



Press release dated January 25, 2021

BARDEHLE PAGENBERG helps FICO CABLE LDA restore patent as granted in opposition appeal proceedings

In the oral opposition appeal hearing dated January 11, 2021 (appeal no. T2619/18-3-2.01), the Board of Appeal of the European Patent Office decided to set aside the decision of the opposition division, to reject the appeal of the opponent Pullmaflex Benelux N.V. and to maintain the European patent EP 1 493 618 B1 of FICO CABLES LDA as granted.

In its grounds of opposition, the opponent, the Belgian Pullmaflex Benelux N.V., argued that the claimed subject matter of the opposed patent allegedly extended beyond the content originally filed. It also asserted lack novelty as well as an inventive step not only over several prior art documents but also due to alleged public prior use based on various seat mats allegedly produced and sold by Pullmaflex to automotive suppliers before 2003. The opposition division followed Pullmaflex' argumentation with respect to added subject matter but ruled that the public prior use does not anticipate the claimed subject matter even when assuming that the contested facts of the public prior use are correct and maintained the opposed patent in amended form in the first instance hearing on February 13, 2017.

In reply, Pullmaflex lodged an appeal to seek full revocation of the opposed patent and even asserted public prior use based on still further variants of seat mats. FICO CABLES likewise lodged an appeal to restore the opposed patent as granted.

In view of the alleged public prior use, the Board of Appeal decided to enlarge the Board so that the Board consisted of three technically qualified members and two legally qualified members instead of two technically qualified members and one legally qualified member. The Board of Appeal of the EPO ultimately followed FICO CABLES' arguments and ruled that none of the asserted grounds of revocation applies and consequently restored the patent as granted.

The opposed patent relates to a seat structure for supporting a seat cushioning, in particular for back rests for motor vehicle seats. The claimed seat structure essentially includes a support structure and a seat frame, wherein mounting means are integrally worked out from the inside of said seat frame and comprise a window as well as a closed loop, which is formed by a web bridging said window, and wherein hook structures of several connecting ends of the support structure are directly hooked in the respective closed loops. This facilitates mounting the support structure in the seat frame. The patent also protects a corresponding mounting method.

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