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

Case Number: T 1807/23 - 3.2.01

Application Number: 18150980.3

Publication Number: 3345784

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), 76(1), 54(2), 56

Keyword:

Divisional application - subject-matter extends beyond content of earlier application (yes)

State of the art under Article 54(2) EPC - public prior use (yes)

Inventive step - (no) - obvious combination of known features

Decisions cited:

Catchword:



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Case Number: T 1807/23 - 3.2.01

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

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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. 3345784 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. 3345784 in amended form on the basis of auxiliary request 3b.

II. In the present decision reference is made to the following documents known from the opposition proceedings:

Prior use "Storchenmühle Twin 0+":

- Minutes of the taking of evidence by inspection of the child car seat "Storchenmühle Twin 0+"

Prior use "Storchenmühle Primus":

- MB32: Brochure "Collection 2002/2003",
Storchenmühle GmbH & Co. KG (in excerpts)
- Minutes of the taking of evidence by inspection of the child car seat "Storchenmühle Primus"
- Minutes of the taking of evidence by hearing of witness Mr. Nüssel

MB3: EP 1 123 833 B1

MB14: EP 0 287 259 B1

III. The patent in suit is a divisional application of the earlier application EP 2 329 985 (parent application). In the following, when the parent application is mentioned, reference is made to the A1-publication of EP 2 329 985.

IV. In its decision, the opposition division held among others that the main request (patent as granted) as well as auxiliary requests 1, 1a, 1b, 2 and 3

introduced subject-matter that extended beyond the disclosure of the parent application as originally filed (Article 100(c) EPC, Article 76(1) EPC). After hearing the witness Mr. Nüssel and the inspection of the child car seats "Storchenmühle Twin 0+" and "Storchenmühle Primus", the opposition division concluded that the "Storchenmühle Twin 0+" and the "Storchenmühle Primus" were prior art under Article 54 EPC. The subject-matter of auxiliary request 3a was then found not to be inventive over the prior use "Storchenmühle Twin 0+" combined with MB3 and the "Storchenmühle Primus".

V. Oral proceedings were held before the Board on 26 November 2025.

VI. The appellant (patent proprietor) requested that the decision under appeal be set aside and that the patent be maintained as granted or, in the alternative, that the patent be maintained in amended form on the basis of one of auxiliary requests 1, 1a, 1b, 2, 3 and 3a 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.

VII. 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);

M6 and 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 first and second connecting straps (22) each comprises a first end (221) that is connected fixedly to said corresponding first and second shoulder pads (21), respectively

M9 wherein said headrest (12) is provided with respective first and second through holes (121) spaced apart from each other in a left-right direction,

M10 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 holes (121),

characterised in that

M11 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 in that

M12 said first or second shoulder pad unit (2) further comprises a hook-and-loop fastener unit (24) or a releasable buckle mechanism provided on two ends of said respective first or second shoulder pad (21) for fastening releasably said two ends of said respective first or second shoulder pad (21) together to form a sleeve that is sleeved on said respective first or second seat belt (13).

In **auxiliary request 1**, feature M12 of claim 1 is amended as follows (amendments indicated by strike-through and underlines):

M12' each of said first ~~or~~ and second shoulder pad unit (2) further comprises a hook-and-loop fastener unit (24) or a releasable buckle mechanism provided on two ends of said respective first and ~~or~~ second shoulder pad (21) for fastening releasably said two ends of said respective first and ~~or~~ second shoulder pad (21) together to form a sleeve that is sleeved on said respective first and ~~or~~ second seat belt (13).

Auxiliary request 1a is based on auxiliary request 1, wherein the wording "or a releasable buckle mechanism" is deleted in feature M12'.

Auxiliary request 1b is based on auxiliary request 1a, wherein the following feature is added:

M12.1 wherein said hook-and-loop fastener unit (24) is implemented using a releasable buckle mechanism.

Auxiliary request 2 is based on auxiliary request 1, wherein the wording "a hook-and loop fastener unit" is deleted in feature M12'.

Auxiliary request 3 is based on auxiliary request 1, wherein the following feature is added:

M13 each of said first and second shoulder pad unit (2) further comprising a positioning member (23) that is connected to said second end (222) of said respective first and second connecting strap (22) and that engages removably said respective first and second through hole (121) so as to arrest separation of said respective second end (222) of said respective first and second connecting strap (22) from said headrest (12) through said respective first and second through hole (121).

Auxiliary request 3a is based on auxiliary request 3, wherein the wording "or a releasable buckle mechanism" is deleted in feature M12'.

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

Added subject-matter: main request, auxiliary requests 1, 1a, 1b, 2

The opposition division erred in taking the view that in the parent application, paragraph [0010] and claim 2 (A1-publication), the through holes and the second end of the connecting straps as defined in features M9 and

M10 were linked to the positioning member. Instead, based on paragraphs [0004], [0005], [0007] and [0008] of the parent application, the omission of the positioning member constituted an allowable intermediate generalisation.

Public availability of the prior uses

The opposition division erroneously based their findings on a stamp ("Storchenmühle Twin 0+", decision, point 17.3) or a sticker ("Storchenmühle Primus", decision, point 17.6) on the back side of the respective seat body. This stamp or sticker might indicate the date of production of the seat body but was not representative for the shoulder pad units.

Inventive step: auxiliary requests 3, 3a

The conclusion of the opposition division that the subject-matter of claim 1 did not involve an inventive step starting from the "Storchenmühle Twin 0+" was wrong. Claim 1 of auxiliary request 3 and 3a not only differed by features M10, M12' and M13, but also by features M5 and M6.

Contrary to the opposition division's conclusion, the skilled person would not be motivated to change the "Storchenmühle Twin 0+" and would also not consider MB3. Even if MB3 was considered, MB3 was not compatible with regard to the relevant features.

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

Added subject-matter: main request, auxiliary requests 1, 1a, 1b, 2

The opposition division was right in holding that in the parent application, the second end of the connecting strap was only disclosed in combination with the positioning member. Omitting this feature resulted in an unallowable intermediate generalisation.

Public availability of the prior uses

The opposition division concluded correctly that the child car seats "Storchenmühle Twin 0+" and "Storchenmühle Primus" with its shoulder pad units were prior art according to Article 54 EPC.

Inventive step: auxiliary requests 3, 3a

Claim 1 of auxiliary request 3 and 3a differed from the "Storchenmühle Twin 0+" in the way how the second end of the connecting strap was connected to the headrest (M10 and M13) and in that the shoulder pads were provided with a hook-and-loop fastener unit to form a sleeve for the seat belt (M12). Between these distinguishing features, there was no synergistic effect.

Features M10 and M13 solved the problem of providing a releasable connection at the second end and were obvious in view of MB3. Feature M12 solved the problem of allowing access to the inside of the sleeve and was obvious over the prior use "Storchenmühle Primus".

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 the second end of the connecting straps (feature M10) and the through holes in the headrest (feature M9) through which the second ends extend, are originally only disclosed in combination with and inextricably linked to the positioning member. The Board refers to original claim 2 and paragraphs [0007] to [0010] of the parent application (A1-publication) describing one and the same embodiment including all features together. Omitting the positioning member results in an unallowable intermediate generalisation.
- 1.3 The appellant (patent proprietor) argued that the wording of features M9 (through holes) and M10 (second end) was an allowable intermediate generalisation, because the disclosure of the parent application was much broader than considered by the opposition division.
 - 1.3.1 The general part of the description (paragraphs [0004] and [0005] of the parent application) described the invention by its function as defined in features M5, M6 and M11 of claim 1 as granted. These features required that the connecting straps interconnected the shoulder pads and the headrest and that the shoulder pad unit was co-movable with the headrest. The functioning was further specified in paragraphs [0007] and [0008] of the parent application. None of these paragraphs mentioned the positioning element.
 - 1.3.2 The opposition division failed to see that the positioning members at the second end of the connecting

straps were irrelevant details of a specific embodiment as long as features M5, M6 and M11 were met.

This also became apparent e.g. from paragraph [0014] of the parent application disclosing an alternative to the positioning element, namely a releasable buckle mechanism. Such a mechanism was different from the embodiment with the positioning member mentioned in paragraph [0010] of the parent application. Thus, the skilled person understood that different ways of interconnection were part of the scope of the invention.

1.4 The Board is not convinced for the following reasons.

1.4.1 Features M8 (first end), M9 (through holes) and M10 (second end) find basis in claim 2 of the parent application - however only in combination with a positioning member that is connected to the second end and removably engages the through hole in the headrest. The parent application does not provide any basis for through holes and a connecting strap with a first and second end without the positioning member.

1.4.2 It is true that the positioning member is mentioned for the first time in paragraph [0010] of the parent application, however this paragraph still refers to the specific embodiment described from paragraph [0007] onwards. Nowhere in the parent application the positioning member is disclosed as being optional when providing features M8 to M10.

1.4.3 Also 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, point 19.4, page 34, second half of second paragraph).

1.4.4 The main request is thus not allowable under Article 100(c) with Article 76(1) EPC.

2. Auxiliary requests 1, 1a, 1b and 2 - Article 76(1) EPC

2.1 Auxiliary requests 1, 1a, 1b and 2 correspond to auxiliary requests 1, 1a, 1b and 2 underlying the impugned decision.

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

2.3 The Board confirms the decision of the opposition division (point 20) that none of the auxiliary requests 1, 1a, 1b, 2 can overcome the issue of unallowable amendments with regard to the parent application as the positioning member is missing in claim 1. These requests are thus likewise not allowable in terms of Article 76(1) EPC.

2.4 Under point 20 of the impugned decision, the opposition division further held that also auxiliary request 3 did not meet the requirements of Art 76(1) EPC but for another reason than the precedent auxiliary requests. Indeed, claim 1 of auxiliary request 3 includes the positioning member. With regard to auxiliary request 3 see point 4 of this decision.

3. Public availability of the prior uses "Storchenmühle Twin 0+" and "Storchenmühle Primus"

3.1 The Board confirms the decision of the opposition division that the child car seats "Storchenmühle Twin 0+" and "Storchenmühle Primus" as inspected have been made available to the public before the priority date of the patent in suit and are thus part of the state of the art.

3.2 Under points 17.3 and 17.6 of the impugned decision, the opposition division held with regard to the "Storchenmühle Twin 0+" and the "Storchenmühle Primus" that in line with the standards developed by the Boards of appeal for mass-product consumer goods and applying the standard of proof of the "balance of probabilities", the public prior use was sufficiently substantiated and proven.

For the "Storchenmühle Twin 0+", the opposition division based their findings inter alia on the inspection. The back side of the seat body discloses a production time indication by a moulded stamp (8/06, i.e. August 2006, see point 6 in the inspection protocol).

For the "Storchenmühle Primus", their findings were based inter alia on the testimony of Mr. Nüssel and the inspection. On the back side of the seat body, a production time indication is disclosed by a sticker (March 2003, see point 9 in the inspection protocol).

3.3 The public availability of child car seats named "Storchenmühle Twin 0+" or "Storchenmühle Primus" as such is not disputed by the appellant.

3.4 However, in the appellant's view, the opposition division erred in concluding from the stamp ("Twin 0+") and the sticker ("Primus") that also the shoulder pad units were publicly available. The date on the stamp or sticker might indicate the manufacture date of the seat body but was not representative for the shoulder pad units. The shoulder pad units were - as known by the skilled person - wearing parts, which might need to be replaced during the service life of the child seat.

3.5 The Board is not convinced for the following reasons.

3.6 "Storchenmühle Twin 0+"

3.6.1 The Board agrees with the opposition division that taking into account the need for compliance with the applicable ECE safety standards, it is considered entirely unlikely that the seat as advertised and sold in 2006 would have been equipped with a headrest, shoulder pad units and a connection to the headrest different to the ones inspected at the oral proceeding (impugned decision, page 18, last paragraph).

3.6.2 Indeed, the Board does not consider it realistic that the design of the shoulder pad units - and in particular their connection to the seat - changes during time within one product type. Even if the shoulder pad units might be wearing parts, the spare parts then all are identical, as is normal for this kind of products.

3.6.3 The opposition division additionally stated that there was no reason to doubt that the seat cover and the shoulder pads of the inspected seat were not the original ones. The appellant did not provide any argument that would cast doubts on these findings.

Therefore, the Board does not see any reason to deviate from the opposition division's findings.

3.7 "Storchenmühle Primus"

3.7.1 For the "Primus", the opposition division held that with the sales brochure MB32, pp.2.3 of 2002/2003, the testimony of Mr. Nüssel and the inspection, there was no doubt that the seat as inspected corresponded to what was on the market and thus available to the public in 2003.

3.7.2 The appellant did not provide any argument why the testimony of the witness who confirmed that for the "Primus" there were no modifications to belts, shoulder pad units and their connections, should not be convincing.

3.8 The conclusion of the opposition division on the public availability of the "Storchenmühle Twin 0+" and the "Storchenmühle Primus" - including the shoulder pad units - is thus confirmed.

4. Inventive step: auxiliary requests 3 and 3a

4.1 While auxiliary request 3a was held not inventive by the opposition division, the precedent auxiliary request 3 was held not to be allowable under Article 76(1) EPC (point 20 with point 19.6 of the impugned decision). However, the objection under Article 76(1) EPC for auxiliary request 3 does not become decisive because the inventive step objection concerning claim 1 of auxiliary request 3a likewise applies to the subject-matter of claim 1 of auxiliary request 3. Claim 1 of auxiliary request 3 includes as an alternative in

feature M12' a hook-and-loop fastener unit and claim 1 of auxiliary request 3a is limited to this alternative.

- 4.2 The Board confirms the decision of the opposition division (point 21.3) that auxiliary request 3a, and thus also auxiliary request 3, does not meet the requirements of Article 56 EPC.
- 4.3 It is undisputed that the child car seat "Storchenmühle Twin 0+" does not show features M10, M12' and M13. The second ends do not extend through through-holes and are not connected to a positioning member (M10, M13) but are sewn to the textile cover of the headrest next to the through holes in the headrest through which the safety belt is guided. Furthermore the shoulder pads are not releasably fastened by a hook-and-loop fastener unit (M12') but are closed permanently.
- 4.3.1 The appellant was of the opinion that claim 1 further differed in features M5 and M6 as the second end of the connecting strap was not connected to the headrest but only to the textile removable seat cover. The understanding of the opposition division of a headrest was too broad because the textile cover was not part of the headrest. When considering all the features of claim 1 together, it was clear that the headrest to which the second end was connected needed to be a rigid body. In particular in case of an accident, such a connection was much safer.
- 4.3.2 However, the Board shares the opposition division's view (decision, point 21.3, page 38, fifth paragraph). The rigid part of the headrest together with the textile cover constitute the claimed headrest because the cover of the headrest is by definition part of the

headrest.

- 4.3.3 Additionally, features M5 and M6 are broad and only define that the connecting strap "interconnects" the shoulder pad and the headrest. Even if the textile cover would not be seen as part of the headrest, a connection to the headrest is made by stitching the connecting strap to the cover, which in turn is connected to the headrest.

Also the argument concerning better protection in case of an accident cannot convince. The connection of the pads to the headrest does not influence the safety of the child seat significantly. The pads only serve to provide a more comfortable contact between the child and the seat belt. In case of an accident, it is the seat belt that will hold the child securely in the seat, not the connecting straps of the shoulder pads.

- 4.3.4 Furthermore, even if features M5 and M6 were not seen as being disclosed with the "Storchenmühle Twin 0+", the following problem-solution approach would remain the same and not only result in an obvious manner in features M10, M12' and M13 but also automatically in features M5 and M6.

- 4.4 As acknowledged by the appellant, the features M10, M13 on the one hand and feature M12 on the other hand do not have a synergistic effect. Therefore two partial problems can be defined.

For features M10, M13, the respondent formulated the underlying technical problem as providing a releasable connection for the shoulder pad units at the headrest. For feature M12, the underlying technical problem was seen in allowing access to the inside of the sleeve to

e.g. remove a possible twist of the seat belt.

- 4.5 Features M10 and M13 are obvious in view of MB3 and feature M12 is rendered obvious by the prior use "Storchenmühle Primus".
- 4.5.1 MB3 discloses in figures 9 and 10 a positioning member ("three-bar link 76") to connect a second end of a connecting strap ("tether strap 54") to the seat back 26. The skilled person immediately recognises that the positioning member 76 in MB3 would solve the problem of providing a releasable connection at the second end of the connecting strap and would implement the three-bar link 76 of MB3 into the child car seat "Storchenmühle Twin 0+".
- 4.5.2 To solve the problem of allowing access to the sleeve formed by the shoulder pad, the skilled person would consider the child car seat "Storchenmühle Primus" which undisputedly discloses shoulder pads with a hook-and-loop fastener to releasably form the sleeve for the seat belt (minutes of the inspection, point 2).
- 4.5.3 By implementing the three-bar link 76 of MB3 and the hook-and-loop fastener of the "Storchenmühle Primus" to the "Storchenmühle Twin 0+", the skilled person arrives in an obvious manner at the claimed subject-matter.
- 4.6 From the appellant's point of view the skilled person would not be motivated to change the "Storchenmühle Twin 0+" and would not consider MB3. The following arguments were submitted:
- (a) With a change of the arrangement at the second end of the connecting strap, the advantage of a single piece of cover that can be washed or cleaned at once

would be lost. It would not be handy to thread the straps through through-holes in the cover and the rigid seat body.

(b) MB3 did not at all disclose the concept of a vertically movable headrest. MB3 was directed to a solution wherein, for a young child, the position of the shoulder pad units was different compared to the position of the shoulder pad units for an older child (paragraph [0003] with figures 5 and 6). MB3 thus taught away from the claimed solution which aimed to provide the same position of the shoulder pad units for different sizes of a child.

(c) Furthermore the three-bar link 76 of MB3 was only required because, for the height adjustment, the connecting strap of MB3 needed to be threaded through different through holes 28, 32, 36 spaced apart in vertical direction (figure 3). This threading through was not necessary for the height adjustment mechanism of the "Storchenmühle Twin 0+". There was thus also no need for the three-bar link 76.

(d) Even if the skilled person were to consider MB3 and to provide the three-bar link 76 shown in figure 10, the skilled person would not be prompted to feature M13 according to which the element had to engage the through hole. The skilled person would rather provide the three-bar link 76 at the adjustment mechanism at the back side.

(e) The "Storchenmühle Twin 0+" did not provide sufficient space at the backside for a positioning element as claimed. The three-bar link of MB3 would collide with the vertical guides for the headrest at the back of the seat.

4.7 None of the appellant's arguments can convince the Board.

ad a) The respondent formulated the problem as providing a releasable connection for the shoulder pad units. Against the background of this - certainly reasonable - underlying technical problem, the advantage of the separate shoulder pad units outweighs the alleged disadvantage of threading.

ad b) With regard to features M10 and M13 the opposition division stated that it was not relevant whether or not MB3 disclosed a vertically movable headrest and two shoulder pad units co-movable therewith as the "Storchenmühle Twin 0+" already had these features. MB3 was only used for the releasable positioning member itself. The Board agrees therewith.

ad (c) It can be agreed with the appellant that the embodiment shown in figures 3, 9 and 10 of MB3 only discloses a height adjustment for the seat belts with several pairs of slots distributed across the height of the seat back. However, paragraph [0023] of MB3 discloses that "*the individual pairs of slots 28, 32 and 36 may be replaced by a height adjustment system of the type described in EP-A-0287259*". The latter document corresponds to MB14 submitted with the notice of opposition. MB14 discloses a height adjustment system with a pair of elongated guiding slots 30, 32 and a traveller plate with slots 40, 42 for the seat belt similar to the mechanism of the "Storchenmühle Twin 0+" (see minutes of the inspection, point 2). MB3 thus prompts the skilled person to use the three-bar link also for height adjustment systems in accordance with the "Storchenmühle Twin 0+".

ad d) The argument that the skilled person would connect the three-bar link 76 of MB3 to the adjustment mechanism at the backside of the seat body is not convincing. MB3 suggests that the three-bar link 76 engages the through hole in the same manner as shown in figure 9 of the patent in suit. When implementing the three-bar link 76 of MB3 the skilled person would do it in the same way as shown in the prior art.

ad e) It is also not apparent why at the backside of the "Storchenmühle Twin 0+" there should not be sufficient space. The positioning member would lie on top of the seat belt as shown in figure 11 of MB3 and could be adjusted in size such that it fits the vertical guides for the headrest at the back side of the seat.

4.8 It is noted that the appellant did not provide any argument with regard to feature M12, in particular why the provision of a hook-and-loop fastener would involve an inventive step. There is thus no reason apparent to deviate from the opposition division's conclusion on this issue.

4.9 Hence, the subject-matter of claim 1 of auxiliary requests 3 and 3a does not involve an inventive step when starting from the child car seat "Storchenmühle Twin 0+" combined with MB3 and the child car seat "Storchenmühle Primus".

Order

For these reasons it is decided that:

The appeal is dismissed.

The Registrar:

The Chairman:



D. Grundner

G. Pricolo

Decision electronically authenticated