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**Datasheet for the decision
of 20 October 2025**

Case Number: T 0170/24 - 3.2.01

Application Number: 18153328.2

Publication Number: 3333077

IPC: B64D11/02, B64D11/04, B64D11/06

Language of the proceedings: EN

Title of invention:
MODULAR CABIN SEGMENT, CABIN FOR A VEHICLE AND VEHICLE WITH A
CABIN

Patent Proprietor:
Airbus Operations GmbH

Opponent:
Diehl Aviation Hamburg GmbH

Headword:

Relevant legal provisions:
EPC Art. 87(1), 54

Keyword:
Priority - main request (no) - auxiliary requests (no)
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Catchword:



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Case Number: T 0170/24 - 3.2.01

D E C I S I O N
of Technical Board of Appeal 3.2.01
of 20 October 2025

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Decision under appeal: **Decision of the Opposition Division of the
European Patent Office posted on 6 December 2023
revoking European patent No. 3333077 pursuant to
Article 101(3)(b) EPC.**

Composition of the Board:

Chair A. Jimenez
Members: S. Mangin
A. Wagner

Summary of Facts and Submissions

- I. The appeal was filed by the patent proprietor against the decision of the opposition division to revoke the patent in suit (hereinafter "the patent").
- II. The opposition division held that:
- The priority of claim 1 of the main request (patent as granted) was not valid as claim 1 did not comprise a cabin attendant seat (CAS), which was present in P1=D18=DE 102011011704 and P2=D19=US 201161444452. Therefore, the effective filing date for claim 1 of the patent as granted was considered to be the filing date of the patent itself, namely the 17 February 2012.
 - The subject-matter of claim 1 of the granted patent and auxiliary requests 1-9 was not novel over D1 (WO 2011/101385).
 - The subject-matter of claim 1 of auxiliary request 10 did not involve an inventive step.
- III. Oral proceedings were held before the Board on 20 October 2025.
- IV. The appellant (patent proprietor) requested that the appealed decision be set aside and the patent be maintained as granted (main request), in the alternative that the patent be maintained on the basis of one of the auxiliary requests 1 to 5, 5.1, 6 corrected, 7 corrected, 7.1 corrected, 8 corrected and 8.1 corrected, submitted with the statement of grounds of appeal and corrected with letter of 6 November 2024.
- The respondent (opponent) requested that the appeal be dismissed.

- V. Claim 1 of the main request reads as follows (feature numbering according to the appealed decision):
- M1** A passenger cabin for a vehicle (144) having a modular cabin segment (86, 94, 96)
 - M2** arranged in a rear section of the passenger cabin, in which a passage through the cabin segment (86, 94, 96) is not required,
 - M3** the cabin segment (86, 94, 96) comprising
 - a first lateral segment module (72, 108, 112) that accommodates a first toilet arrangement with at least one toilet compartment (76),
 - M4** - a second lateral segment module (2, 110, 114, 116), and
 - M5** wherein each of the first and second lateral segment modules comprises an outer lateral face (4, 74) and an inner lateral face (6, 80) that delimit each of the first and second lateral segment modules in transverse direction of the cabin, and
 - M6** - at least one central module (26, 48, 58),
 - M7** wherein the at least one central module (26, 48, 58) is arranged between the first lateral segment module (72, 108, 112) and the second lateral segment module (2, 110, 114, 116),
 - M8** wherein the at least one central module (26, 48, 58) comprises a first lateral face (28) and a second lateral face (30), which faces delimit the central module (26, 48, 58) in the transverse direction of the cabin (144),
 - M9** wherein in each case an outer lateral face (4, 74) of the first segment module (72, 108, 112) and of the second lateral segment module (2, 110, 114, 116) is designed to snugly fit in each case to an inner wall of a cabin of the vehicle so as to correspond to the inner wall,

M10 wherein the second lateral segment module (2, 110, 114, 116) is a galley module,

M11 and wherein the cabin segment extends in a transverse axis from a sidewall of the cabin up to the opposite sidewall.

VI. Claim 1 of auxiliary request 1 corresponds to claim 1 of the main request with the additional feature:

M12 *"wherein the at least one central module (26, 48, 58) accommodates a second toilet arrangement with at least one toilet compartment (34, 50, 118,120)"*.

VII. Claim 1 of auxiliary request 2 corresponds to claim 1 of the main request with the additional feature:

M13 *"wherein a partition wall (126) is arranged between a first toilet compartment (120) and an adjacent second toilet compartment (118), wherein the partition wall (126) is movably held and is designed to be brought to an opening position in which separation between the first toilet compartment (120) and the second toilet compartment (118) is cancelled"*.

VIII. Claim 1 of auxiliary request 3 corresponds to claim 1 of the main request with the additional feature:

M14 *"wherein the inner lateral face (80) of the first lateral segment module is of a planar design and extends vertically so that the central module can follow on from it"*.

IX. Claim 1 of auxiliary request 4 corresponds to the main request with the additional features **M12 to M14** disclosed above.

X. Claim 1 of auxiliary request 5 corresponds to claim 1 of the main request with the following added features:

- **M15** *"the segment modules are provided in the form of a modular system, in which different modules can be combined",*
- **M16** *"wherein the modules are configured such that various modules tailored to different requirements can be selected and composed in order to be able to provide a cabin segment, and wherein the modules are provided as a part of the finished cabin segment".*

XI. Claim 1 of auxiliary request 5.1 corresponds to auxiliary request 5, wherein features M15 and M16 have been **reformulated** as follows:

- **M15** *"wherein segment modules are provided in the form of a modular system"*
- **M16** *"which cabin segment comprises a modular design, wherein various modules tailored to different requirements can be selected and composed in order to be able to provide a cabin segment that is particularly advantageous to the respective operator, wherein the modules are provided as a part of the finished cabin segment"*

Reformulated feature M16 is introduced between features M2 and M3.

XII. Claim 1 of auxiliary request 6 corresponds to claim 1 of the main request with feature M17 replacing feature M1 and feature M18 added:

- **M17** *"An aircraft comprising a cabin of the aircraft with a passenger cabin for a vehicle (144) having a modular cabin segment (86,94,96) "*

and

- **M18** *"wherein the modular cabin segment is located in a rear section of the aircraft next to a pressure bulkhead arranged to delimit the cabin, which pressure*

bulkhead comprises an outward-curvature that is used by toilet arrangements".

- XIII. Claim 1 of auxiliary request 7 corresponds to claim 1 of the main request with feature M17 replacing feature M1 and the addition of features **M15, M16 and M18** above.
- XIV. Claim 1 of the auxiliary request 7.1 corresponds to claim 1 of the main request with feature **M17** replacing feature M1, **reformulated feature M16** following feature M2 and **reformulated feature M15**.
- XV. Claim 1 of auxiliary requests 8 corresponds to claim 1 of the main request with feature **M17** replacing feature M1 and the features **M14 to M16 and M18** above.
- XVI. Claim 1 of auxiliary request 8.1 corresponds to claim 1 of the main request with feature **M17** replacing feature M1 and the feature **M14, reformulated features M15 and M16** (the latter following feature M2), and feature **M18**.

Reasons for the Decision

1. Validity of the priority - Article 87(1) EPC

The priority of claim 1 of the main request and all auxiliary requests is not valid.

- 1.1 The appellant (patent proprietor) argued that the priority of claim 1 was valid for the following reasons:

- The core of the invention was a cabin segment with a modular design to address the economic use of the available space in an optimized manner. Reference was made to the following passages of P1 and P2: page 2,

line 27 - page 3, line 4, page 3, lines 4-23. It is noted that the description of P1 and of P2 are identical. The appellant noted that some of the preferred embodiments were without cabin attendant seat (P1/P2, page 6, lines 2 - page 7, line 29, page 8, lines 1-12 and page 9, line 1- page 10, line 26). Even the detailed explanation of exemplary embodiments ("Detaillierte Darstellung exemplarischer Ausführungsformen") of the description of P1/P2, as also shown in the drawings, provided further examples without cabin attendant seat.

- The modular design of the cabin segment was neither dependent, nor triggered by the provision of a cabin attendant seat (CAS). In the examples, the CAS was provided as an option, i.e. as one possible solution for addressing another aspect in relation with cabin segments. The exemplary description only pointed out that even with the modules, a CAS could also be provided.

The CAS underlined the performance of the modular concept, but without being essential to the modular cabin segment. Therefore, although the cabin attendant seat was provided in claim 1 of the priority application P1/P2, the cabin attendant seat could be omitted. The removal of the CAS lied within the scope of what a skilled person would derive directly and unambiguously, using common general knowledge and seen objectively and relative to the date of priority, from the whole of the application documents.

In summary, the cabin attendant seat (CAS) was a legal requirement among many others. It was not the core of the invention and was not inextricably linked to the modular cabin segment.

- 1.2 The respondent (opponent) argued that claim 1 of D18 and D19 comprised the following feature:
"und wobei mindestens eines der Module (2, 72, 108, 110, 112, 114, 116) mindestens einen Fahrzeugbegleitersitz (46, 104) aufweist, der einseitig um eine Achse schwenkbar an dem mindestens einen Modul (2, 72, 108, 110, 112, 114, 116) gelagert ist".

In the description of D18, this feature could be found on page 4, lines 11-13.

However, this feature had not been introduced in claim 1 of the main request nor in any of the other auxiliary requests 1 - 8.1.

The omission of this mandatory and essential feature in claim 1 of the patent led to the priority not being valid.

- 1.3 The Board is not convinced by the arguments of the appellant (patent proprietor).

According to Article 87 EPC,

(1) any person who has duly filed, in or for
(a) any State party to the Paris Convention for the Protection of Industrial Property or
(b) any Member of the World Trade Organization,
an application for a patent, a utility model or a utility certificate, or his successor in title, shall enjoy, for the purpose of filing a European patent application in respect of the same invention, a right of priority during a period of twelve months from the date of filing of the first application.

It is established case law that the requirement for claiming priority of "the same invention", referred to in Article 87(1) EPC 1973, means that priority of a

previous application in respect of a claim in a European patent application in accordance with Article 88 EPC 1973 is to be acknowledged only if the skilled person can derive the subject-matter of the claim directly and unambiguously, using common general knowledge, from the previous application as a whole. The subject-matter of the claim defining the invention in the European application has to be understood as "the specific combination of features present in the claim".

In the present case, claim 1 of the patent as granted does not correspond to the same invention as in the priority documents P1 (D18) and P2 (D19).

In both D18 and D19, the cabin attendant seat (CAS) is described as essential for solving the defined problem.

In the second paragraph of page 2 of D18 and D19, it is disclosed that commercial aircraft are required to provide a flight attendant seat for each flight attendant to ensure that they can assume a safe position during take-off and landing, which further reduces the already limited space available within the cabin.

The problem to be solved by the invention in D18 and D19 is to propose an advantageous design for a cabin or cabin segment that allows the available space in the cabin to be used as efficiently as possible, while complying with all regulations and comfort requirements (page 2, fourth paragraph of D18 and D19).

The invention proposes an advantageous design for a cabin or cabin segment that allows the available space in the cabin to be used as efficiently as possible,

while complying with all regulations and comfort requirements (page 2, fifth paragraph of D18 and D19).

The problem is solved by a modular cabin segment for a vehicle with the features of independent claim 1, wherein claim 1 requires that at least one of the modules has at least one cabin attendant seat which is mounted on the at least one module so as to be pivotable about an axis on one side.

All the embodiments of the invention comprise a cabin attendant seat. While some of the disclosed preferred embodiments do not make reference to the cabin attendant seat, it cannot be concluded that in these embodiments no cabin attendant seat is present. In the description of the preferred embodiment, the specific additional features are disclosed without repeating the features common to all embodiments.

The Board notes that in all the figures of D18 and D19 showing the entire modular cabin segment, at least one cabin attendant seat is present. Reference is made to reference number 46 in figures 2-8.

Contrary to the appellant's (patent proprietor's) argument, while the cabin attendant seat (CAS) may be a legal requirement among many others, it has an impact on the space available for the modular cabin segment and its shape. The modular cabin segment and the CAS are linked. Therefore, the Board is of the opinion that the removal of the cabin assistant seat cannot be derived directly and unambiguously from the content of D18 and D19, using common general knowledge.

The Board notes that none of the independent claims 1 of the auxiliary requests 1-8.1 include a cabin

attendant seat. Therefore none of the independent claims 1 of these requests have a valid priority.

2. Novelty of the main request over D1 - Article 54(2) EPC

D1 was published on 25 August 2011, before the filing date of the patent (17 February 2012) and is therefore prior art under Article 54(2) EPC. It is noted that even if the priority would have been validly claimed, D1 would still be prior art under Art 54(3) EPC.

The subject-matter of claim 1 is not novel over D1.

2.1 The appellant (patent proprietor) argued that D1 did not show the modular design as defined in claim 1, i.e. at least a first lateral module, a second lateral module and an at least one central module.

In D1, the two toilet spaces may be combined, and a further self-contained segment may be added, like a galley or another lavatory providing a third toilet space. However, this was different to a modular cabin design.

The common toilet space was provided as one unit and the further monument was provided as another unit. D1 did not provide modules for a modular system that allowed the exchange of a module to adapt the cabin segment for different needs.

Contrary to claim 1, D1 only offered fixed solutions, whereas the present invention provided the option to implement other functions in the central module such as either a second toilet compartment, or a urinal or even further galley space.

D1 only showed a final state, where a lavatory arrangement comprised a number of constructive elements such as door panels, walls or partitions. However, these were not modules. A major difference over D1 was

the provision of the central module in addition to a first and a second lateral module.

In a first embodiment of D1, a galley section was provided in the further space next to the common lavatory section (see D1, figures 1-2f).

In a second embodiment of D1, a third toilet compartment was provided in the further space next to the common lavatory section (see D1, figure 3).

Contrary to granted claim 1 of the present patent, D1 only offered two different fixed solutions, whereas the present invention also provided the option to implement other functions in the central module such as either a second toilet compartment, or a urinal or even further galley space.

With regards to figures 9a-9f of the present patent in dispute, the appellant (patent proprietor) noted that these drawings were used for explaining the convertibility of adjacent compartments, as stated on page 21, lines 26 ff, while the modularity was not further mentioned in this context. The figures and description passages focused on the principle movement of the foldable partition wall. The figures were provided for the foldable partition wall, and no further conclusion regarding the modular aspect were to be made here. In particular, figures 9a-9f did not exclude the modular aspect.

- 2.2 The respondent (opponent) argued that D1 disclosed a cabin segment 8 arranged in a passenger cabin of an aircraft (see all figures). The toilet arrangement was divided into various sections, so that the toilet arrangement was "modular" in the sense of the patent. A segment module ("Kabinenmonument" 8) was connected to the toilet arrangement (claim 6). The additional

segment module was either an on-board kitchen (claim 7) or a third toilet (claim 8). The segment module (Kabinenmonument) 8 formed a separate, structural module in the cabin segment, so that the cabin segment had a modular structure. Figures 1 and 2 showed different designs for the segment module ("Kabinenmonument") 8 underlining its modular aspect. The segment module ("Kabinenmonument") 8 as a separate, structural module could also be derived from D1 page 9, lines 16ff.

- 2.3 The Board is not convinced by the arguments of the appellant (patent proprietor).

The description is to be consulted to interpret the claim and in particular the expressions "modular cabin segment" and "segment module".

According to paragraph [0009] of the patent, the term "modular" is defined as follows:

"The core of the invention consists of proposing a modular cabin segment installed at a rear section of the cabin, which cabin segment comprises a modular design. In this context the term "modular" means that various modules tailored to different requirements can be selected and composed in order to be able to provide a cabin segment that is particularly advantageous to the respective operator. The term "module" refers to a part, a component or a section of a finished cabin segment".

As mentioned by the opposition division, the cabin in D1 is built-up by several entities which can be considered as modules. Three modules are present in D1; from left to right, a galley (figures 1, 2a-2f) or a toilet (figure 3) placed longitudinally, a toilet

placed transversally and a toilet placed longitudinally. Each of the three entities in D1 are tailored to different needs which have been considered advantageous.

The Board fails to see in claim 1 or in the patent structural features that would differentiate the three "segment modules" of claim 1 from the three entities of the cabin segment of D1.

As mentioned by the opposition division all the features of claim 1 are disclosed in D1 (reference is made to point 16.4.1 of the appealed decision) and as mentioned above the terms "modular cabin segment" and "segment module" do not add any further structural limitations not disclosed in D1.

Especially looking at figures 9a-9f of the patent, the part of the modular segment cabin depicted correspond to the ones of figures 2a-2f of D1. While the appellant (proprietor) explains that these figures and corresponding passages should be read together with the previous embodiments, it throws further doubts on their interpretation of the expressions "modular cabin segment" and "segment module" in claim 1.

3. Novelty of auxiliary request 1 over D1

D1 discloses the additional feature introduced into claim 1, namely:

M12 "wherein the at least one central module (26, 48, 58) accommodates a second toilet arrangement with at least one toilet compartment (34, 50, 118,120)".

3.1 The appellant (patent proprietor) argued that D1 did not show that the at least one central module accommodated a second toilet arrangement with at least one toilet compartment, since D1 did not show the

modular setup. Figures 2c and 2d of D1 did not show a central module. The figures rather showed a combination of a galley and a lavatory arrangement. In the figures themselves, only a first toilet was indicated. Even the text only mentioned two toilet compartments, but not the modularity.

Further, it must be noted that claim 1 defined that the modular cabin segment comprises modules, i.e. the first lateral segment module, the second lateral segment module as well as the central module.

Since the modularity always comprised at least some sort of exchangeability for the respective module (and not just because several components or building elements were used for the respective module), such exchangeability and hence modular character must be shown in D1 for it to be novelty destroying.

3.2 The respondent (opponent) argued that figures 1, 2a-2f of D1 showed similarly to figures 9a-9f of the patent a central module that accommodated a second toilet arrangement. In their view the appellant (patent proprietor) did not interpret the term "modular" in a correct way.

3.3 The Board considers, as the respondent (opponent) and the opposition division did, that figures 2c and 2d of D1 disclose a second toilet in the central module. As argued above with regard to claim 1 of the main request, the central entity with the toilet can be considered as a module.

The argument of the appellant (patent proprietor) that modularity implies at least some sort exchangeability is not convincing. Especially as claim 1 defines that the first lateral segment module is a toilet, the

second lateral segment module is a galley, and the central segment module is a toilet.

In any case, as noted by the respondent (opponent) figure 1 of D1 shows a different galley than figures 2e-2f, which represents "some sort of exchangeability".

The subject-matter of claim 1 is therefore not novel over D1.

4. Novelty of auxiliary request 2 over D1

D1 discloses the additional feature introduced into claim 1 of auxiliary request 2, namely:

M13 "wherein a partition wall (126) is arranged between the first toilet compartment and an adjacent second toilet compartment, wherein the partition wall (126) is movably held and is designed to be brought to an opening position in which separation between the first toilet compartment (120) and the second toilet compartment (118) is cancelled".

4.1 The appellant (patent proprietor) argued that D1 did not show a lateral and central module with a partition wall that was arranged between a first toilet compartment and an adjacent second toilet compartment, wherein the partition wall was movably held and was designed to be brought to an opening position in which separation between the first toilet compartment and the second toilet compartment was cancelled. The movable partition wall in D1 was integrated in the single setup, but not between two modules.

4.2 Referring to figures 1 to 2f of D1, the respondent (opponent) argued that a partition (14, 28, 30) was arranged between the first toilet compartment (10) and the second toilet compartment (12) (14, 28, 30),

wherein the partition wall (14) was movably held and was designed to be brought into an opening position in which separation partition between the first toilet compartment (10) and the second toilet compartment (12) was cancelled.

- 4.3 The Board considers, as the respondent (opponent) and the opposition division did, that page 3, lines 4-27 and figures 1, 2c and 2d of D1 disclose the additional movable partition wall between the first toilet compartment and the second toilet compartment.

Therefore, the subject-matter of claim 1 is not novel over D1.

5. Novelty of auxiliary request 3 over D1

Feature M14 added to claim 1 of auxiliary request 3 is disclosed in D1:

M14 "wherein the inner lateral face (80) of the first lateral segment module is of a planar design and extends vertically so that the central module can follow on from it".

- 5.1 The appellant (patent proprietor) argued that figure 1 of D1 showed a lateral toilet compartment with a somehow even wall separating this toilet compartment from an adjacent second toilet compartment, forming the lavatory. However, the wall was just a part in the larger common lavatory provided in the rear section of the aircraft. D1 did not show any central module. Throughout D1, the toilet compartments ("erster Toilettenraum", "zweiter Toilettenraum") were provided as a common lavatory, and not as modules - neither structural nor functional. Since there was no central module in D1, there was also no lateral face of a

lateral segment module to which the central module followed from.

5.2 The respondent (opponent) argued that figures 2c and 2d showed, in the same way as the patent, a corresponding wall of the first lateral module, which extended vertically so that the central module could be connected.

5.3 The Board is not convinced by the arguments of the appellant (patent proprietor). In D1, the planar wall 14 extends vertically and is composed of two wall segments 28 and 30. The wall 14 separates the two toilet compartments as disclosed in figures 2c and 2d and page 10, lines 9-20. The wall 14 is the inner lateral face of the first lateral segment module such that the central module follows on from it. While the term "planar" to qualify the wall may not be disclosed in D1 other than in the figures, it is implicit. Indeed, planar vertical walls are the default design. The use of a different design would have otherwise been specified in D1.

Therefore, the subject-matter of claim 1 is not novel over D1.

6. Novelty of auxiliary request 4 over D1

Claim 1 of auxiliary request 4 corresponds to the main request with the additional features M12 to M14 above.

6.1 The appellant (patent proprietor) stated that claim 1 of the auxiliary Request 4 was a combination of:
A) Auxiliary Request 1;
B) Auxiliary Request 2; and
C) Auxiliary Request 3.

In addition to the reasons outlined above, a synergetic effect was further provided by the combination of the second toilet with the movable partition wall, while the inner lateral face was planar. The planar design allowed the arrangement of the movable partition wall.

6.2 The respondent (opponent) underlined that figures 2c and 2d of D1 showed, in the same way as the patent a corresponding wall of the first lateral module, which extended vertically so that the central module could be connected.

6.3 The Board notes - as the respondent (opponent) - that figures 2a-2f of D1 disclosing features M12 to M14 are the same as figures 9a-9f of the patent. Should there be synergetic effects between features M12-M14 then these synergetic effects would also be present in D1.

Therefore, for the same reasons presented for auxiliary requests 1 to 3, the subject matter of claim 1 of auxiliary request 4 is not novel over D1.

7. Novelty of auxiliary request 5 over D1

D1 discloses the features added to claim 1 of auxiliary request 5, namely:

- M15 *"the segment modules are provided in the form of a modular system, in which different modules can be combined"*,
- M16 *"wherein the modules are configured such that various modules tailored to different requirements can be selected and composed in order to be able to provide a cabin segment, and wherein the modules are provided as a part of the finished cabin segment"*.

7.1 The appellant (patent proprietor) argued that D1 did not provide a modular system, in which different modules could be combined, and in which various modules tailored to different requirements could be selected and composed.

The core aspect of D1 was to provide two toilet compartments separated by a movable partition wall. This common lavatory formed a major part of the "Toilettenanordnung" of D1. The further available space was either used for galley purposes (see D1, figures 1-2f) or for a third toilet compartment (see D1, figure 3). However, other than these two embodiments, no further flexibility or even modularity allowing different setups were disclosed in D1. In other words, D1 offered two different fixed solutions, contrary to feature M15 defining a modular system, in which different modules could be combined. The central module of claim 1 could comprise a toilet compartment, or a urinal or a galley section. Hence, D1 did not show any modular system, in which different modules could be combined, in particular not in a tailored manner for different requirements.

7.2 The respondent (opponent) agreed with the findings of the opposition division and noted that features M15 and M16 did not require different permutations of the passenger cabin and that in any case, different designs (permutations) of the galley could be seen in figures 1 and 2a of D1.

7.3 The Board is not convinced by the arguments of the appellant (patent proprietor). D1 discloses a first configuration with 3 modules wherein a galley and two separate toilettes spaces (10, 12) are provided (figures 1 and 2a).

- The left module is tailored to store food.

- The central module is tailored to accommodate a toilet in the transverse direction.
- The right module is tailored to accommodate a toilet in the longitudinal direction with movable walls.

As mentioned by the respondent (opponent) features M15 and M16 do not define possible permutations. In particular the first and the second segment modules are defined in claim 1 as accommodating respectively a toilet and a galley module without defining possible permutations.

Therefore the subject-matter of claim 1 is not novel over D1.

8. Novelty of auxiliary request 5.1 over D1

D1 discloses the reformulated features M15 and M16 added to claim 1 of auxiliary request 5.1:

- M15 *"wherein segment modules are provided in the form of a modular system"*
- M16 *"which cabin segment comprises a modular design, wherein various modules tailored to different requirements can be selected and composed in order to be able to provide a cabin segment that is particularly advantageous to the respective operator, wherein the modules are provided as a part of the finished cabin segment"*

8.1 As for the previous requests, the appellant (patent proprietor) argued that D1 did not show a modular system, in which various modules tailored to different requirements could be selected and composed, and in which modules were part of the finished cabin segment to provide segment advantageous to operator.

8.2 The respondent (opponent) argued that the reformulated features M15 and M16 did not claim permutations of the cabin segment. In any case figures 1 and 2a disclosed different designs (permutations) of the galley and figure 3 a toilet. The passenger cabin in D1 thus has a modular design, whereby different modules can be selected for different requirements and assembled to form a cabin segment that is particularly advantageous for the respective operator.

8.3 The Board agrees with the respondent (opponent) that no permutation is defined in the reformulated features M15 and M16. Nevertheless, should a permutation be required by the wording of claim 1, then D1 also provides for the permutation of the second lateral segment, see also point 7.3 above.

Therefore, the subject-matter of claim 1 is not novel over D1.

9. Novelty of corrected auxiliary request 6 over D1

Irrespective of corrected auxiliary request 6's admissibility, the Board judges that the subject-matter of claim 1 is not novel over D1.

D1 discloses the features added to claim 1:

M17 "An aircraft comprising a cabin of the aircraft with a passenger cabin for a vehicle (144) having modular cabin segment (86,94,96)"

and

M18 "wherein the modular cabin segment is located in a rear section of the aircraft next to a pressure bulkhead arranged to delimit the cabin, which pressure bulkhead comprises an outward-curvature that is used by toilet arrangements".

- 9.1 The appellant (patent proprietor) argued that the subject-matter of claim 1 of corrected auxiliary request 6 was novel and inventive over D1. D1 did not disclose an aircraft comprising a passenger cabin, in which the modular cabin segment was located in a rear section of the aircraft next to a pressure bulkhead arranged to delimit the cabin, which pressure bulkhead comprised an outward-curvature that was used by toilet arrangements.
- 9.2 The respondent (opponent) brought forward that features M17 and M18 were disclosed on page 7 of D1 as well as figures 1 and 2a with the bulkhead 22:
"Bevorzugt kann die erfindungsgemässe Toilettenanordnung in einem Rumpfheck angeordnet sein, das im Fall eines aktiv druckbeaufschlagten Flugzeugrumpfs üblicherweise ein vom Rumpf aus gesehen konkaves Druckschott aufweist. Durch die konkave Formgebung wird zusätzlicher Bauraum bereitgestellt, der von der erfindungsgemässen Toilettenanordnung nutzbar gemacht wird, etwa zur Integration von Waschbecken oder dergleichen".
- 9.3 The Board agrees with the respondent (opponent) that features M17 and M18 cannot confer novelty to claim 1. As argued by the respondent, D1 discloses that the modular cabin segment is located in a rear section of the aircraft with a pressure bulkhead having an outward-curvature, which space is used for the integration of washbasins.
10. Novelty of corrected auxiliary request 7 over D1

Claim 1 of corrected auxiliary request 7 corresponds to claim 1 of the main request with additional features M15-M18.

Irrespective of the question of corrected auxiliary request 7's admissibility, the subject-matter of claim 1 is not novel over D1.

- 10.1 The appellant (patent proprietor) argued that in addition to the reasons outlined above for auxiliary request 5 and corrected auxiliary request 6, a synergetic effect lies in an aircraft being adaptable to different needs by the modules that can be tailored to different requirements.
- 10.2 The respondent (opponent) referred to its previous submissions regarding auxiliary request 5 and corrected auxiliary request 6.
- 10.3 The Board cannot identify any synergetic effect. The aircraft of D1 being in any case adaptable to different needs in the same way as the patent.
11. Novelty of corrected auxiliary request 7.1 over D1

Claim 1 of the corrected auxiliary request 7.1 corresponds to claim 1 of the main request with the reformulated features M15 and M16 and feature M17.

Irrespective of the question of corrected auxiliary request 7.1's admissibility, the subject-matter of claim 1 is not novel over D1.

- 11.1 The appellant (patent proprietor) argued that D1 did not show an aircraft with a cabin and a modular cabin segment in the cabin, the segment having a modular

system, in which various modules tailored to different requirements can be selected and composed, and in which modules were part of the finished cabin segment to provide segment advantageous to the operator.

11.2 The respondent (opponent) referred to its previous submissions.

11.3 The arguments of the appellant were the same as for the novelty over D1 of claim 1 of auxiliary request 5 and corrected auxiliary request 6 dealt with above. The subject-matter of claim 1 is not novel over D1 for the same reasons as outlined above (points 7 and 9).

12. Novelty of corrected auxiliary requests 8 and 8.1 over D1

Claim 1 of corrected auxiliary request 8 corresponds to claim 1 of the main request with additional features M14-M18.

Claim 1 of corrected auxiliary request 8.1 corresponds to claim 1 of the main request with additional feature M14, reformulated features M15 and M16 and features M17 and M18.

12.1 The appellant (patent proprietor) reiterated that a further synergetic effect laid in the planar design of the lateral inner face allowing a facilitated tailoring to achieve an aircraft being adaptable to different requirements.

12.2 The respondent (opponent) referred to its previous submissions.

12.3 The Board judges that irrespective of the admissibility of corrected auxiliary requests 8 and 8.1, the subject-matter of claim 1 of these requests is not novel over D1 for the same reasons as presented above for auxiliary requests 3, 5, 5.1 and 6. No synergetic effect can be acknowledged.

13. To conclude, the subject-matter of claim 1 of the main request and auxiliary requests 1-8.1 is not novel over D1.

Order

For these reasons it is decided that:

The appeal is dismissed.

The Registrar:

The Chair:



H. Jenney

A. Jimenez

Decision electronically authenticated