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**Datasheet for the decision
of 26 February 2015**

Case Number: T 1615/10 - 3.4.03

Application Number: 08290212.3

Publication Number: 2099002

IPC: G07F15/00

Language of the proceedings: EN

Title of invention:

Method of transferring energy between a first unit and a second unit

Applicant:

ALCATEL LUCENT

Headword:

Relevant legal provisions:

EPC Art. 84

Keyword:

Claims - clarity (no) -
main request and auxiliary requests 1 and 2 -
reference to another entity

Decisions cited:

Catchword:



Beschwerdekammern
Boards of Appeal
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Case Number: T 1615/10 - 3.4.03

D E C I S I O N
of Technical Board of Appeal 3.4.03
of 26 February 2015

Appellant: ALCATEL LUCENT
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Decision under appeal: **Decision of the Examining Division of the European Patent Office posted on 12 February 2010 refusing European patent application No. 08290212.3 pursuant to Article 97(2) EPC.**

Composition of the Board:

Chairman G. Eliasson
Members: T. M. Häusser
T. Karamanli

Summary of Facts and Submissions

I. The appeal concerns the decision of the examining division refusing European patent application No. 08 290 212 for lack of inventive step (Article 56 EPC) in relation to the main request and the first and second auxiliary requests.

II. Oral proceedings took place before the board in the absence of the appellant (applicant), of which the board had been informed beforehand.

The appellant had requested in writing that the decision under appeal be set aside and that a patent be granted on the basis of the set of claims filed as main request or, alternatively, on the basis of the sets of claims filed as auxiliary requests 1 or 2, all requests filed with the statement of grounds of appeal.

III. In the communication under Article 15(1) RPBA dated 8 October 2014 the board had informed the appellant of its provisional opinion that the sets of claims of all requests did not meet the requirements of the EPC in relation to clarity, support in the description and inventive step (Articles 56 and 84 EPC).

IV. The wording of independent claim 10 of the main request, independent claim 9 of auxiliary request 1 and independent claim 8 of auxiliary request 2 is as follows:

Main request:

"10. A first unit (1) for supporting the transfer of energy between the first unit (1) and a second unit (2), wherein at least one of the units (1, 2) is

mobile, and the first unit (1) has a subscription at a first backend platform (P1) of a first energy provider, and the second unit (2) has a subscription at a second backend platform (P2) of a second energy provider, wherein the first unit (1) is connected to the second unit (2) by means of a power line (3), wherein the first unit (1) comprises a first meter (M1), which has an ability to communicate with the first backend platform (P1), for measuring energy exchanged with an external power source and/or an external power consumer, a first control box (C1), a switch (Sw1) which allows to interrupt the transfer of energy to the external power consumer and communication means for communicating with the first backend platform (P1), and wherein the first control box (C1) is adapted to receive a request for transferring energy sent by a second control box (C1) [sic] of the second unit, support the execution of an authentication procedure between the first and the second unit (1, 2) by means of the first and second backend platform (P1, P2), unbar the switch (Sw1) upon successful execution of the authentication procedure, and receive the amount of the transferred energy measured by a second meter (M2) of the second unit from the first control box (C1), the first meter (M1) and the second meter (M2) are cascaded meters, and wherein the first meter (M1) is adapted to send energy consumption data comprising data about an amount of exchanged energy measured by the first meter (M1) to the first backend platform (P1) for execution of a consumption clearing procedure between the first and the second unit (1, 2) at the first and second backend platform (P2)."

First auxiliary request:

Claim 9 of auxiliary request 1 differs from claim 10 of the main request in that "and" is deleted from the feature "and receive the amount of the transferred energy measured by a second meter (M2) of the second unit from the first control box (C1)" and the following feature is added after this feature:

(i) "receive, preferably via the power line (3), an authentication request about the second unit (2) from the second control box (C2), and send a corresponding authentication request about the second unit (2) to the first backend platform (P1) for sending, by the first backend platform (P1), a corresponding authentication request about the second unit (2) to the second backend platform (P2), and for authenticating, by the second backend platform (P2), the second unit (2) to the first control box (C1) by means of sending authentication data back to the first backend platform (P1) which sends corresponding authentication data to the first control box,".

Second auxiliary request:

Claim 8 of auxiliary request 2 differs from claim 9 of auxiliary request 1 in that after the feature "receive, preferably via the power line (3), an authentication request about the second unit (2) from the second control box (C2)" the following feature is added:

(ii) "the authentication request comprises a encrypted, identification of the second unit (2),".

V. The appellant did not submit any response to the board's objections raised in its communication of 8 October 2014. In particular, the appellant did not argue in relation to the clarity of the claims.

Reasons for the Decision

1. The appeal is admissible.
2. The subject of the application

The application relates to transferring energy between a first unit 1 (e. g. a house) and a second unit 2 (e. g. a vehicle). The first unit 1 and the second unit 2 comprise meters M1 and M2 and control boxes C1 and C2, respectively, and are connected via a power line 3. Furthermore, the first and second units 1 and 2 have subscriptions at corresponding first and second backend platforms P1 and P2. The meters M1 and M2 are cascaded meters and communicate with the respective backend platforms P1 and P2. Energy consumption data as measured by the meters M1 and M2 are forwarded by the corresponding control boxes C1 and C2 to the first and second backend platforms P1 and P2 as input for a consumption clearing procedure.

3. Main request - clarity
 - 3.1 In its communication dated 8 October 2014 the board had raised objections concerning lack of clarity, support in the description and inventive step.

Concerning the main request the board concentrates in the following on the requirement of clarity in relation to claim 10 of that request.

- 3.2 Claim 10 of the main request commences with the words "A first unit (1) for supporting the transfer of energy between the first unit (1) and a second unit" implying

that it is the first unit for which protection is sought with this claim.

On the other hand, it is specified in claim 10 of the main request that "the first unit (1) is connected to the second unit (2) by means of a power line (3)". Furthermore, reference is made in the claim to "a second control box (C1) [sic] of the second unit" and to "a second meter (M2) of the second unit".

Therefore, claim 10 of the main request may be read as relating either to

- a first unit which is *connectable* by means of a power line to a second unit, which comprises a second control box and a second meter, or to
- a *system* for supporting the energy transfer between a first unit and a second unit, comprising the first unit and the second unit, which are connected by means of a power line.

Claim 10 of the main request is therefore ambiguous and it is not clear from the wording of that claim, whether the power line and the second unit, which comprises the second control box and the second meter, are part of the subject-matter for which protection is sought.

Consequently, the requirements of Article 84 EPC are not fulfilled in relation to the main request.

4. Auxiliary requests 1 and 2 - clarity

Claim 9 of auxiliary request 1 corresponds to claim 10 of the main request, with the exception that it is additionally specified that the first control box is adapted to receive and send an authentication request (see point IV, feature (i)). Claim 8 of auxiliary

request 2 corresponds to claim 9 of auxiliary request 1, with the exception that it is additionally specified that the authentication request comprises an encrypted identification of the second unit (see point IV, feature (ii)).

Therefore, the considerations mentioned above under point 3.2 also apply to these claims. Consequently, the requirements of Article 84 EPC are not fulfilled in relation to the auxiliary requests 1 and 2, either.

5. Conclusion

As none of the requests contains an allowable set of claims, the appeal has to be dismissed.

Order

For these reasons it is decided that:

The appeal is dismissed.

The Registrar:

The Chairman:



S. Sánchez Chiquero

G. Eliasson

Decision electronically authenticated