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**Datasheet for the decision
of 22 July 2010**

Case Number: T 2245/08 - 3.5.01

Application Number: 03794019.4

Publication Number: 1537499

IPC: G06F 17/30

Language of the proceedings: EN

Title of invention:

Distribution of data in a master data management system

Applicant:

SAP AG

Headword:

Master data management/SAP AG

Relevant legal provisions:

EPC Art. 123(2)

Relevant legal provisions (EPC 1973):

EPC Art. 84, 111(1), 116(1)

Keyword:

"Clarity (main request): yes"

"Amendments (admissible)"

"Remittal for further prosecution"

"Oral proceedings requested as an auxiliary measure -
appointed (no)"

Decisions cited:

T 0019/87, T 0042/90, T 0049/99

Catchword:

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Case Number: T 2245/08 - 3.5.01

D E C I S I O N
of the Technical Board of Appeal 3.5.01
of 22 July 2010

Appellant:

SAP AG
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Representative:

Müller-Boré & Partner
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Decision under appeal:

Decision of the Examining Division of the
European Patent Office posted 18 July 2008
refusing European patent application
No. 03794019.4 pursuant to
Article 97(1) EPC 1973.

Composition of the Board:

Chairman: S. Wibergh
Members: R. R. K. Zimmermann
G. Weiss

Summary of Facts and Submissions

I. European patent application no. 03 794 019.4 published as International publication no. WO-A-04/023338 relates to the distribution of data in a master data management system. The examining division had raised various objections against the application, among others lack of clarity of claims, novelty and inventive step, and finally issued summons for oral proceedings. By a letter dated 6 May 2008, the applicant filed new sets of claims as main request, auxiliary request I, and auxiliary request II, respectively, in preparation of the oral proceedings. Claim 1 of the main request read as follows:

"1. A method of distributing data in a data management system (cMDM), comprising:
specifying identification attributes for master data objects and establishing rules for matching the master data objects, identifying one or more objects in a central data store for distribution, the one or more objects including the master data objects for use by all systems in a data management system (cMDM);
determining if a routing exists for at least one object of the one or more objects,
wherein the routing determines one or more target systems to which to supply the at least one object;
distributing the at least one object to one or more target systems specified by the routing based on a distribution profile for the at least one object, the one or more target systems being part of the data management system (cMDM),
wherein the distribution profile includes criteria for distributing the object to a target system, what part

of the master data object is to be distributed, and the context in which the master data object should be distributed, wherein data are distributed as packets or as individual master data objects, wherein objects that are related or have interdependencies are distributed as a packet data periodically, and wherein individual master data objects are distributed immediately."

- II. In the oral proceedings held on 8 July 2008, the examining division refused the application. The decision in writing posted on 18 July 2008 based the refusal on the single ground of lack of clarity, Article 84 EPC, caused by the term "master data object" in claim 1 of all requests. The term was vague and unclear and caused doubts as to the meaning of the technical feature to which it referred. It was unclear how a "master data object [was] (technically) distinguished from a 'non-master data object'". Neither the claims nor the description provided any clear definition. The description only discussed the use of master data objects but it did not discuss the technical characteristics of such data objects, which would allow to distinguish them clearly from non-master data objects.
- III. In addition, under a heading stating "Obiter dicta", the examining division made comments to lack of clarity, added subject-matter, and lack of inventive step.
- (a) The issue of added subject matter was raised against the addition of "the" in claim 1. The feature reading "one or more objects including the

master data objects" after amendment meant to include all master data objects plus some non-master data objects, which however had no basis in the application as originally filed.

(b) A line of short comments and questions addressed "clarity issues" in respect to the following definitions in claim 1:

- "specifying identification attributes ..."
- "establishing rules for matching ..."
- "identifying ... objects ... for distribution"
- "master data objects for use by all systems ..."
- "distribution profile includes ..."

(c) Finally, in a short one-sentence paragraph under a heading stating "Assessment of novelty and inventive step", the examining division indicated that claim 1 of the main request, even if clarified, did not involve an inventive step. No explicit reasons were given; the decision referred to the summons of 31 March 2008.

IV. The appellant (applicant) lodged an appeal against the refusal of the application on 25 July 2008. By letter dated 10 November 2008 and received the same day, the appellant filed a statement setting out the grounds of appeal and new sets of claims, a first and second set of claims 1 to 14 as main request and auxiliary request I, respectively, and a third set of claims 1 to 12 as auxiliary request II. The claims filed on 10 November 2008 are a copy of the claims filed on 6 May 2008, i.e. the content of the claims on the basis

of which the examining division refused the application has not been changed.

V. The appellant has requested that the decision under appeal be set aside and the case be remitted to the examining division with the provision to grant a patent on the basis of the main request, i.e. claims 1 to 14 as filed on 10 November 2008, the description pages 1 to 23 as originally filed, and the drawings sheets 1/10 to 10/10 as originally filed, subsidiarily on the basis of auxiliary request I, i.e. claims 1 to 14 as filed on 10 November 2008, description pages 1 to 23 as originally filed, and drawings sheets 1/10 to 10/10 as originally filed, and further subsidiarily on the basis of auxiliary request II, i.e. claims 1 to 12 as filed on 10 November 2008, description pages 1 to 23 as originally filed, and drawings sheets 1/10 to 10/10 as originally filed. Oral proceedings have been requested as an auxiliary measure.

VI. According to the appellant, the term "master data", and consequently also the term "master data object", was a technical term commonly known to the person skilled in the art since 1999 in the context of so-called master data management systems.

The appellant cited various sources as well as passages in the present application as evidence for the common technical use and meaning of the term. Master data objects were essentially non-transactional data used system-wide in a data management system and shared by all clients under the centralised control of the collaborative master data management cMDM.

The appellant also argued against the obiter objections made by the examining division as to clarity, added subject matter, and inventive step.

Reasons for the Decision

1. The appeal is admissible.
2. The appeal is allowable since the reason for the refusal of the application, lack of clarity of claim 1 of all requests arising from the term "master data object", does not stand up to scrutiny.
3. Pursuant to Article 84 EPC 1973, the claims should be clear and concise and should be supported by the description. As determined in the decision T 49/99 - Information modelling/INTERNATIONAL COMPUTERS (not published in OJ EPO), a claim meets the clarity requirement if it defines the technical features and thus the technical subject-matter of the invention. This ensures that the protection conferred by the patent (or application) can be determined and a comparison be made with the prior art to examine whether the claimed invention meets the patentability requirements of the EPC (see T 49/99, Reasons No. 12).

Features of the invention which do not provide any technical effect or whose technical purpose cannot be established are not considered to form part of the technical teaching of the invention. They may be ignored in the assessment of novelty and inventive step; accordingly, vagueness or ambiguity regarding the technical meaning of such features or aspects of the

invention are not a sufficient reason to discontinue the substantive examination for patentability and to delay the proceedings by refusing the application merely on reasons of lack of clarity.

4. In the present case, the terms "master data" and "master data object" objected to do not cause any particular problem to the interpretation of the claim or to a comparative prior art analysis.

4.1 As explained in the application, business information systems frequently perform processes on "common master data" stored in a number of different locations and incompatible formats (e.g. p. 1, line 5 ff.). Master data are understood to be "shared by all clients" (e.g. p. 5, lines 22 ff.); accordingly, master data objects are "for use by all systems in a data management system" (e.g. p.2, line 3 ff.). A centralised master data management system allows to provide and distribute the master data used by the clients (e.g. p. 5, line 11 ff.).

4.2 Certainly, the primary purpose of "master data" is providing business-related information (see e.g. the published International application, e.g. p. 1, lines 5 ff.). However, the present claims are not directed to the master data objects or to their informational content per se, but to a method of distributing data in a data management system (claim 1), a system for sharing data (claim 11), and a computer program product related to the claimed method (claim 14), respectively.

The claimed method involves technical method steps as for example creating data objects in a distributed

server-client system, maintaining consistency of the data by implementing an appropriate matching process, and distributing the data to a number of clients under centralised control. These method steps are sufficiently clear to be analyzed in the light of the prior art.

- 4.3 The further features discussed by the examining division obiter under the heading "Clarity issues" (see III(b) above) do not give room for a different assessment of clarity.

Data elements like "identification attributes", "rules for matching" or "distribution profile" can be understood by the role they play within the method claimed. They neither raise doubts regarding the category of the claims nor impede the comparison of the claimed subject matter with the prior art.

The method steps use and "interact" with such data elements, for example with the identification attributes specified for the master data objects to maintain consistency of data objects created in and distributed to different systems of the data management system. Such data elements provide a potential technical contribution to the prior art and should be taken into account in assessing novelty and inventive step.

5. The obiter objection of added subject matter with respect to the amended feature "one or more objects including the master data objects" (see III(a) above) does not stand up to scrutiny either. This amendment does not add anything beyond what is already derivable

from the application, as for example from page 2, line 3 ff., page 6, line 23 f., and page 16, line 3 ff.

The definition "objects including the master data objects" only means that the objects are or contain the master data objects previously defined in claim 1, which are not necessarily "all" master data objects as argued by the examining division. Neither does the definition convey any new technical information of the kind that the objects include "all master data objects plus some non-master data objects" as the examining division unconvincingly inferred from the amended feature.

From the above it follows that the reason given for the refusal of the decision under appeal as well as the objections of lack of clarity and added subject matter raised obiter are unfounded.

6. According to Article 111(1) EPC 1973 the board may exercise any power within the competence of the examining division (which was responsible for the decision appealed) or remit the case to that department for further prosecution. It is thus at the board's discretion whether it examines and decides the case or whether it remits the case to the first instance. The appealed decision was solely based on Article 84 EPC 1973. In particular, the requirements of novelty and inventive step have not yet been examined by the first instance. The board therefore considers that in the present case remittal is the more appropriate course of action.

7. Regarding the appellant's auxiliary request for oral proceedings submitted with the letter received 10 November 2008, it is clear from the mandatory wording of Article 116(1) EPC 1973 that a party who requests oral proceedings is in principle entitled to such proceedings (see for example T 19/87, OJ EPO 1988, 268). However, as stated in decision T 42/90, the decision to remit the case to the first instance is not to be considered as being adverse to the party, so that no oral proceedings before the board need to be appointed.

8. Since the main request overcomes the objections on which the appealed decision is based, the board does not need to deal with the auxiliary requests.

Order

For these reasons it is decided that:

1. The decision under appeal is set aside.

2. The case is remitted to the department of first instance for further prosecution on the basis of claims 1 to 14 of the main request filed with letter dated 10 November 2008.

The Registrar:

The Chairman:

T. Buschek

S. Wibergh