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**Datasheet for the decision
of 29 January 2013**

Case Number: T 1543/10 - 3.5.03

Application Number: 07763152.1

Publication Number: 1982426

IPC: H04B 1/38

Language of the proceedings: EN

Title of invention:

A system for managing memory storing data in one or more wireless transceiver devices

Applicant:

Draeger Medical Systems, Inc.

Headword:

Managing memory storing data/DRAEGER

Relevant legal provisions:

EPC Art. 111(1)

Keyword:

"Remittal - fresh case"

Decisions cited:

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Catchword:

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Case Number: T 1543/10 - 3.5.03

D E C I S I O N
of the Technical Board of Appeal 3.5.03
of 29 January 2013

Appellant:
(applicant)

Draeger Medical Systems, Inc.
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Andover, MA 01810 (US)

Representative:

Kietzmann, Lutz
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Decision under appeal:

**Decision of the examining division of the
European Patent Office posted 31 March 2010
refusing European patent application
No. 07763152.1 pursuant to Article 97(2) EPC.**

Composition of the Board:

Chairman: R. Menapace
Members: F. van der Voort
A. J. Madenach

Summary of Facts and Submissions

I. This appeal is against the decision of the examining division refusing European patent application No. 07763152.1 which was published as international application PCT/US2007/061599 with publication number WO 2007/092806 A.

The reason given for the refusal was that the subject-matter of claim 1 lacked an inventive step, Article 56 EPC.

II. With the statement of grounds of appeal the appellant implicitly requested that the decision be set aside and that a patent be granted on the basis of claims of a main request or, alternatively, on the basis of claims of an auxiliary request, both requests as filed with the statement of grounds. Arguments in support were submitted and oral proceedings were conditionally requested.

III. The appellant was summoned to oral proceedings. In a communication accompanying the summons the board drew attention to issues to be discussed at the oral proceedings.

IV. In preparation for the oral proceedings the appellant filed claims of an amended auxiliary request and submitted arguments in support of the pending requests.

V. Oral proceedings were held on 29 January 2013 in the course of which the appellant withdrew the pending requests and filed claims 1 to 11 of a single request.

The appellant requested that the decision under appeal be set aside and that a patent be granted on the basis of claims 1 to 11 of the request as filed during the oral proceedings before the board.

At the end of the oral proceedings the board's decision was announced.

VI. Claim 1 reads as follows:

"A system for managing memory storing data in one or more wireless transceiver devices (200), comprising said transceiver devices (200), a remote location (300) and a subsystem comprising:

a docking station receptacle (102) for receiving and making electrical connection with the transceiver devices (200) used for storing and wirelessly communicating data to said remote location (300);

a docking detector (104) for generating a docking signal in response to detecting the insertion of a transceiver device (200) into said docking station receptacle (102); and

a memory management processor (106) for generating a signal for automatically initiating deletion of stored data representing patient medical data from a memory (202) in the transceiver device (200) inserted in said docking station receptacle (102) in response to the docking signal indicating insertion of said transceiver device (200) into said docking station receptacle (102), wherein said remote location (300) comprises a centralized data monitoring system for receiving and storing data wirelessly received from a plurality of different transceiver devices (200); wherein either the docking station receptacle (102) or

the transceiver device (200) includes a communication interface for wirelessly communicating a deletion signal to the centralized data monitoring system to initiate deletion of data wirelessly received from said transceiver device (200) from a memory (302) of said centralized data monitoring system, in response to a docking signal indicating insertion of said transceiver device (200) into said docking station receptacle (102).".

The remaining claims, i.e. claims 2 to 11, are dependent claims.

Reasons for the Decision

1. *Amendments*

1.1 Claim 1 is based on a combination of claims 1 to 4 as originally filed, in which it is made clear that the subject-matter for which protection is sought comprises the following components, all as further defined in the claim:

- a system which includes a docking station receptacle, a docking detector and a memory management processor and which, for the sake of clarity, is referred to in the claim as a "subsystem";
- transceiver devices; and
- a remote location which comprises a centralized data monitoring system.

1.2 Further, regarding the feature "for automatically initiating deletion of stored data representing patient medical data from a memory (202) in the transceiver

device (200)", the insertion of the term "automatically" is based on page 6, lines 2 to 4, and page 8, lines 14 to 17, of the application as published, whilst the insertion of the wording "representing patient medical data" is based on page 7, lines 2 to 4, of the application as published.

1.3 The board is therefore satisfied that the amendments in claim 1 do not give rise to objections under Article 123(2) EPC. Neither does the claim in the board's view give rise to objections under Article 84 EPC.

2. *Remittal*

2.1 Claim 1 on which the decision under appeal is based essentially corresponds to claim 1 as originally filed. In the decision under appeal the examining division did not answer the question of whether or not the subject-matter of a claim which includes all features of claims 1 to 4 as filed, as with present claim 1, would involve an inventive step. Nor was this combination of features specifically discussed in the single communication which preceded the refusal, in particular concerning the feature relating to the communication interface for wirelessly communicating a deletion signal to the centralized data monitoring system to initiate deletion from a memory of the centralized data monitoring system of data wirelessly received from the transceiver device. The reasoning as set out in the decision under appeal cannot therefore be seen as applicable to present claim 1.

2.2 In view of the above and in accordance with Article 111(1) EPC, the board considers it appropriate to set the decision aside and to remit the case to the examining division for further prosecution on the basis of the claims as filed during the oral proceedings before the board.

Order

For these reasons it is decided that:

1. The decision under appeal is set aside.
2. The case is remitted to the examining division for further prosecution on the basis of claims 1 to 11 as filed during the oral proceedings before the board.

The Registrar:

The Chairman:

G. Rauh

R. Menapace