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Datasheet for the decision of 15 September 2026

Case Number: T 0657/24 - 3.2.04

Application Number: 12189806.8

Publication Number: 2562413

IPC: F03D1/06, F03D3/06

Language of the proceedings: EN

Title of invention:
Method of manufacturing a wind turbine blade shell member

Patent Proprietor:
Vestas Wind Systems A/S

Opponents:
Nordex Energy GmbH
LM WP Patent Holding A/S
LM Wind Power A/S

Headword:

Relevant legal provisions:
EPC Art. 100(a), 123(2), 83, 84, 56
RPBA 2020 Art. 12(6)

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It can be changed at any time and without notic

Keyword:
Grounds for opposition - lack of patentability (yes)
Late-filed request - error in use of discretion at first instance (yes)
Amendments - allowable (yes)
Claims - clarity - auxiliary request (yes)
Sufficiency of disclosure - (yes)
Inventive step - (yes)

Decisions cited:
G 0001/24, G 0001/25, T 0439/22

Catchword:

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Boards of Appeal

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Case Number: T 0657/24 - 3.2.04

D E C I S I O N
of Technical Board of Appeal 3.2.04
of 15 September 2026

Appellant: (Patent Proprietor)	Vestas Wind Systems A/S Hedeager 42 8200 Aarhus N (DK)
Representative:	Inspicos P/S Strandvejen 60 2900 Hellerup (DK)
Respondent: (Opponent 2)	LM WP Patent Holding A/S LM Wind Power A/S Jupitervej 6 6000 Kolding (DK)
Representative:	COPA Copenhagen Patents Rosenvængets Allé 25 2100 Copenhagen Ø (DK)
Respondent: (Opponent 1)	Nordex Energy GmbH Langenhorner Chaussee 600 22419 Hamburg (DE)
Representative:	Hauck Patent- und Rechtsanwälte PartmbB Postfach 11 31 53 20431 Hamburg (DE)
Decision under appeal:	**Interlocutory decision of the Opposition Division of the European Patent Office posted/ electronically transmitted on 15 March 2024 concerning maintenance of the European Patent No. 2562413 in amended form.**

Composition of the Board:

Chairman	A. Pieracci
Members:	G. Martin Gonzalez
	K. Kerber-Zubrzycka

Summary of Facts and Submissions

I. The proprietor appeals the interlocutory decision of the opposition division to maintain the patent in amended form.

The opponent 2 withdrew their appeal during the oral proceedings before the Board.

II. The opposition division held that granted independent claims 1 and 4 were not novel over D3 and that claim 4 of auxiliary request 1 before it lacked an inventive step starting from D4 in combination with common general knowledge and D6, D13 and D25. It did not allow a change in the order of the requests that would have resulted in auxiliary request 5 before it (auxiliary request 2 in this decision) being examined before the auxiliary request corresponding to the claims eventually maintained. The opposition division then found independent claims 1 and 4 of auxiliary request 2 before it (the maintained version) to be novel and inventive and maintained the patent accordingly.

III. In preparation for oral proceedings the Board issued a communication setting out its provisional opinion on the relevant issues.

Oral proceedings before the Board were held by videoconference on 15 September 2026.

IV. The appellant proprietor's final requests, as formulated at the end of the oral proceedings before the Board, are that the decision under appeal be set aside and that the patent be maintained as granted (main request) or auxiliarily, that the patent be

maintained in amended form according to auxiliary request 2, filed with letter of 5 May 2026 together with the description and figures as in the patent specification.

Following the withdrawal of their appeal, the respondent opponent 2's remaining request is that the appellant (patent proprietor)'s appeal be dismissed.

The respondent opponent 1 requests that the appellant (patent proprietor)'s appeal be dismissed.

V. The independent claims of the requests relevant to this appeal read as follows (feature designations in claim 1 added by the Board):

(a) Main request (as granted)

1. "**(M1)** A method of manufacturing a wind turbine blade shell member (2) comprising the steps of:
(M2) - providing a mould (4),
(M3) - positioning a plurality of elements (8) of cured fibre-reinforced sheet material (6) in the mould,
(M4) - optionally providing an outer surface layer material (10) and/or an inner surface layer material (12) in the mould (4),
(M5) - introducing a curable resin between substantially all of the elements (8) of cured fibre-reinforced sheet material (6), and
(M6) - bonding the plurality of elements (8) of cured fibre-reinforced sheet material (6) by curing the resin, and
(M7) wherein the cured fibre-reinforced sheet

material (6) is provided with a surface texture to facilitate introduction of resin between adjacent elements of cured fibre-reinforced sheet material."

4. "A method of manufacturing a wind turbine blade shell member (2) comprising the steps of:
- providing a mould (4),
- positioning a plurality of elements (8) of cured fibre-reinforced sheet material (6) in the mould,
- optionally providing an outer surface layer material (10) and/or an inner surface layer material (12) in the mould (4),
- introducing a curable resin between substantially all of the elements (8) of cured fibre-reinforced sheet material (6), and
- bonding the plurality of elements (8) of cured fibre-reinforced sheet material (6) by curing the resin, and providing a plurality of inner spacer elements (32) between adjacent elements (8) of the cured fibre-reinforced sheet material (6) to facilitate distribution of resin between said adjacent elements (8) during the introduction of resin, the inner spacer elements (32) being selected from one or more members of the group consisting of:
  - a collection of fibres, such as glass fibres and/or carbon fibres;
  - a solid material, such as sand particles; and
  - a high melting point polymer."

(b) Auxiliary request 2

Claims 1 and 4 as in the main request with the following feature added to the end of the claim (emphasis by the Board to indicate added text):

"..., and wherein the length of the fibre-reinforced sheet material is 20 – 50 times its width or more, and the width of the fibre-reinforced sheet material is 20 to 100 times the thickness or more."

VI. In the present decision, reference is made to the following documents:

(D3) WO 03/008800 A1
(D4) NL 8104019 A
(D4a) English translation of document D4
(D6) Excerpt from "Engineered Materials Handbook, Volume 1, Composites"
(D8) PA 2001 01125 (Danish Patent Application)
(D13) Excerpt from "Faserverbundbauweisen, Halbzeuge und Bauweisen", by M. Flemming, G. Ziegmann, S. Roth
(D15) Excerpt from "Windkraftanlagen", Erich Hau
(D16) US 4,050,246
(D21) US 4,471,020
(D22) WO 00/14405 A1
(D25) Excerpt from "Pultrusion for engineers", Edited by Trevor F. Starr

VII. The parties' arguments relevant to the decision are discussed in detail in the Reasons for the Decision.

Reasons for the Decision

1. Background

The invention relates to a method for manufacturing wind turbine blade shell members using (pre) cured fibre-reinforced sheet materials. These materials are arranged as partially overlapping tiles near the outer surface of the blade shell, see patent specification

paragraph [0001]. A curable resin is introduced between the elements, and the elements are bonded by curing the resin, see paragraph [0006].

The cured fibre-reinforced sheet material is designed to be coilable for easy transportation and handling and dimensioned to conform to the mould's shape without compromising fibre alignment, which is crucial for achieving high strength and stiffness, see paragraphs [0008], [0015]. The invention thus allows for a high degree of design flexibility, enabling the reinforcement material to be positioned optimally for maximum strength and stiffness, see paragraph [0035].

2. Main request - Novelty over D4

The Board concludes that the subject-matter of claim 1 as granted is not new over D4 for the following reasons.

2.1 Disclosure of D4

2.1.1 D4 concerns the manufacture of fibre-reinforced plastic objects and expressly refers to wind turbine blades (D4a, page 2, lines 27 to 29), which are manufactured using a mould (page 3, lines 9 to 10). It thus discloses features M1 and M2.

2.1.2 D4 further discloses the optional provision of fibre layers in the mould, the introduction of resin between the profiles through the channels formed between them, and the subsequent curing of the resin to bond the profiles (D4a, page 2, lines 3 to 15), thereby disclosing features M4 to M6.

As regards feature M7, D4 discloses that the profiles may have a surface coating which promotes capillary action (D4a, page 2, line 15). By facilitating the introduction of resin between adjacent profiles, this coating anticipates the claimed surface texture for facilitating the introduction of resin between adjacent elements.

2.1.3 The remaining disputed aspects concern feature M3, which requires "positioning a plurality of elements of cured fibre-reinforced sheet material in the mould". In particular, it is disputed whether the fibre-reinforced elements of D4 are pre-cured and whether they constitute "sheet material".

2.2 Cured fibre-reinforced material

2.2.1 The appellant proprietor argues that the extruded profiles of D4 are not disclosed as being cured before they are positioned in the mould.

2.2.2 The Board is not persuaded. D4 expressly describes the fibre-reinforced profiles as being manufactured in advance (D4a, page 2, lines 3 to 4; see also page 3, lines 5 to 7) and discloses extrusion as one way of manufacturing them (claim 8). Such prefabricated fibre-reinforced profiles are necessarily already cured when positioned in the mould.

This is also consistent with the channels formed between adjacent profiles in D4, through which the subsequently introduced resin flows, inter alia by capillary action. The formation and maintenance of these channels presupposes profiles having a sufficiently stable shape, further confirming that they are already cured before the resin is introduced.

2.2.3 D4 therefore discloses the positioning in the mould of a plurality of elements of cured fibre-reinforced material.

2.3 Interpretation of the term "sheet material"

2.3.1 The appellant proprietor argued that the term "sheet material" in feature M3 had to be understood in accordance with paragraph [0014] of the patent specification as requiring a width-to-thickness ratio of at least 5:1. Relying on G 1/24 and T 439/22, it submitted that this passage contained a definition which had to be taken into account when interpreting claim 1.

2.3.2 In G 1/25, the Enlarged Board confirmed, with reference inter alia to G 1/24 and T 439/22, that claim interpretation is a unitary process in which the claims, description and drawings are read together. A definition in the description may determine the meaning attributed to a claim term; however, the description and drawings cannot be used to impose on the claim a limitation or expansion for which the claim wording provides no basis (G 1/25, Reasons 10).

Against this background, the issue is whether paragraph [0014] contains a definition or a description. More specifically, does it define the term "sheet material", or does it merely describe a feature of the sheet material disclosed in the patent? A distinction must be made between defining the meaning of a term and describing properties of the subject-matter designated by that term. Patent specifications routinely describe properties of disclosed components without thereby

defining the meaning of the terms used to designate them.

2.3.3 T 439/22, cited by the appellant proprietor, supplies a concrete illustration of a definition which was then taken into account when interpreting the claim. The description expressly stated "As used herein, the term 'sheet' denotes ..." and "As used herein, the term 'gathered' denotes ...". These passages expressly assigned a particular meaning to the terms used in the claim.

2.3.4 Paragraph [0014] of the patent in suit is different. It states:

"The cured fibre-reinforced sheet material is a relatively flat member having a length, which is at least ten times the width, and a width, which is at least 5 times the thickness of the sheet material".

This passage describes dimensional properties of the disclosed fibre-reinforced sheet material; it does not define what the term "sheet material" means. In particular, it does not state that "sheet material" means or denotes material having those dimensional relationships. The ratio of at least 5:1 is therefore a feature attributed to the sheet material described in paragraph [0014], rather than part of the meaning of the term itself.

Patent specifications routinely describe the properties of disclosed components without thereby defining the meaning of the terms used to designate those components. For example, a statement that "the two parts are joined by a joint, the joint being a screw" describes the particular form taken by the joint in the

disclosed arrangement. It does not define the term "joint" as meaning "screw". The fact that the screw is presented as a feature of the disclosed arrangement, rather than as an optional feature, does not alter this distinction.

Indeed, the appellant proprietor argued that the dimensional relationship was not presented in paragraph [0014] as optional and must therefore form part of the definition of "sheet material". The Board is not persuaded. Whether a feature described in the patent is presented as not optional does not determine whether it defines the meaning of a claim term. If every feature described without being identified as optional were necessarily read into the claims, the distinction between the function of the claims, which define the matter for which protection is sought (Article 84 EPC), and that of the description would largely disappear. This would also conflict with the principle confirmed in G 1/25 that the description cannot be used to impose a limitation for which the claim wording provides no basis.

2.3.5 Accordingly, the Board concludes that paragraph [0014] does not define "sheet material" as requiring a width-to-thickness ratio of at least 5:1. That ratio is a feature described in paragraph [0014] but not included in claim 1 and therefore does not limit the meaning of "sheet material" in that claim.

2.4 Disclosure of "sheet material" in D4

2.4.1 D4 discloses prefabricated fibre-reinforced profiles having different cross-sectional shapes. In particular, Figures 3 to 5 show profiles having a flat rectangular

cross-section, while Figure 8 shows profiles whose width is considerably greater than their thickness.

The profiles of Figure 8 have a width-to-thickness ratio of approximately 4:1 and thus a sheet-like configuration in the broad sense of the term. Since, as explained above, claim 1 does not require the ratio of at least 5:1 referred to in paragraph [0014], these profiles constitute elements of "sheet material" within the meaning of claim 1.

2.5 D4 thus discloses the positioning of "a plurality of elements of cured fibre-reinforced sheet material in the mould", as required by feature M3.

2.6 It follows that D4 discloses all the features of claim 1. The subject-matter of claim 1 of the main request is therefore not new within the meaning of Article 100(a) EPC in combination with Article 54(2) EPC.

3. Auxiliary request 2 - Admittance

3.1 This request corresponds to auxiliary request 5 before the opposition division. The Board expressed its preliminary opinion on the admittance of this request in section 8 of its written communication as follows (at the time of writing the preliminary opinion the request was numbered auxiliary request 4):

> "*8. Auxiliary request 4*
> *8.1. This request corresponds to auxiliary request 5 before the opposition division. During the oral proceedings, the proprietor sought to re-rank that request above the auxiliary request ultimately upheld (auxiliary request 2 before the opposition division, auxiliary request 5 in the appeal). The*

opposition division refused to admit that re-ranking.

8.2. In the Board's view, the opposition division erred in the exercise of its discretion not to admit the request for re-ranking (section 31 of the impugned decision), as submitted by the appellant-proprietor in sections 2.14 and 7.3-7.16 of the grounds of appeal. The division's decision lacks sufficient reasoning.

8.3. The opposition division relied on considerations of procedural efficiency: "...with a view on the efficiency of the proceedings...". However, the decision does not explain why it was considered more efficient to deal with the then pending auxiliary request 2, which was eventually maintained, rather than with the present request. The mere fact that the request was filed at a late stage of the oral proceedings (18:02 hrs) does not answer this question. Nor does the decision explain how the absence in claim 4 of a limitation concerning the materials of the inner spacer elements was relevant to procedural economy (this limitation played no role in the maintenance of the upheld claims). As a consequence of the above it appears that the opposition division exercised its discretion in an unreasonable way and has exceeded the proper limits of its discretion (see CLB, supra, IV.C.4.5.2a).

8.4. The Board therefore intends to admit auxiliary request 4 (as numbered in the appeal proceedings) pursuant to Article 12(6) RPBA."

3.2 None of the parties commented on this preliminary opinion. Having reconsidered the matter in the absence of any further submissions, the Board sees no reason to depart from it.

3.3 The Board therefore admits auxiliary request 2 (auxiliary request 5 before the opposition division and auxiliary request 4 in the Board's preliminary opinion) into the proceedings pursuant to Article 12(6) RPBA.

4. Auxiliary request 2 - Added subject-matter, clarity and sufficiency

4.1 The Board expressed its preliminary opinion on these issues in sections 9 and 10 of its written communication as follows (at the time of writing the preliminary opinion this request was numbered auxiliary request 4):

> *"9. Auxiliary request 4 - Added subject-matter*
>
> *Feature M10 ("the length of the fibre-reinforced sheet material is 20–50 times its width or more, and the width of the fibre-reinforced sheet material is 20 to 100 times the thickness or more") has a verbatim basis in paragraph [0014] of the application as filed (parent application, page 4, lines 9–10), which clearly and unambiguously discloses it as a general teaching of the invention applicable to all embodiments. The Board therefore sees no reason to depart from the opposition division's finding (section 26 of the appealed decision) that the amendment does not introduce added subject-matter (see proprietor's reply of 30 June 2025, sections 7.1, 4.1 and 7.2; letter of 15 November 2024, section 3).*

10. Auxiliary request 4 - Clarity and sufficiency

As held in point 26 of the appealed decision, the skilled person, reading the claim with a mind willing to understand, would interpret "20-50 times the width or more" as at least 20 times, typically up to 50 times and possibly exceeding 50, and "20 to 100 times the thickness or more" analogously as at least 20 times and possibly exceeding 100. The Board therefore sees no reason to depart from the opposition division's finding that neither a clarity nor a sufficiency objection arises (see proprietor's reply of 30 June 2025, sections 7.1, 4.2 and 7.3; letter of 15 November 2024, section 4)."

4.2 In the absence of any further submissions from the parties, the Board, having reconsidered these issues, sees no reason to alter its assessment. It therefore concludes that auxiliary request 2 (auxiliary request 4 in the Board's preliminary opinion) meets the requirements of Articles 123(2), 84 and 83 EPC.

5. Auxiliary request 2 - Inventive step

Both independent claims of this request, claim 1 and claim 4, include the additional feature that *"the length of the fibre-reinforced sheet material is 20-50 times its width or more, and the width of the fibre-reinforced sheet material is 20 to 100 times the thickness or more".*

5.1 Both opponents regard either D4 or D3 as a suitable starting point for the assessment of inventive step. The documents disclose similar manufacturing methods.

D4 uses pre-cured profiles having a width-to-thickness ratio of approximately 4:1 (see the novelty analysis for the main request above), whereas D3 exemplifies strips of pre-cured pultrusions having a ratio of approximately 6.7:1 (40 x 6 mm; D3, page 7, lines 21 to 23).

5.2 The opponents submitted that the distinguishing feature, in particular the width-to-thickness ratio of at least 20:1, did not produce a credible technical effect over the whole scope of the claims and merely represented an obvious design choice.

The Board is not persuaded. As held by the opposition division and argued by the appellant proprietor, the dimensions of the claimed pre-cured fibre-reinforced sheet material allow it to conform readily to complex three-dimensional mould shapes (paragraph [0008] of the patent) and provide a high degree of design freedom (paragraph [0035]; appealed decision, point 27.2). The claimed ratios define long, flat elements, and the skilled person would recognise their proportions as contributing to these effects. Paragraph [0014] moreover identifies these proportions as typical of the sheet material used in the invention. The Board therefore considers the technical effect credible. The objective technical problem can thus be formulated as that of increasing design freedom in the manufacture of the wind turbine blade shell member.

5.3 The opponents argued that the profiles or strips of D3 and D4 were already flat and provided a certain degree of conformability. Opponent 1 further submitted that the claimed ratio did not require reducing their thickness: the skilled person could instead increase their width until the claimed ratio was reached,

without increasing conformability. The alleged additional technical effect was therefore either absent or, at least, not achieved over the whole scope of the claims.

5.4 This argument is not convincing. The claims define two interrelated dimensional relationships: the length is at least 20 times the width and the width is at least 20 times the thickness. Increasing the width severalfold merely to obtain the ≥20:1 width-to-thickness ratio therefore also has consequences for the minimum length. The width cannot be varied in isolation while treating the resulting element as if it remained an ordinary D3 or D4 profile or strip.

Applied without regard to technically reasonable dimensions, the opponents' approach would lead to increasingly large elements which, although formally satisfying the claimed ratios, would no longer represent realistic embodiments for their claimed function as pre-cured sheet material to be positioned in a mould and incorporated into a wind turbine blade shell member. This is particularly apparent from the open-ended nature of the claimed ratios, which, taken literally, encompass arbitrarily large values. The skilled person cannot be expected to work within such technically unreasonable ranges merely because they are formally encompassed by the claims. The Board is therefore satisfied that the stated technical effect is achieved over substantially the whole range of technically reasonable embodiments encompassed by the claims.

5.5 Turning to the proposed solution, none of D3, D4, D6, D13 or D25, cited by the opponents, teaches the claimed aspect ratios as a means of increasing mould conformity

or design freedom in the manufacture of a wind turbine blade shell member.

5.6 The opponents referred in particular to D13, page 165, Figure 5.5.9, which discloses profiles having cross-sectional dimensions of 175 x 3 mm and thus falling within the claimed width-to-thickness ratio, and teaches that such profiles may be supplied in rolls or coils. However, D13 is a general handbook on fibre-composite construction and does not address the manufacture of wind turbine blades. The possibility of rolling or coiling the profiles concerns their handling or transport and provides no teaching towards selecting such proportions in order to increase design freedom in arranging pre-cured elements in a wind turbine blade mould.

5.7 Opponent 2 further relied on the opposition division's observation in point 30.3 of the appealed decision that the skilled person starting from D3 or D4 would in principle consider commercially available profiles. It referred to D6, D13 and D25, which disclose composite profiles or pultrusions having proportions within the claimed range.

This does not render the claimed solution obvious. D6 and D13 are general handbooks on composite materials and construction, while D25 concerns pultrusion technology generally. None addresses the manufacture of wind turbine blades or suggests selecting the disclosed profiles on account of their proportions in order to increase design freedom in arranging pre-cured elements in a blade mould. These documents may therefore establish the availability of profiles having dimensions within the claimed range, but provide no reason to select them for the methods of D3 or D4. When

implementing those methods, the skilled person would rather select profiles compatible with the construction and geometry taught in the respective document. As already found by the opposition division (appealed decision, points 27.5 to 27.9), the claimed aspect ratios depart substantially from the elements specifically taught in D3 and D4.

5.8 Opponent 1 also relied on D4a, page 3, lines 28 to 30, concerning the embodiment of Figure 8, and argued that D4 itself addressed conformity to curved mould surfaces. D4 indeed teaches that appropriately designed mating edges of adjacent profiles or rods 4' allow bent surfaces to be produced. However, D4 achieves this conformity by allowing adjacent elements to meet at an angle through the configuration of their mating edges. It does not suggest modifying the aspect ratio of the elements to increase design freedom through their sheet-like geometry. This teaching therefore provides no pointer towards the claimed solution.

5.9 The Board thus concludes that the subject-matter of independent claims 1 and 4 involves an inventive step starting from either D3 or D4 (Article 56 EPC).

5.10 Further inventive-step objections

5.10.1 In point 11.5 of its written communication, the Board expressed the following preliminary opinion on the further inventive-step objections:

> *"Further inventive step objections starting from D8, D15, D16, D21 or D22 appear inadmissible under Article 12(6) RPBA (proprietor's letter of 15 November 2024, sections 5.37, 5.45, 5.54, 5.61 and 5.85, together with the letter of 30 June 2025), as*

they concern maintained subject-matter and should have been presented in the first instance proceedings. In any event, they do not render the claimed solution obvious: the submitted combinations do not appear to teach or suggest the use of the claimed shape ratios for blade shells manufacturing, moreover D21 does not disclose a method of manufacturing a blade shell member and only partially pre-cures an impervious membrane not a fibre-reinforced sheet; D15 and D22 do not concern blade shell manufacture; and D16 relates to a spar rather than a blade shell. D14 also appears not to constitute prior art under Article 54(2) EPC (proprietor's letter of 15 November 2024, sections 5.46-5.66, 5.79 and 5.85-5.89)."

5.10.2 Following the Board's communication, the parties merely referred to their written submissions made before its issuance and did not provide any further arguments on these objections. Having reconsidered the matter, the Board sees no reason to depart from its preliminary assessment.

5.10.3 The Board therefore does not admit the inventive-step objections starting from D8, D15, D16, D21 or D22 into the appeal proceedings pursuant to Article 12(6) RPBA. D14 does not constitute prior art under Article 54(2) EPC.

5.11 The Board therefore concludes that the subject-matter of independent claims 1 and 4 of auxiliary request 2 involves an inventive step within the meaning of Article 56 EPC.

6. In view of the above, the Board concludes that, pursuant to Article 101(3)(a) EPC, the patent can be maintained on the basis of the claims of auxiliary request 2.

The appellant proprietor further requests that the patent be maintained on the basis of these claims together with the description and figures of the patent as granted. The Board sees no need to adapt the description to the amended claims, since it identifies no inconsistency resulting in non-compliance with the EPC within the meaning of G 1/25. The parties also confirmed that no such adaptation was necessary.

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 with the order to maintain the patent as amended in the following version:

Description and drawings:
Of the patent specification

Claims:
No. 1 to 26 according to the auxiliary request 2 filed with letter of 5 May 2026

The Registrar: The Chairman:

G. Magouliotis A. Pieracci

Decision electronically authenticated