that all four embodiments of D1 were intended to be placed on the vehicle seat of Fig. 1 which included two anchor points. It was therefore implicit that even the third embodiment of D1 would include two straps in order to secure the seat base to both anchor points and that the most logical strap arrangement was then one with a Y-shape.

D2 also disclosed all features of claim 1. The claimed

frame was anticipated by the base portion of the seat mount 11 in contact with the vehicle seat. The claimed locking assembly was anticipated by the leash mount portion 86, the connector 48, the anchor belt surface 62 and the belt-receiving openings 40, 42. The openings were also part of the adjustment assembly, of which the locking assembly was part, and allowed the anchor belt 16 to move from side to side through them.

#### Inventive step

The subject-matter of claim 1 lacked an inventive step when starting from D1 and combining this with either common general knowledge or the teaching of D2, D3, D6 or D7. Lacking the features in the characterising portion of claim 1, the objective technical problem to be solved was 'how to improve the stability of the seat base on a vehicle seat'.

#### Common general knowledge

Providing a second fixation means was an immediately evident modification for the skilled person such that the sole consideration for them would be how to realise the modification. The skilled person would wish to maintain the single lever mechanism of the third embodiment for locking the tether, such that the two anchor belts would be combined into one, thus automatically resulting in a Y-shaped tether. The fourth embodiment of D1 also disclosed a Y-shaped adjustment arrangement with the wires arranged in a Y-shape and wound onto a common retractor 92, thus guiding the skilled person to the required modification of D1.

D2/D3

The technical teaching of D2 would also lead the skilled person to the claimed subject-matter. The anchor belt 16 of D2 would obviously be attached to the free end of the anchor belt 24 of Fig. 6 of D1, thus also reaching the claimed Y-shaped tether. The same applied to document D3.

D6

Paragraph [0040] of the patent itself indicated that seat belt harness arrangements and seat base tethers could include the same adjustment mechanism. D6 would thus guide the skilled person to the solution of the objective technical problem and reach the claimed subject-matter. Seat belt harnesses and child seat tethers were also in closely related technical fields such that disclosures in one would be relevant to the other. Starting from D1, the skilled person would simply be looking for a known way of combining two tethers into a single adjusting mechanism and this was known from D6.

D7

D7 similarly guided the skilled person to the required modification of D1 to reach the claimed subject-matter. The Fig. 1 harness arrangement could be adopted directly into the tether arrangement in Fig. 6 of D1 without exercise of an inventive step in the same way as the harness of D6.

IX. The patent proprietor's arguments relevant to the present decision may be summarised as follows:

Novelty



The subject-matter of claim 1 was novel. D1 failed to unambiguously disclose a Y-shaped tether for securing the seat base to the vehicle seat. D2 failed to disclose the leash moving through the locking assembly because the leash was bolted to the leash mount portion. The openings 40, 42 could also not reasonably be considered part of the locking assembly as they performed no locking function. These openings were also not part of the locking assembly because they were clearly integrally formed with the frame or seat mount rather than being coupled thereto as required by feature 3.1 of claim 1.

#### Inventive step

When starting from D1 and wishing to solve the objective technical problem, none of the cited documents led the skilled person to the claimed subject-matter without exercise of an inventive step. Common general knowledge would suggest several options for how to improve the stability of the seat base on the vehicle seat so no one-way path led to the claimed solution. The Fig. 8 embodiment of D1 did not disclose a Y-shaped arrangement of wires as these remained separately wound on the retractor 92.

D2 and D3 disclosed very similar tether arrangements but neither hinted to the claimed tether arrangement since the free end of the tether was bolted to either the seat base or the seat and so could not hint to the tether adjustment at the free end of the central leg of the Y.

D6 and D7 each disclosed seat belt harness arrangements which included a Y-shaped harness and adjustment

mechanism. Even though the Y-shaped arrangement was similar to that claimed, the skilled person would not consider looking in a document concerned with seat belts for harnessing a child in the seat in order to find a solution to an improvement in seat base stability on a vehicle seat.

## **Reasons for the Decision**

### *1. Novelty, Article 54 EPC*

#### 1.1 D1

The subject-matter of claim 1 is novel over D1.

1.1.1 The Board finds, and both parties agreed, that the features in the preamble of claim 1 are known from D1. D1 however fails to unambiguously disclose that the tether is Y-shaped (feature 6) and consequently also that the opposed divergent ends of the Y each include a securing end of the tether (feature 6.1) and the central leg end of the Y is the free end (feature 6.2).

1.1.2 The child seat securing arrangement according to the third embodiment of D1 (depicted in Figs. 6 and 7 and described from col. 8, line 18 to col. 9, line 17) includes a single, essentially linear, anchoring belt 24 which is releasably locked by way of an operation lever 72. This embodiment fails to even implicitly suggest the presence of a further anchoring belt, yet alone one arranged to form a Y-shaped tether in combination with the depicted anchor belt.

1.1.3 The opponent's argument that the embodiment of Fig. 1 depicts a vehicle seat with two anchor points and that all embodiments of the invention of D1 must therefore be arranged to fit such a vehicle seat is not accepted. Nothing in D1 suggests the third embodiment of D1 to necessarily be designed to attach to two, laterally separated anchor points on a vehicle seat; solely a single anchor belt 24 is disclosed and this can technically be understood to secure the child seat to the vehicle seat with a single anchor point. Although the opponent argued that this was not suitable due to the possibility of seat rotation, in such a case a car seat belt may for example be used to hold the child and child seat in place. Even if a second anchor point on the vehicle seat were seen to be implicitly present for the third embodiment, it is pure conjecture that the necessary belts provided to attach to these two anchor points would be made into a single belt in the form of a Y-shaped tether, the divergent ends securing to the anchor points and the central leg of the Y being the free end (albeit a free end as such is known from D1). Alternative technically reasonable anchor belt arrangements are equally possible e.g. an additional anchor belt arranged as a mirror image to that depicted in Fig. 6 or even an additional anchor belt being permanently fixed to the child seat, such that there is no unambiguous disclosure of the claimed Y-shaped tether in D1.

1.2 D2

The subject-matter of claim 1 is novel over D2.

1.2.1 D2 at least fails to disclose the following features of claim 1:

Feature 3.1 [an adjustment assembly being] coupled to the frame; and

Feature 5 movement of the tether through the locking assembly adjusts the position of the securing end with respect to the frame.

1.2.2 The claimed 'frame' corresponds to the seat mount 11 of D2, depicted in Figures 2 and 3. The seat mount 11 includes a base 10 (see para. [0016 of D2]), the base including a base bottom 24, a front portion 26, and first and second side walls 28, 30 (see first six lines of para. [0019]). The seat mount 11 is thus essentially the entirety of the one-piece base 10 depicted in Figs. 2 and 3.

1.2.3 The claimed 'adjustment assembly' corresponds to the leash mount portion 86, the connector 48 and the anchor belt surface 62 of D2.

1.2.4 From Figs. 2 and 3 of D2 it is clear that at least the leash mount portion 86 and the anchor belt surface 62 are an integral part of the seat mount 11. As a consequence these features are not coupled to the seat mount as would be required to satisfy feature 3.1 of claim 1, i.e. that the adjustment assembly is coupled to the frame. The opponent's isolation of merely the base portion of the seat mount 11 in contact with the vehicle seat as being the claimed frame is an artificial separation of elements of the seat mount 11, which the skilled person would not reasonably consider on the basis of the disclosure and depiction of the seat mount in Figs 2 and 3.

1.2.5 Feature 3.1 of claim 1 is thus not known from D2.

1.2.6 As regards feature 5 of claim 1, the claimed locking assembly at least corresponds to the leash mount portion 86, the connector 48 and the anchor belt surface 62 of D2. The connector 48 releasably secures the free end of the leash 20 to the leash mount portion 86. With the connector 48 being realised as a screw (see Figs. 2 and 3), the leash is unable to move with respect to this fixing other than via a possible rotation about the screw. Consequently, the 'movement of the tether through the locking assembly' is not known from D2.

1.2.7 The opponent argued that the 'belt-receiving openings 40, 42' were part of the locking assembly and that the anchor belt 16 was able to move through these, thus anticipating feature 5 of claim 1. The Board, however, does not accept that the openings 40, 42 can be considered to be part of the locking assembly of D2. Whilst the anchor belt 16 indeed passes through these openings, the function of the openings is nothing more than to guide the anchor belt 16 from the anchor belt surface 62 to the anchor mounts 18 provided in the vehicle. Despite the elements comprised in the locking assembly being undefined in claim 1, the openings 40, 42 have no locking function associated with them and, being at a significant distance from the disclosed leash securing position at the leash mount portion 86, cannot be seen to have any relationship, structural or functional, to the elements corresponding to the claimed locking assembly.

1.2.8 The opponent's argument that Fig. 11 of the patent depicted the claimed locking assembly with the tether passing through the tab slot 78, this being mirrored by the anchor belt of D2 passing through the openings 40, 42, does not have as a consequence that the openings

can be considered to be part of the locking assembly of D2. In the case of the patent, the tab slot 78 through which the central leg of the tether passes is located on adjustment tab 40, a functionally and structurally integral part of the adjustment and locking assemblies. This relationship between the locking assembly and the openings is lacking in D2 (see point 1.2.7 above) such that the openings cannot be considered part of the locking assembly of D2.

1.2.9 It thus follows that D2 also fails to disclose feature 5 of claim 1.

1.2.10 The subject-matter of claim 1 is thus novel over D2.

1.3 In summary, therefore, the subject-matter of claim 1 is novel (Article 54 EPC).

## 2. *Inventive step, Article 56 EPC*

2.1 All the inventive step attacks start from D1 as the closest prior art. As stated in point 1.1.1 above, D1 fails to disclose that the tether is Y-shaped and consequently also that the opposed divergent ends of the Y each include a securing end of the tether and the central leg end of the Y is the free end.

2.2 Based on these differentiating features, the objective technical problem to be solved may be seen as 'how to increase the stability of the seat base when mounted on the vehicle seat'. This was essentially the problem as formulated by the Board in point 3.2 of its preliminary opinion, which both parties also accepted as the objective problem at oral proceedings.

2.3 D1 together with common general knowledge

2.3.1 When starting from the third embodiment of D1 and wishing to increase the stability of the seat base, the opponent argued that providing a second fixation means is an obvious modification such that the sole consideration for the skilled person is how this can be realised. However, the Board sees the provision of the second fixation means (e.g. a second anchor belt similar to that depicted in Fig. 6 in order to enable the child seat to be secured to a second anchor point in the vehicle seat) to be a first modification of the third embodiment of D1 which the skilled person must make when solving the problem and trying to reach the claimed subject-matter. Having taken this first step, the skilled person must then take the further step of deciding how this second fixation means should be realised. The need to take two modification steps in order to reach claim 1 already points towards its subject-matter involving an inventive step.

2.3.2 As regards the specifically claimed realisation of the tether in a Y-shape, no evidence was provided by the opponent for this to be considered well known to the skilled person. The reference to 'Y-shaped configurations...[being] generally known in the art' on page 14 of the opposition division's decision is argued in the context of D6, which specifically discloses a harness of Y-shaped configuration for retaining a child in a seat. This cannot provide evidence that a Y-shaped configuration in the context of tethers for a child seat base is common general knowledge for the skilled person.

2.3.3 Contrary to the opponent's opinion, the fourth embodiment of D1 would not guide the skilled person to

the required modification of the third embodiment since this comprises individual wires from each vehicle anchor mount to a retractor 92. Contrary to the opponent's argument no Y-shaped tether can be seen as being suggested by the wires (see D1, col. 9, line 33 'two wires'), not least because the two wires are simply shown as being wound onto the retractor (see Fig. 8) without any suggestion that they are combined into a common free end.

2.3.4 The opponent's argument that providing a second anchor belt would automatically result in the skilled person using a Y-shaped tether is not accepted. With the benefit of hind-sight, the skilled person might envisage how a Y-shaped tether could be used to solve the problem, but this does not render the solution obvious. There is nothing to guide the skilled person to a Y-shaped tether without their exercising an inventive step when starting from D1. As indicated in point 2.3.1 above, following the first step of providing a second anchor belt, the skilled person would further have to decide how to arrange the two anchor belts in order to stabilise the seat base, for which no hint either in D1 or through common general knowledge is available to the skilled person without their becoming inventively active.

2.3.5 It thus follows that the subject-matter of claim 1 involves an inventive step when starting from D1, wishing to solve the objective technical problem, and combining this with common general knowledge.

2.4 D1 together with the technical teaching of D2

2.4.1 As discussed under point 1.2 above, D2 (see Figs. 1 to 4) discloses a Y-shaped tether (anchor belt 16, leash



20 and clasps 52), the divergent ends each including a securing end of the tether. The leash 20 is releasably secured to the leash mount portion 68 at its free end by connector 48. The tether arrangement of D2, however, provides no hint to the claimed solution of the problem since the central leg end (leash 20) of the Y-shaped tether is simply bolted to the leash mount portion 68 rather than being releasably secured in a locking assembly of the adjustment assembly, through which it can also move, which would be required in order to guide the skilled person to the necessary modification of D1.

2.4.2 The opponent's argument that, alternatively, the skilled person would take the anchor belt 16 of D2 and attach it to the free end of the anchor belt 24 of Fig. 6 of D1 in order to reach the claimed Y-shaped tether is however not suggested by D2. Such a modification would require the leash 20 of the vehicle anchor system 13 of D2 to be removed from the anchor belt 16 in order for the latter to be reconnected to the single anchor belt 24 of D1. Such a targeted deconstruction of the vehicle anchor system of D2 and partial reconstruction into the anchor belt 24 of D1 can only be seen as motivated through knowledge of the claimed invention and is in no way hinted at through D2 as an obvious modification of D1 in order to solve the objective technical problem.

2.4.3 The subject-matter of claim 1 therefore also involves an inventive step when starting from D1, wishing to solve the objective technical problem, and combining this with the technical teaching of D2.

2.5 D1 together with the technical teaching of D3

2.5.1 D3 essentially discloses the same tether system as that in D2, except that the anchor system (see Fig. 4) is coupled via leash 20 with the child seat 10 via connector 48 rather than with the separate base unit. Thus, as was the case when seeking a teaching in D2 as to how to modify D1, the free end of the Y-shaped tether of D3 is not used to tighten the seat fixing in an adjustment assembly, rather it is permanently fixed to the child seat with the adjustment taking place on the divergent ends of the Y.

2.5.2 D3 is thus also unsuited to provide a hint as to how to modify D1 to reach the subject-matter of claim 1 in the light of the objective technical problem without having to exercise an inventive step.

2.6 D1 together with technical teaching of D6

2.6.1 The opponent's argument that the objective technical problem to be solved when starting from D1 and combining the technical teaching of D6 with this was 'how to provide a tether with two hooks' is not accepted. The objective technical problem to be solved is formulated in view of the disclosure of the starting document alone, irrespective of the document in which a potential solution may be found. Thus, when starting from D1, the objective technical problem is as found in point 2.2 above, i.e. 'how to increase the stability of the seat base when mounted on the vehicle seat'. The problem posed by the opponent in fact points to the claimed solution of the tether being Y-shaped and can thus not be seen as objective since, with the starting point being the Fig. 6 embodiment of D1 with a single hook and tether, providing two hooks for connection to two vehicle seat anchors is the first modification of this embodiment required by the skilled person when

trying to reach the claimed subject-matter.

- 2.6.2 As can be seen from Fig. 2 of D6 (rear view of a child's car seat), the Y-shaped seat belt harness arrangement comprises a single free end portion 30 which diverges at stitching 31 into left and right straps 19 which emerge on the front of the car seat to restrain the child. Even though this may provide the skilled person with guidance as to how to tighten two straps in a single locking mechanism, this is specifically in the context of a child seat harness rather than a tether for securing the seat itself to the vehicle seat.
- 2.6.3 The opponent's reference to para. [0040] of the patent to suggest a hint to seat belt harness arrangements being equally applicable to child seat tethers is irrelevant in respect of how the skilled person would interpret the teaching of D6. Any teaching in the very patent of which the validity of the claims are questioned cannot be used to question the validity of these claims. This would amount to a patent being prejudicial to itself. Thus, in the present case, para. [0040] of the patent does not guide the skilled person to consider seat belt harness arrangements when looking for guidance as to how to modify a tether for a child seat.
- 2.6.4 The opponent's argument that seat belt harnesses and child seat tethers were in the same technical field such that disclosures in one would be relevant to the other is not accepted in such generality. The skilled person would be searching for hints as to how to solve the objective technical problem and seat belt harnesses for restraining a child would not be expected to provide any guidance as to how to improve the stability

of the seat base on the vehicle seat. Additionally, when starting from the third embodiment of D1 and wishing to improve the stability of the seat base, the skilled person would firstly have to provide second fixation means for the seat base to the second anchor point of the vehicle seat and then subsequently, if following the opponent's contention, adopt a technical solution from the seat harness for incorporation into the seat base tether which, being for different purposes on the child seat, would not be immediately suggested to the skilled person. It thus follows that D6 fails to guide the skilled person to the necessary modification of D1.

2.6.5 The opponent's further argument that the skilled person would simply be looking for a known way of combining two tethers into a single adjusting mechanism and that this was known from D6 is also not a convincing reason to find an inventive step to be lacking. As indicated in point 2.6.4, the modification of D1 in order to reach the claimed subject-matter would require the disclosure relating to the harness of a child seat to be used in guidance as to how to modify the seat base tether arrangement. In view of the single anchor strap 45 acting as a tether for the child seat in D6 (see Fig. 1), this is the teaching that the skilled person would take for modification of D1, rather than the adoption of the harness arrangement into a seat base tether.

2.6.6 The subject-matter of claim 1 thus involves an inventive step when starting from D1 and combining this with the teaching of D6 in the light of the technical problem to be solved.

- 2.7 D1 together with the technical teaching of D7
- 2.7.1 Similarly to D6, D7 discloses a single, central harness adjustment mechanism for tightening diverging shoulder strap portions of a child's seat harness. However, being a seat belt rather than a tether, D7 fails to guide the skilled person to improve the stability of the child seat base on a vehicle seat.
- 2.7.2 The opponent's contention that the Fig. 1 harness arrangement could be adopted directly into the tether arrangement in Fig. 6 of D1 is not accepted. The securing ends of the opposed divergent ends of the Y of D7 are not suited to connecting to the anchoring points of the vehicle seat disclosed in D1 and would require modification to allow direct connection. When considered further in the context of D7 disclosing the adjustment mechanism in relation to a harness seat belt rather than a seat base tether (see also point 2.6.4 above), the necessary modification of D1 to reach the claimed subject-matter would indeed require the skilled person to exercise an inventive step.
- 2.7.3 The subject-matter of claim 1 thus involves an inventive step when starting from D1 and combining this with the teaching of D7 in the light of the technical problem to be solved.

**Order**

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

The opponent's appeal is dismissed.

The Registrar:

The Chairman:



C. Spira

M. Harrison

Decision electronically authenticated