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**Datasheet for the decision
of 13 January 2026**

Case Number: T 1435/24 - 3.2.01

Application Number: 22162677.3

Publication Number: 4066689

IPC: A47C17/165

Language of the proceedings: EN

Title of invention:

MECHANISM FOR SOFAS/CHAIR BEDS WITHOUT LEVERS

Applicant:

Manzoni, Giulio

Headword:

Relevant legal provisions:

EPC Art. 84, 123(2), 113(1)
RPBA 2020 Art. 15(1), 15(3)

Keyword:

Non-appearance at oral proceedings
No comments on objections in the Board's communication
Main request - unallowable amendments
Auxiliary request - clarity (no)

Decisions cited:

Catchword:



Beschwerdekammern
Boards of Appeal
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Case Number: T 1435/24 - 3.2.01

D E C I S I O N
of Technical Board of Appeal 3.2.01
of 13 January 2026

Appellant: Manzoni, Giulio
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Decision under appeal: Decision of the Examining Division of the
European Patent Office posted on 27 September
2024 refusing European patent application No.
22162677.3 pursuant to Article 97(2) EPC.

Composition of the Board:

Chairman P. Guntz
Members: B. Spitzer
A. Wagner

Summary of Facts and Submissions

- I. The appeal was lodged against the decision of the Examining Division refusing the European patent application No. 22 162 677.3 ("the application").
- II. The Examining Division came to the conclusion that the main request, which was the sole request underlying the decision under appeal, did not comply with the requirements of Article 123(2) EPC, and in an *obiter dictum* also of Article 84 EPC.
- III. The Appellant requested in writing that the decision under appeal be set aside and that a European patent be granted on the basis of the claims of the main request, filed on 4 August 2023 and forming the basis for the decision under appeal, or, alternatively, on the basis of the claims of the auxiliary request, filed with the statement of grounds of appeal.
- IV. In a communication under Article 15 (1) RPBA accompanying the summons to oral proceedings, the Board expressed its preliminary opinion. Concerning the main request, the Board agreed with the Examining Division's conclusion that the amendments introduce subject-matter which extends beyond the content of the application as filed, contrary to Article 123(2) EPC (see decision under appeal, Reasons, point 2). Regarding the auxiliary request, the Board came to the preliminary conclusion that claim 1 of the auxiliary request was, *inter alia*, not clear.
- V. On 13 January 2026, oral proceedings before the Board took place by videoconference. The Appellant was correctly summoned and aware of the proceedings but did

not attend.

VI. Claim 1 of the main request reads as follows (amendments to claim 1 as originally filed are indicated by the Board by strike-through and underlining).

"1. Lever-free sofa/chair-bed kinematic mechanism, moved by compression gas springs, and thus by tensile springs, with invisible bed legs, essentially comprising: a sofa/chair headframe (1) which supports a three-frame mesh, the top frame (2) and the bottom frame (4) which are longitudinally hinged to the central frame (3), and mutually foldable from each other and provided in mutual horizontal alignment in bed position,

- the central frame (3) having a pair of brackets (5,5a) pivoted on the headframe (1) in the pair of points (6,6a),
- the bottom frame (4) having a pair of pins (7,7a) inserted in a pair of guide slides (8,8a), for the raising of the frame itself (4), anchored to the headframe (1), and then
- the top frame (2) to which it is top anchored, in various positions, a supporting element (9) for the rotational kinematic mechanism and simultaneous locking of one or more frames-backrest (10) on which bed adjustable legs (11,11a,12,12a) are ~~screwed~~ hinged so as to be not visible,
- the top frame (2), which is also engaged, in sofa position, to a pair of grappling hooks (13,13a), which are integral with the headframe (1), by a pair of engaging studs (14,14a), anchored to a synchrony bar (15) within the supporting element (9) and pivoted thereto, and whose stopping is caused by the rotation of the synchrony bar (15) following the thrust applied

to the pair of pins (16,16a) with related return springs (16b,16c), on the synchrony bar (15) itself, due to the collision against a pair of pendulums (17,17a), with a rotation limiter (18,18a) in a direction, on the movable brackets (19,19a) for the frame-backrest (10),

- movable brackets (19,19a) that, by virtue of the rotation thereof on the fixed brackets (20,20a) at points (21,21a) and at same time starting of the pair of the anchoring studs (22,22a), pivoted at points (23,23a) on said movable brackets (19,19a), to the pair of catches (24,24a) integral to the fixed brackets (20,20a), are immobilized in a rotated position almost parallel to the ground, together with the frame-backrest (10) with related adjustable legs (11,11a, 12,12a) for the bed and with the top frame (2) to which it laterally articulates:

- a pair of compression gas springs (25,25a) that, on the other end, are laterally pivoted on the central frame (3) on which the top frame (2) is articulated whose rotation is caused by the thrust of said pair of compression gas springs (25,25a) and leading it, when disengaged, to be aligned with the central frame (3) against which abuts at points (26,26a), and on which it is also internally engaged

- a pair of tensile springs (29,29a) on hooks (28,28a) and which are, on the other end, engaged on the hooks (30,30a) to the front crossbar (27) integral to the headframe (1), with the central frame (3) whose rotation, from almost vertical to horizontal, is caused by both the motion generated by the forward rotation of the top frame (2) until horizontal repositioning thereof, there sustained by the adjustable legs (11,11a,12,12a), invisible, integral hinged to the frame-backrest (10), and to the action of the pair of tensile springs (29,29a),

- central frame (3) that, being pivoted to the bottom frame (4) motion guided by a pair of pins (7,7a) inserted in the pair of guide slides (8,8a), once rotated, is horizontally repositioned raised together with the bottom frame itself (4),

- bottom frame (4) also having a pair of securing latches (31,31a) acting between the bottom frame itself (4) and a pair of screw adjustable corresponding parts (32,32a) which are on the which are on the [sic!] headframe (1), securing latches (31,31a) which are stopped by a pair of unlocking rods (33,33a) hinged to the bottom frame itself (4) at points (33b,33c) and which are integral through a synchrony crossbar (34), bottom frame (4) thus blocked in horizontal position, so that, also the top frame (2) and the central frame (3) being horizontal, an arrangement of said frames (2,3,4) is made in bed position, the whole in the absence of levers for moving said frames (2,3,4)."

VII. Claim 1 of the auxiliary request is based on claim 1 as originally filed with the following amendments to the third and seventh indents of the claim, respectively (marked by the Board):

"- the top frame (2) to which it is top anchored, in various positions, a supporting element (9) for the rotational kinematic mechanism and simultaneous locking of one or more frames-backrest(10) on which bed adjustable legs (11,11a,12,12a) are screwed so as to be not visible once positioned in bed position,"

and

"- a pair of tensile springs (29,29a) on hooks (28,28a) and which are, on the other end, engaged on the hooks (30,30a) to the front crossbar (27) integral to the

headframe (1), with the central frame (3) whose rotation, from almost vertical to horizontal, is caused by both the motion generated by the forward rotation of the top frame (2) until horizontal repositioning thereof, there sustained by the adjustable legs (11,11a,12,12a), invisible, ~~integral to the frame backrest (10), and to the action of the pair of tensile springs (29,29a),~~"

Reasons for the Decision

1. Non-appearance at the oral proceedings before the Board
 - 1.1 In its statement of grounds of appeal, the Appellant requested oral proceedings as an auxiliary measure.
 - 1.2 Neither the Appellant nor his representative attended the oral proceedings (see point V. above).
 - 1.3 The Appellant was informed of the Board's objections in a communication under Article 15(1) RPBA annexed to the summons to oral proceedings. He could reasonably have expected that during the oral proceedings these objections were open for discussion. By deciding not to attend the oral proceedings, the Appellant chose not to avail himself of the opportunity to present his case orally but instead to rely solely on his written arguments (Article 15(3) RPBA). It is also noted that the Appellant did not provide a substantive written response to the issues addressed in the Board's communication.
 - 1.4 Hence, the Appellant had opportunity to present comments on the grounds and evidence on which the Board's decision, arrived at during oral proceedings,

is based.

- 1.5 Consequently, the requirement of Article 113(1) EPC is fulfilled.

Main Request

2. Amendments - Article 123(2) EPC

- 2.1 In claim 1 of the main request the word "screwed" of originally filed claim 1 is replaced by the word "hinged" (see claim 1 of the main request, third indent) and the word "integral" of originally filed claim 1 is replaced by the word "hinged" (see claim 1 of the main request, seventh indent).

Thus, in claim 1 of the main request, the bed adjustable legs are now hinged to the frame-backrest instead of being screwed or integral to it.

- 2.2 The Board agrees with the Examining Division's conclusion that these amendments introduce subject-matter which extends beyond the content of the application as filed, contrary to Article 123(2) EPC (see decision under appeal, Reasons, point 2).

- 2.3 The passage on page 4, lines 29 to 31 of the application as filed - referred to by the Appellant - starts in line 26 and reads (emphasis added by the Board):

*"(...) and at last with **the top frame (2)** having a **supporting element(9)** anchorable in various positions to change the seat depth when necessary to which **the fixed components are integral**, on which the **movable components of one or more frames-backrest (10)** are pivoted, to which **adjustable legs (11,11a,12,12a)***

*sustaining the top frame (2) once positioned in bed position are suitably **screwed**, thus being invisible, being also covered by filling elements of the frame-backrest."*

This passage discloses that movable components of the frame-backrest are pivoted on the fixed components (of the top frame) and that the adjustable legs are screwed to the frame-backrest (see also Figures 1 to 3) . The term "screwed" is used for the connection of the adjustable legs to the frames-backrest, whereas the term "pivoted" is used for a different connection, namely the one of the movable components of the frames-backrest to the fixed components of the top frame.

- 2.4 Contrary to the Appellant's allegations, the terms "screwed" and "hinged" are not synonyms, neither in their normal meaning nor within the disclosure of the originally filed application. The same applies for the terms "integral" and "hinged".
- 2.5 The whole application as filed including the description and the figures discloses that the legs are screwed to the frame-backrest. Therefore, the legs are originally not disclosed as being hinged to the frame-backrest.
3. Since the requirements of Article 123(2) EPC are not met, the main request is not allowable.

Auxiliary Request

4. Clarity - Article 84 EPC

4.1 The Board comes to the conclusion that claim 1 of the auxiliary request is not clear.

4.2 The Examining Division found in its *obiter dictum*, in particular in points 4.4 and 4.5 of the Reasons of the decision under appeal that the following feature of claim 1 of the main request was not clear because it defined the subject-matter in terms of a result to be achieved.

"whose stopping is caused by the rotation of the synchrony bar (15) following the thrust applied to the pair of pins (16, 16a) with related return springs (16b, 16c), on the synchrony bar (15) itself, due to the collision against a pair of pendulums (17, 17a), with a rotation limiter (18, 18a) in a direction, on the movable brackets (19, 19a) for the frame-backrest (10)" (see claim 1 of the main request, lines 17 to 20, the fourth indent in the main request being identical in the auxiliary request).

Such a formulation was, according to the examining division, not allowable, because "*it appears possible to define the subject-matter in more concrete terms, viz. in terms of how the effect is to be achieved.*" (see decision under appeal, Reasons, point 4.5)

4.3 The Appellant, in its statement of grounds of appeal, referred to the Guidelines for Examination in the European Patent Office, April 2025, part F Chapter IV 4.10. and, in particular, argued that the functional definition was clear and supported by the description and the drawings and that a functional definition was

necessary to not unduly limit the scope of the claim.

4.4 In their preliminary opinion, advanced in the communication under Article 15(1) RPBA, the Board referred to established case law (see Case Law of the Boards of Appeal of the European Patent Office, 11th edition, July 2025, "Case Law", 3.5). Although functional features defining a technical result are permissible if such features cannot be defined more precisely without restricting the scope of invention, they must nonetheless provide instructions which are sufficiently clear for the skilled person.

In the case at hand, the feature objected to by the Examining Division does not appear to be clear for the skilled person. The structure of the sentence, as well as the functions and interrelations of the different components are not clear, e.g.

- whose stopping is caused,
- how a rotation of the synchrony bar can stop a component,
- in which direction and in which action (sofa position to bed position or *vice versa*) the thrust is applied,
- what the interrelation between the pins and the return springs and the synchrony bar is,
- what the function of the pair of pendulums is and with which part and in which state a collision occurs, and
- in which direction the rotation limiter works.

5. In the absence of any attempt by the Appellant to clarify these issues (see point V.) or to refute or overcome these objections raised by the Board, the Board saw no reason to depart from its preliminary opinion and concluded that claim 1 of the auxiliary

request is not clear.

6. Consequently, the auxiliary request is not allowable.
7. As there is no allowable request on file, the appeal cannot succeed and must therefore be dismissed for the reasons already communicated to the Appellant and reproduced above.

Order

For these reasons it is decided that:

The appeal is dismissed.

The Registrar:

The Chairman:



D. Grundner

P. Guntz

Decision electronically authenticated