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**Datasheet for the decision
of 26 November 2025**

Case Number: T 1805/23 - 3.2.01

Application Number: 10170029.2

Publication Number: 2329985

IPC: B60N2/28

Language of the proceedings: EN

Title of invention:

Child car seat

Patent Proprietor:

Wonderland Switzerland AG

Opponent:

CYBEX GmbH

Headword:

Relevant legal provisions:

EPC Art. 100(c), 123(2)

Keyword:

Grounds for opposition - added subject-matter (yes)
Amendments - intermediate generalisation (yes)

Decisions cited:

Catchword:



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Case Number: T 1805/23 - 3.2.01

D E C I S I O N
of Technical Board of Appeal 3.2.01
of 26 November 2025

Appellant: Wonderland Switzerland AG
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Decision under appeal: **Interlocutory decision of the Opposition
Division of the European Patent Office posted on
1 August 2023 concerning maintenance of the
European Patent No. 2329985 in amended form.**

Composition of the Board:

Chairman G. Pricolo
Members: A. Wagner
P. Guntz
M. Geisenhofer
M. Millet

Summary of Facts and Submissions

- I. The appeal of the patent proprietor lies against the decision of the opposition division to maintain European patent No. 2329985 in amended form on the basis of auxiliary request 5.
- II. In its decision, the opposition division held among others that the main request (patent as granted) and the auxiliary requests 1 to 4 contravened the requirement of Article 100(c) EPC, Article 123(2) EPC respectively.
- III. Oral proceedings were held before the Board on 26 November 2025.
- IV. The appellant (patent proprietor) requested that the decision under appeal be set aside and the patent be maintained as granted, or auxiliary, that the patent be maintained in amended form on the basis of one of the auxiliary requests 1 to 4 filed on 16 November 2022 during opposition proceedings and submitted again with the statement of grounds of appeal.

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

- V. Claim 1 of the **main request** (patent as granted) reads as follows (feature analysis according to the impugned decision):

M1 A child car seat (1) comprising:

M2 a seat body (11);

M3 a headrest (12) connected to said seat body (11);

M4 a first seat belt (13) and a second seat belt (13) disposed on said seat body (11);

M5 a first shoulder pad unit (2), wherein said first shoulder pad unit (2) comprises a first shoulder pad (21) that is connected to said first seat belt (13), and a first connecting strap (22) that interconnects said first shoulder pad (21) and said headrest (12); and

M6 a second shoulder pad unit (2), wherein said second shoulder pad unit (2) comprises a second shoulder pad (21) that is connected to said second seat belt (13), and a second connecting strap (22) that interconnects said second shoulder pad (21) and said headrest (12);

M7 wherein each of said first and second shoulder pads (21) is sleeved on a portion of a respective one of said first and second seat belts (13);

M8 wherein said headrest (12) is vertically movable with respect to said seat body (11), and each of said first and second shoulder pad units (2) is connected co-movably with said headrest (12) as said headrest (12) moves vertically; and

M9 wherein each of said first and second connecting straps (22) comprises a first end (221) that is sewn fixedly to said corresponding first and second shoulder pad (21).

In **auxiliary request 1**, claim 1 is unchanged.

In **auxiliary request 2**, the following feature M10 is added to claim 1 as granted:

M10 wherein said headrest (12) is provided with respective first and second through holes (121) spaced apart from each other in a left-right direction, wherein each of said first and second connecting straps (22) comprises a second end (222) that is opposite to said respective first end (221) and extends through the respective first and second through hole (121).

Auxiliary request 3 is based on auxiliary request 2. Claim 1 is further amended by adding feature M11:

M11 wherein each of said first and second shoulder pad units (2) further includes a respective hook-and-loop fastener unit (24) provided on two ends of said respective first and second shoulder pads (21) for fastening releasably said two ends of said respective first and second shoulder pads (21) together to form a respective sleeve that is sleeved on said respective first and second seat belts (13).

Auxiliary request 4 is based on auxiliary request 3. Claim 1 is further amended by adding feature M12:

M12 wherein said respective hook-and-loop fastener unit (24) is implemented using a releasable buckle mechanism.

VI. The appellant's (patent proprietor's) arguments relevant to the present decision may be summarized as follows:

Added subject-matter - all requests

The opposition division's view with regard to feature M9, wherein the first end of the connecting strap was defined as being sewn fixedly to the shoulder pad, was too restrictive. Feature M9 found basis in original claims 1 and 6 with paragraphs [0003], [0004] and [0005] of the original description (A1-publication) describing the inventive solution in a functional way. All further technical features, in particular those of original claim 2, were neither structurally nor functionally linked to the specific connection of the first end - even if original claim 6 was formulated as dependent on claim 2.

VII. The respondent's (opponent's) arguments relevant to the present decision may be summarised as follows:

Added subject-matter - all request

The findings of the opposition division were correct. Original claim 2 defined how the connecting strap was connected at the first and second end. Adding only parts of the features of original claim 2 as it was done in claim 1 of the main request and respectively in any of auxiliary requests 1 to 4 resulted in an unallowable intermediate generalisation.

Reasons for the Decision

1. Main request - added subject-matter

1.1 The patent is about a child car seat having shoulder pads which are connected via a connecting strap to the headrest. The headrest is vertically movable to adapt to different sizes of a child. The shoulder pads are

co-movable with the headrest.

- 1.2 The Board confirms the decision of the opposition division that feature M9 in claim 1 as granted results in an unallowable intermediate generalisation (impugned decision, points 29.1.2 and 29.1.4).
- 1.3 Feature M9 defines that *"each of said first and second connecting straps (22) comprises a first end (221) that is sewn fixedly to said corresponding first and second shoulder pad (21)."*
- 1.4 Feature M9 is partly based on original claim 2 (*"the connecting strap having a first end that is connected fixedly to the shoulder pad"*) and additionally on claim 6, defining that *"said first end (221) of said connecting strap (22) is sewn to said shoulder pad (21)."* Original claim 6 is formulated as being dependent on claim 4, which depends on claim 3, which itself depends on claim 2.
- 1.5 Together with the first end of the connecting strap, original claim 2 defines
 - that the connecting strap has *"a second end (222) that is opposite to said first end (221)"*,
 - that the *"headrest is formed with a through hole (121)"* through which the second end extends and
 - that the shoulder pad unit further includes *"a positioning member (23) that is connected to said second end (222) of said connecting strap (22) and that engages removably said through hole (121) so as to arrest separation of said second end (222) of said connecting strap (22) from said headrest (12) through said through hole (121)."*

- 1.6 The Board agrees with the opposition division that all features of claim 2, i.e. the second end, the through holes and the positioning member, need to be added to claim 1 as granted to meet the requirements of Article 100(c) EPC.
- For completeness it is noted that the Board also agrees with the opposition division's findings that - contrary to the respondent's opinion - the features of original claims 3 and 4 are not inextricably linked to the claimed features and need not be included in claim 1 (see impugned decision, point 29.1.2, page 34, last full paragraph).
- 1.7 The appellant argued that feature M9 found sufficient basis in original claims 1 and 6.
- 1.7.1 The term "sewn" in claim 6 only specified the fixed connection defined in claim 2. Thus, since a fixed connection was anyway present in claim 6, the skilled person would understand, regardless of the originally filed claim dependencies, that the features of original claim 6 could be seen independently of the remaining features of claim 2 and could be combined directly with original claim 1.
- 1.7.2 The Board is not convinced. It is not directly and unambiguously derivable from the original application that the features of claim 6 can be taken in isolation and introduced in claim 1 without the features of claim 2. From the wording "*said first end*" in claim 6, the skilled person clearly gets the information that original claim 6 refers back to the feature of claim 2 mentioning the first end of the connecting strap for the first time. Claim 6 only defines the specific means for the fixed connection defined in claim 2 - as indicated by the dependency of claim 6.

Claim 6 alone cannot form the basis for introducing feature M9 in claim 1 because the feature of the first end being fixedly connected to the shoulder pad is only disclosed in combination with the features of original claim 2 that - however - specifies not only the connection of said first end, but also the connection of the second end of the connecting strap.

- 1.8 Furthermore, in the appellant's view, original claim 1 as well as claim 1 as granted already included the connection of the second end at the headrest.
- 1.8.1 The appellant referred to paragraphs [0004] and [0005] of the A1-publication of the patent in suit and to original claim 1, all defining that the connecting straps "interconnected" the shoulder pads and the headrest. This interconnection was also reflected in features M5 and M6 of claim 1 as granted. Thus, for the skilled person, the connection of the connecting strap to the headrest was included in claim 1 as granted. Therewith all essential feature were present. The specific way of connecting the second end with the through holes in the headrest and the positioning member engaging the through holes referred merely to a preferred embodiment that did not need to be added to claim 1.
- 1.8.2 The Board does not agree. As argued by the respondent, features M5 and M6 only define what is connected. However, original claim 2 from which feature M9 is extracted defines how the connecting strap is connected - for both ends. Adding feature M9 to claim 1 as granted isolates the specific connection at the first end from the specific connection at the second end - and these were originally disclosed only in combination.

Also the originally filed description mentions the first end of the connecting strap only in combination with the specific arrangement at the second end (see paragraph [0008] of the description of the A1-publication of the patent in suit).

1.9 The appellant further argued that the specific connection at the second end of the connecting strap was neither structurally nor functionally linked to the claimed connection at the first end and could thus be omitted.

1.9.1 According to the appellant, no structural link existed because the ends were spatially separated. Furthermore, it was evident for the skilled person that it was only essential that the interconnection to the headrest - i.e. at the second end - allowed the shoulder pad units to be co-movable with the headrest. How this interconnection to the headrest was realized was not relevant for the required function. Thus, even if the isolation of the specific connection at the first end constituted an intermediate generalisation, it was still allowable.

1.9.2 However, contrary to the appellant's opinion, the fixation of the first end of the connecting strap is functionally linked to the specific connection at the second end. Feature M8 requires with the co-movability of the shoulder pad units a function to be achieved which is inextricably linked to the manner in which the connecting strap is connected at the first end and at the second end. From original claim 2 the skilled person is taught that as soon as the first end is fixedly connected to the shoulder pads, also the complementary arrangement of the second end needs to be

applied to achieve the function defined in feature M8.

- 1.10 The appellant was of the opinion that the skilled person retrieved from the original application the information that the positioning member was just one preferred option.
- 1.10.1 Reference was made to paragraph [0014] of the description of the A1-publication of the patent in suit. Therefrom it became apparent that the positioning member was merely a preferred and not a necessary feature. Paragraph [0014] disclosed an alternative to the positioning element, namely a releasable buckle mechanism.
- 1.10.2 The Board is not convinced. Paragraph [0014] does not provide a basis for omitting the positioning member. According to paragraph [0014] "*the positioning members 23 may be configured as releasable buckle mechanisms*". The Board agrees with the opposition division's reading of paragraph [0014] that the releasable buckle mechanism is an embodiment of the positioning member, not an alternative to the latter (impugned decision, page 35, last paragraph of point 29.1.2).
- 1.11 Consequently, with feature M9, claim 1 as granted introduces subject-matter that extends beyond the disclosure as originally filed.

2. Auxiliary requests 1 to 4 - Article 123(2) EPC

- 2.1 Auxiliary requests 1 to 4 correspond to auxiliary requests 1 to 4 underlying the impugned decision.
- 2.2 The Board confirms the decision of the opposition division (point 30.1) that auxiliary requests 1 to 4

are not allowable in terms of Article 123(2) EPC.

2.3 The appellant (patent proprietor) did not put forward any further argument beyond those already submitted in support of the main request.

2.4 From the findings with regard to claim 1 as granted, it follows that to meet the requirements of Article 123(2) EPC, all features of original claim 2 including the second end of the connecting strap with the positioning member and the respective through holes in the headrest need to be added to claim 1.

2.5 However, none of auxiliary requests 1 to 4 includes in claim 1 all necessary features to overcome the added-subject-matter objection, in particular none of them includes the positioning member.

Order

For these reasons it is decided that:

The appeal is dismissed.

The Registrar:

The Chairman:



D. Grundner

G. Pricolo

Decision electronically authenticated