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**Datasheet for the decision
of 15 February 2022**

Case Number: T 1005/19 - 3.2.01

Application Number: 12250012.7

Publication Number: 2484589

IPC: B64D11/06

Language of the proceedings: EN

Title of invention:

Self-stowing jumpseat for aircraft

Patent Proprietor:

AMI Industries, Inc

Opponent:

AIRBUS Operations GmbH, AIRBUS S.A.S.,
AIRBUS Operations S.A.S., AIRBUS Operations Ltd.,
AIRBUS Operations S.L.

Headword:

Relevant legal provisions:

EPC Art. 54, 56

Keyword:

Novelty - main request (no)

Inventive step - auxiliary request (yes)

Decisions cited:

Catchword:



Beschwerdekammern

Boards of Appeal

Chambres de recours

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Case Number: T 1005/19 - 3.2.01

D E C I S I O N
of Technical Board of Appeal 3.2.01
of 15 February 2022

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Decision under appeal: **Interlocutory decision of the Opposition**
Division of the European Patent Office posted on
4 February 2019 concerning maintenance of the
European Patent No. 2484589 in amended form.

Composition of the Board:

Chairman G. Pricolo
Members: M. Geisenhofer
 A. Jimenez

Summary of Facts and Submissions

I. Appeals were filed by the patent proprietor (appellant-patent proprietor) and the opponent (appellant-opponent) against the interlocutory decision of the opposition division finding that, on the basis of the second auxiliary request, the European patent EP 2 484 589 met the requirements of the EPC.

II. The opposition division held that the subject-matter of claim 1 of the main request (patent as granted) was not novel over document

A2.2 Preflight Manual CRJ200, Chautauqua Airlines,

that the subject-matter of claim 1 of the first auxiliary request was not inventive in view of a combination of A2.2 with either

D1 DE 10 2009 034 681 A1, or
D4 WO 88/01589 A1,

and that the subject-matter of claim 1 of the second auxiliary request was not rendered obvious by the prior art, including document

D5 DE 10 2005 009 750 A1,

which was filed after the nine-month period for opposition and was admitted into the opposition proceedings.

III. Oral proceedings were held before the Board on 15 February 2022.

- (a) The appellant-patent proprietor requested that the decision under appeal be set aside and the patent be maintained as granted, in the alternative that the patent be maintained in amended form based on one of auxiliary requests 2 - 4 filed with the statement of grounds of appeal. Auxiliary request 1 was withdrawn.
- (b) The appellant-opponent requested that the decision under appeal be set aside and that the patent be revoked.

IV. Independent claim 1 according to the **main request** (patent as granted) reads as follows:

*"A bulkhead (14) of an aircraft comprising a wall surface extending into the passenger compartment and a jumpseat (10), the jumpseat comprising:
a seat frame (26) comprising a seat back (15) having a back surface and a front surface (17), the seat back defining a seat back plane, the seat frame further comprising a seat pan (24) having a top surface (25) and a bottom surface, the seat pan being joined to the seat back by a hinged connection, the hinged connection enabling the seat pan to be folded upward from an unfolded configuration in which the seat pan is folded down enabling a user to sit on the seat pan to a folded configuration in which the top surface of the seat pan is adjacent to the front surface of the seat back; and
a support rail (20; 22) mounted to the bulkhead, the support rail having a longitudinal axis parallel to the wall surface of the bulkhead;
said seat frame being movable in a translational direction parallel to the longitudinal axis of the support rail and in a direction substantially parallel to the seat back plane from a stowed position to a*

deployed position in which the seat frame is cantilevered beyond the wall surface into the passenger compartment; characterised in that the bulkhead comprises a hollow pocket (12) concealed behind the wall surface, the hollow pocket having an opening that opens into the passenger compartment; and the seat frame in the stowed position is disposed within the hollow pocket."

- V. Claim 1 of **auxiliary request 2** differs from claim 1 according to the main request in that it stipulates that the jumpseat further comprises:
"a resilient member disposed between the seat frame and the bulkhead for urging the seat frame from the deployed position to the stowed position; a latch engaging an outer stop for retaining the seat frame in the exposed position; and an interlock, the interlock operating to release the latch as the seat pan moves from the unfolded configuration to the folded configuration".
- VI. The appellant-patent proprietor's arguments can be summarised as follows:
- (a) The subject-matter of claim 1 of the **main request** is novel over document A2.2 because this document does not directly and unambiguously disclose all the features of claim 1.
 - (b) The subject-matter of claim 1 of the **auxiliary request 2** is neither rendered obvious when starting from document A2.2, nor when starting from document D4.

- (c) Document D5 mentioned in the context of inventive step should not be admitted into the proceedings contrary to the opposition division's decision.

VII. The appellant-opponent's arguments can be summarised as follows:

- (a) Document A2.2 anticipates the subject-matter of claim 1 of the **main request** because it is directly and unambiguously derivable from the pictures on pages 1-40, 1-44 and 1-54.
- (b) The subject-matter of claim 1 of the **auxiliary request 2** is obvious when starting from document A2.2. Partial problems can be used for the distinguishing features. Documents D1 or D4 render it obvious to use a resilient member urging the seat automatically towards the stored position. Document D5 renders it obvious to unlock the seat in its deployed position to allow the seat leaving this position.
- (c) The subject-matter of claim 1 of the auxiliary request 2 is also rendered obvious by a combination of D4 with A2.2.
- (d) The opposition division's decision to admit D5 was correct.

Reasons for the Decision

Main request - novelty (Article 54 EPC)

1. The subject-matter of claim 1 lacks novelty.

- 1.1 The appellant-patent proprietor submitted that not a single feature of claim 1 is directly and unambiguously disclosed in document A2.2, for the following reasons.

Document A2.2 does not directly and unambiguously disclose a flight attendant's seat. Further, it remains unclear whether the object supposed to be a flight attendant's seat is located in the passenger compartment and whether it comprises a seat pan that cantilevers from the seat back as required by claim 1. In the appellant-patent proprietor's understanding of A2.2, it cannot be excluded that a post is provided at the front edge of the seat pan to provide additional support.

- 1.2 The Board judges that a skilled person would derive all the features of claim 1 from the disclosure of A2.2.

- 1.2.1 It can be recognised from the title "Picture 20 - Flight Attendant Compartments" on page 1-40 that the hollow pocket between the two walls forming the bulkhead contains the flight attendant's equipment including a jumpseat with a blue seat cover. It must be noted that, in contrast to schematic drawings of patent documents, the coloured pictures of A2.2 disclose directly and unambiguously a plurality of details.

- 1.2.2 *Inter alia*, a hinge can be identified in the pictures on pages 1 - 48 and 1-54 between seat back and rotatable seat pan such that the skilled person deduces from the pictures that in use the seat pan is brought into a horizontal position extending from the seat back. It is to be noted that claim 1 - contrary to the appellant-patent proprietor's understanding - does not require the seat pan to cantilever from the seat back, but claim 1 requires in lines 47 and 48 of column 8 of

the patent specification that "the seat frame is cantilevered beyond the wall surface into the passenger compartment".

1.2.3 It is apparent from the pictures on pages 1-48 and 1-54 that the jumpseat is arranged on a frame mounted slidably on a rail with two engaging profiles in the form of a dovetail. Page 1-49 shows the two profiles in flush arrangement whereas on page 1-54 the profiles are in slightly offset arrangement, i.e. displaced in longitudinal direction. The Board is hence convinced that the jumpseat of A2.2 comprises a seat frame that can be brought into a use position in which the jumpseat and hence also the frame on which it is mounted cantilevers beyond the wall surface into the compartment as required by claim 1.

1.2.4 Moreover, it is in the nature of a flight attendant's seat in an airplane of the kind disclosed in A2.2 (Bombardier CRJ200, which is a relatively small jet allowing 2-2 seating, see in particular page 1.75) to be located in the passenger compartment and not e.g. in the airplane's cockpit, since the flight attendant when sitting on the seat during take-off and landing of the plane must have an eye on the passengers.

1.3 The Board hence sees no reason to deviate from the decision of the opposition division and agrees with the finding that claim 1 lacks novelty over document A2.2, the main request therefore not complying with the requirements of Article 54 EPC.

Auxiliary request 2 - inventive step (Article 56 EPC)

2. Auxiliary request 2 corresponds to the version found allowable by the opposition division.

3. The subject-matter of claim 1 is based on an inventive step.
- 3.1 Novelty of the subject-matter of claim 1 was not disputed.
- 3.2 The appellant-opponent argued in a first line of argument starting from **document A2.2 as the closest prior art.**
- 3.2.1 It is undisputed that the subject-matter of claim 1 differs from the bulkhead with jumpseat known from A2.2 in that the jumpseat further comprises:
 - a resilient member disposed between the seat frame and the bulkhead for urging the seat frame from the deployed position to the stowed position;
 - a latch engaging an outer stop for retaining the seat frame in the exposed position; and
 - an interlock, the interlock operating to release the latch as the seat pan moves from the unfolded configuration to the folded configuration.
- 3.2.2 The appellant-opponent argued that the features solve partial problems such that it is allowable to consider them separately: the resilient member moves the seat from any position to the stored position, whereas the combination of latch and interlock keeps the seat in the deployed position.
 - (a) The Board however considers all three features to be interrelated: the latch and interlock prevent the seat from being moved by the resilient member from its deployed position towards the stored position and hence cannot be regarded independently.

- (b) The problem to be solved can thus be formulated such as to improve storing of the seat when the flight attendant (after take-off or landing) stands up and frees it.

3.2.3 Document D1 discloses a jumpseat with a seat back (20) and a seat pan (19) that can be stored in a pocket in the interior of a train cockpit. In the embodiment described in paragraph [0023], the transfer from the deployed position to the stored position is carried out automatically due to a spring forcing the seat into the stored position.

- (a) The cinematic of the seat of D1 when storing it, however, differs from the jumpseat of A2.2. Whereas in D1 it is the seat back that rotates into a horizontal position, in the seat known from A2.2 it is the seat pan that rotates into a vertical position. The seat of D1 is stored in a horizontally oriented pocket, whereas the seat of A2.2 is stored in a vertically oriented pocket.

The skilled person hence cannot directly apply the suggested use of a spring from the seat of D1 in A2.2 since the cinematic when storing the seat differs significantly.

- (b) But even if the skilled person would use a resilient member disposed between the seat frame and the bulkhead also in A2.2, D1 discloses in paragraph [0024] only undefined retaining means ("Mittel zur Arretierung der Sitzeinrichtung in der Nutzposition") for keeping the seat in the deployed position without suggesting a design of these retaining means involving a latch engaging a stop and an interlock to release the latch.

(c) D1 hence cannot teach the skilled person to modify the jumpseat of A2.2 such that it fulfills all of the above identified three features.

3.2.4 Document D4 in turn discloses in figures 6 and 7 a jumpseat using the same cinematic as the jumpseat of claim 1 with a rotating seat pan whereby the seat, which is arranged on a seat frame, is then slid into a stored position. As set out on page 5, last paragraph with reference to figures 6 and 7, the seat returns automatically from its use position to a stored position when the user stands up.

However, also D4 remains silent with regard to the technical means allowing this effect to be achieved. D4 neither suggests a resilient member disposed between the seat frame and the wall, nor a latch engaging an outer stop and/or an interlock releasing the latch.

3.2.5 Document D5 finally teaches a seat that neither cantilevers from the wall nor that is slid in a direction perpendicular to the wall into a pocket when transferred into its stored position. Again, no technical means involving one or more of the three features "resilient member", "latch" or "interlock" identified above are disclosed.

3.2.6 It hence can be left open whether the decision of the opposition division to admit document D5 was erroneous. In any case, the skilled person would not arrive at the subject-matter of claim 1 even when considering the teaching of D5.

- 3.2.7 The skilled person hence has no teaching at hand to modify the jumpseat of A2.2 such that it falls under the wording of claim 1.
- 3.3 The appellant-opponent argued in a second line of argument starting from **document D4 as the closest prior art**.
- 3.3.1 As set out above, D4 discloses in figures 6 and 7 a jumpseat with a similar cinematic as defined in claim 1. However, D4 also fails to disclose at least the same three features identified above with regard to A2.2.
- 3.3.2 Since these features are not known from A2.2 either, a combination of D4 with A2.2 cannot render claim 1 (which requires these three features) obvious.
4. Further lines of argument were not raised by the appellant such that the Board sees no reason to deviate from the opposition division's decision according to which none of the grounds for opposition prejudices the maintenance of the patent based on auxiliary request 2.

Order

For these reasons it is decided that:

The appeals are dismissed.

The Registrar:

The Chairman:



A. Voyé

G. Pricolo

Decision electronically authenticated