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Datasheet for the decision of 7 October 2025

Case Number: T 0303/23 - 3.2.02

Application Number: 16717925.8

Publication Number: 3286123

IPC: B66B9/08

Language of the proceedings: EN

Title of invention:
STAIR LIFT

Patent Proprietor:
TK Home Solutions B.V.

Opponent:
Otolift Trapliften B.V.

Relevant legal provisions:
EPC Art. 100(b), 111(1)
RPBA 2020 Art. 11

Keyword:
Grounds for opposition - insufficiency of disclosure (no)
Remittal - (yes)

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Case Number: T 0303/23 - 3.2.02

D E C I S I O N
of Technical Board of Appeal 3.2.02
of 7 October 2025

Appellant: (Patent Proprietor)	TK Home Solutions B.V. Van Utrechtweg 99 2921 LN Krimpen aan den IJssel (NL)
Representative:	Michalski Hüttermann & Partner Patentanwälte mbB Kaistraße 16A 40221 Düsseldorf (DE)
Respondent: (Opponent)	Otolift Trapliften B.V. Lekdijk Oost 27a 2861 GB Bergambacht (NL)
Representative:	Arnold & Siedsma Bezuidenhoutseweg 57 2594 AC The Hague (NL)
Decision under appeal:	**Decision of the Opposition Division of the European Patent Office posted on 8 December 2022 revoking European patent No. 3286123 pursuant to Article 101(3)(b) EPC.**

Composition of the Board:

Chairman	T. Rosenblatt
Members:	M. Dorfstätter
	W. Ungler

Summary of Facts and Submissions

I. An appeal was filed by the appellant (patent proprietor) against the decision of the opposition division revoking European patent No. 3 286 123.

II. The appellant requested that the decision under appeal be set aside and the case be remitted for further prosecution. Alternatively, if the case were not to be remitted, the appellant requested that the decision under appeal be set aside and the patent be maintained as granted or that the patent be maintained on the basis of one of auxiliary requests 1 to 29 filed with the statement of grounds of appeal.

III. The respondent (opponent) requested that the appeal be dismissed.

IV. Claim 1 of the patent as granted reads as follows (with the feature numbering as in the contested decision):

1.1 "Stairlift comprising:
1.2 - at least one rail (1) extending along a track
1.3 - a frame (2), suspended on the at least one rail, and comprising
1.4 - a drive, for moving the frame part along the rail;
1.5 - a support (7) for a seat (3),
1.5a in particular rotatably mounted on the frame;
1.6 - a seat (3), movable
1.6a in particular pivotable,
with respect to the frame (2);

1.7 - a balancing system, for keeping the seat (3) in a predetermined orientation with respect to a fixed world;

1.8 a lock (5, 6, 14) for locking the movement of the seat (3) with respect to the support

1.9 wherein the lock comprises a latch (14),

1.10 wherein in a locked state the latch (14) is torque proof connected with a counterpart (12),

1.10a in particular a gear (12),

1.11 wherein the latch (14) is spring-biased, characterized in that

1.12 a latch mechanism is configured as a self-energizing mechanism,

1.13 wherein the latch mechanism is configured in a way, that in the locked state a force, which keeps the latch in its locked state, is increasing if the seat tends to further deflect from the horizontal orientation."

V. The Board issued a summons to oral proceedings and a subsequent communication under Article 15(1) RPBA containing its provisional opinion that the ground for opposition under Article 100(b) EPC did not appear to prejudice maintenance of the patent. It indicated, *inter alia*, that:

- feature 1.8 could be understood as referring to the frame, which would result merely in an inconsistency of the terms "support" and "frame" used differently in claim 1 and the description, and that this corresponded to an objection under Article 84 EPC, which was not a ground for opposition
- if feature 1.8 were interpreted according to its literal meaning, a skilled person would know how to

implement a pivotable connection between the seat and the support without further information in the patent being necessary

The Board also noted that the respondent's further objection that claim 1 was overly broad and included "wish features" was not considered convincing.

VI. The parties' final requests at the end of the oral proceedings before the Board remained as stated above under points II and III.

VII. Since the present decision is based on the consideration of granted claim 1 only, the wording of the amended claim 1 of auxiliary requests 1 to 29 is of no relevance and is not reproduced.

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

Feature 1.8 was to be understood to refer to a lock for locking the movement of the seat with respect to the frame. A skilled person recognised that a lock intended to block movement between the seat and the support was technically unreasonable. Thus, even though this was the literal meaning of feature 1.8, the skilled person would exclude this interpretation of claim 1.

Even if feature 1.8 was interpreted in its literal sense, a skilled person had enough information to implement an embodiment with a lock for locking the movement of the seat with respect to the support. Despite being unusual, no further information was necessary to provide an articulation between the seat and the support and to apply the lock as described in the description to lock the movement between the seat and the support.

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

Feature 1.8 could neither be neglected nor interpreted against its clear wording. It referred to a lock for locking the movement of the seat with respect to the support. Since this literal meaning was technically reasonable and conceivable, the description could not be used to give this clear feature a different meaning.

The invention as literally specified in the claims was insufficiently disclosed. No information was given in the patent as to how to implement a lock for locking the movement of the seat with respect to the support. Further information was required beyond simply applying the lock described for movements between the seat and the frame to an articulation between the seat and the support.

Reasons for the Decision

1. *Claim 1 as granted - Article 100(b) EPC*

The ground for opposition under Article 100(b) EPC does not prejudice maintenance of the patent as granted.

1.1 If claim 1 was interpreted by taking into account the description of the patent in the sense as argued by the appellant, i.e. as defining a movement of the seat with respect to the frame, and the lock thus locking the movement between the seat and the frame, a skilled person would find a detailed and complete description of a corresponding embodiment in the description. The subject-matter of claim 1 with the word "support" interpreted as "frame" would thus undoubtedly be

disclosed in a manner sufficiently clear and complete to be carried out by a skilled person. This was also not contested by the parties.

In its communication under Article 15(1) RPBA, the Board indicated that there was a linguistic inconsistency between the description and claim 1 which corresponded to an objection under Article 84 EPC, which was not a ground for opposition. The inconsistency is corroborated by the fact that the reference to "the movement of the seat with respect to the support" in feature 1.8 lacks an antecedent basis. It is thus unclear to which movement this feature refers.

Moreover, the Board finds that the invention is also sufficiently disclosed when the term "support" of feature 1.8 is read according to the terminology used in the description, i.e. referring to a movement between the seat and the support.

1.2 In this case, i.e. regarding feature 1.8 defining a lock for locking the movement between the seat and the support, it was common ground that the description does not contain any information, let alone an embodiment, for such a design. The respondent argued that due to this lack of information and embodiment in the patent, the invention as literally defined in the claims was insufficiently disclosed. A skilled person needed more information to be able to apply a lock for locking the movement between the seat and the support that also achieves the effect explicitly claimed in features 1.12 and 1.13. Locating the lock at a different location would give rise to difficulties in the implementation of the other claimed features. There were several choices to make, such as whether the movement of the

seat with respect to the support was applied additionally to a movement between the seat and the frame or whether one was substituted by the other. The many details to be considered posed an undue burden on the skilled person to find a workable solution for the claimed subject-matter. It further argued that inventive skills were even needed to put into practice what was literally set out in the claims.

The Board is not convinced by these arguments.

To carry out the invention according to claim 1 in its literal sense (i.e. when interpreting the term "support" in feature 1.8 according to the terminology used in the description), a skilled person would have to provide a seat that is movable with respect to the support. The Board has no doubt that a skilled person would know how to implement e.g. an articulation between these two parts. The Board also considers that a skilled person would have no difficulty in applying the lock described in detail in the patent (with respect to a movement between the seat and the frame) to lock the movement between the seat and the support (once these parts are made movable with respect to each other), as also argued by the appellant during the oral proceedings. The implications and interactions with the other features of claim 1 considered by the respondent appear to relate to choices a skilled person would in any case have to make in the design process. Furthermore, claim 1 is not restricted to allowing movement only between two parts. A stairlift that allows movement of the seat with respect to the support, in addition to movement between the seat and the frame, would still constitute a way of carrying out the invention as claimed. The substitution of one movement with the other constitutes an alternative way

of carrying out the invention. The skilled person thus has, in any case, enough information to carry out the invention as claimed.

As to the effects defined in features 1.12 and 1.13, the Board considers these to be achievable by the lock described in the patent, no matter whether it be applied to lock the movement of the seat with respect to the frame or the support. There is no technical reason apparent why, with a lock of the type described in the patent in place between the support and the seat and the seat being inclined, the latch mechanism should not be able to apply a force that is increasing when the seat tends to further deflect from the horizontal orientation. It is not apparent that possibly required adaptations of the latch mechanism described in the patent for achieving the effect defined in features 1.12 and 1.13, also in a lock for locking the movement between seat and support, would require more than common practice or would put an undue burden on the skilled person.

Therefore, a stairlift of claim 1 with a lock according to the literal wording of feature 1.8 can be considered to be disclosed in the patent sufficiently clearly and completely to be carried out by a skilled person also.

1.3 In the reply to the appellant's statement of grounds of appeal, the respondent further argued that claim 1 appeared to recite what it called "wish features". It referred to features 1.10, 1.12 and 1.13. These features merely defined the result to be achieved instead of clearly stating the structural features.

In its communication, the Board indicated that this objection was not found convincing but that, instead,

claim 1 was merely broad in several aspects (see communication of the Board, point 2.3). The respondent did not refute this aspect of the Board's assessment. The Board has thus no reason to deviate from its preliminary opinion on this issue and confirms it herewith.

1.4 The ground for opposition under Article 100(b) EPC is thus not prejudicial for maintenance of the patent, whichever interpretation is accepted.

2. Remittal (Article 111(1) EPC), Article 11 RPBA

2.1 In accordance with Article 111(1) EPC, when deciding on an appeal, the Board may either exercise any power within the competence of the department which was responsible for the appealed decision or remit the case to that department for further prosecution. In addition, Article 11 RPBA 2020 further stipulates that the Board shall not remit a case to the department whose decision was appealed for further prosecution, unless special reasons present themselves for doing so.

2.2 In the current case, the appellant explicitly requested, and the respondent agreed (see page 13, point 6, of the reply to the statement of grounds of appeal), that the case be remitted if the Board were to find that the ground for opposition under Article 100(b) EPC did not prejudice maintenance of the patent. The appellant's request was made with the intention that the opposition division decide on the grounds for opposition not yet dealt with in the contested decision. Indeed, if the case were not remitted, it would be for the Board to decide on the objections of lack of novelty and inventive step for the first time. This would go against the primary object of the appeal

proceedings, which is to review the decision under appeal in a judicial manner (Article 12(2) RPBA).

2.3 The Board thus considered that there were special reasons under Article 11 RPBA 2020 and decided to remit the case to the opposition division for further prosecution, in particular for examination of the outstanding objections of lack of novelty and/or inventive step against claim 1 of the main request.

Order

For these reasons it is decided that:

1. The decision under appeal is set aside.

2. The case is remitted to the opposition division for further prosecution.

The Registrar: The Chairman:

A. Chavinier-Tomsic T. Rosenblatt

Decision electronically authenticated