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Case Number: T 44/82

T183

DECISION
of the Technical Board of Appeal 3.2.1
of 22 August 1984

Appellant: SKF Nederland B.V.
P.O.Box 37 Wageningsesteen 2
NL-3900 AA Veenendaal (NL)

Representative: Merkelbach, B.
SKF Engineering & Research Centre B.V.
P.O. Box 50 Plettenburgerweg 6A
NL-3430 AB Nieuwegein (NL)

Decision under appeal: Decision of Examining Division 075
Office dated 29 October 1981
application No 79200033.3
EPC

of the European Patent
refusing European patent
pursuant to Article 97(1)

Composition of the Board:

Chairman: G. Andersson
Member: P. Ford
Member: K. Schügerl

Summary of Facts and Submissions

- I. European patent application No. 79 200 033.3, filed on 19 January 1979 and published on 8 August 1979 under No. 0 003 381, was refused by a decision of the Examining Division 075 dated 29 October 1981.
- II. The reason given for the refusal was that claim 1 then on file was not allowable on grounds of Article 52(1), 56 and 84 EPC, having regard to US-A-2 154 525.
- III. Against this decision the Appellant filed a notice of appeal on 22 December 1981. The appeal fee was duly paid.
- IV. In his Statement of Grounds the Appellant stressed the inventiveness of the claimed subject-matter and requested the reversal of the decision.
- V. After an exchange of letters between the rapporteur and the Appellant, an oral proceeding was held on the order of the Board, in which a set of claims, consisting of two independent claims and five dependent claims was agreed upon. The wording of the independent claims 1 and 2 is as follows:
 1. A castor comprising a first part (1) in which the wheel (2) is mounted and a second part (3) on which the first part is mounted so that it can swivel, and means for locking the swivelling movement of the first part (1) in at least one position of the castor, the said means having a locking device movably mounted on one of the parts (3) which is adapted to fit into a recess

(11) in the other part (1), said locking device comprises a slide-like locking member (9) which is movable by an actuating means against a spring (13) mainly perpendicular to the axis of the said castor-wheel and which is accommodated in a housing (4) connected to the said second part (3), characterised in that said locking member (9) is hook-shaped and has both end-portions (10,12) accommodated and guided in said housing (4), one end-portion (10) being adapted to fit into said recess (11), the other end-portion being bent such that the end-edge (12) of said member (9) is displaced above or below the plane through the other end-portion (10), while the bent part projects from the housing (4), which housing is provided with apertures (18,21) to accommodate actuating means (19,20) that act upon the said end-portion (12) (Figures 3 and 4).

2. A castor comprising a first part (1) in which the wheel (2) is mounted and a second part (3) on which the first part is mounted so that it can swivel, and means for locking the swivelling movement of the first part (1) in at least one position of the castor, the said means having a locking device movably mounted on one of the parts (3) which is adapted to fit into a recess (11) in the other part (1), said locking device comprises a slide-like locking member (9) which is movable by an actuating means against a spring (13) mainly perpendicular to the axis of the said castor-wheel and which is accommodated in a housing (4) connected to the second part (3), characterised in that said locking member (9) is hook-shaped and has both end-portions (10, 12) accommodated and guided in said housing (4), one end-portion (10) being adapted to fit into said recess (11) the other end-portion being bent such that the

end-edge (12) of said member (9) is displaced above or below the plane through the other end-portion (10), while the bent part projects from the housing (4), said bent part being provided with a bearing element (16) to which actuating means (17,24,29,32) are connected (Figures 1, 2, 5-7).

VI. Finally the Appellant submitted a new description in order to take account of the new claims.

Reasons for the Decision

1. The appeal complies with Articles 106-108 and Rule 64 EPC; it is therefore admissible.
2. There can be no formal objections to the current version of the claims and of the description, since they do not contain subject-matter which extends beyond the content of the application as filed (Article 123(2) EPC).
3. The amended claims are restricted in essence to the examples disclosed in the original drawings and in the corresponding parts of the description. Hence, the objection of lack of clarity and of inadequate support by the description (Article 84 EPC), justly raised by the Examining Division in its decision with regard to the claims as they then stood, is no longer valid.
4. The document relied upon in the decision (US-A-2 154 525), DE-A-1 900 553 and DE-A-2 310 777 (cited in the search report and discussed in a communication of the rapporteur) disclose different actuating mechanisms, to

be applied simultaneously (US-A-2 1154 525) or alternatively (DE-A-1 900 553 and DE-A-2 310 777). The general problem to devise a castor with different actuating mechanism is therefore known; the solutions according to the prior art, however, differ substantially from the subject-matter of the present claims.

5. The concept, on which the two independent claims are based, consists in the construction of the known locking member in form of a hook-shaped element and to choose, alternatively, either one end-portion (claim 1) or the bent part (claim 2) of that hook-shaped element as point of attack of known actuating means.

No inducement can be found in the cited documents, which could lead the skilled person toward the before-mentioned concept. A large variety of sliding locking elements are known, but they have always a circular or rectangular cross-section. To devise such an element in form of a hook, to use both end portions for guidance in the housing and to use two points of this bent element, without any further modification, for the actuating means is, therefore, an original concept. The result is both extremely simple and multifunctional. Thus, without changing the overall design of the castor and, especially, without changing the formation of the housing and of the locking member, a number of different embodiments with different actuating mechanisms can be realised, with consequential benefits in economic mass-production.

6. Consequently, the subject-matter of the independent claims 1 and 2 is based on inventive step (Article 56

EPC). These claims and the dependent claims 3-7 are therefore allowable under the terms of Article 52(1) EPC.

7. The amended description takes duly into account the new wording of the claims, the state of the art and the objections raised during the Appeal procedure; it is therefore equally allowable.

Order

For these reasons

it is decided that:

1. The decision of the Examining Division 075 dated 29 October 1981 is set aside.
2. The case is remitted to the Examining Division with the order to grant the patent on the basis of the Claims 1-7 and of the description, received on 22 June 1984, and of the original drawings.