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**Datasheet for the decision  
of 18 October 2022**

**Case Number:** T 0619/18 - 3.5.03

**Application Number:** 07711716.6

**Publication Number:** 2119287

**IPC:** H04W16/00, H04J11/00

**Language of the proceedings:** EN

**Title of invention:**

Self configuring and optimisation of cell neighbours in wireless telecommunications networks

**Patent Proprietor:**

Unwired Planet International Limited

**Opponents:**

Google Inc. ("opponent 1" until 18 May 2015)  
HTC Germany GmbH ("opponent 2")  
Samsung Electronics GmbH ("opponent 3" until 2 August 2016)  
Samsung Electronics Co., Ltd. ("opponent 4" until  
2 August 2016)  
Huawei Technologies Düsseldorf GmbH ("opponent 5" until  
6 April 2020)  
LG Electronics Deutschland GmbH ("opponent 6" until  
13 March 2017)

**Headword:**

Non-unique cell ID I/UNWIRED PLANET

**Relevant legal provisions:**

EPC Art. 100(c), 123(2)

**Keyword:**

Added subject-matter - all 41 claim requests (yes)

**Decisions cited:**

T 1270/20



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Case Number: T 0619/18 - 3.5.03

**D E C I S I O N**  
**of Technical Board of Appeal 3.5.03**  
**of 18 October 2022**

**Appellant:** Unwired Planet International Limited  
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**Decision under appeal:** **Decision of the Opposition Division of the  
European Patent Office posted on 3 January 2018  
revoking European patent No. 2119287 pursuant to  
Article 101(3) (b) EPC.**

**Composition of the Board:**

**Chair** K. Bengi-Akyürek  
**Members:** J. Eraso Helguera  
C. Almberg

## Summary of Facts and Submissions

- I. This case concerns the appeal filed by the proprietor against the decision of the opposition division revoking the opposed patent under Article 101(2) and (3) (b) EPC.
- II. Opponent 1, opponent 3, opponent 4 and opponent 6 withdrew their respective oppositions during the opposition proceedings.
- III. Opponent 5 withdrew its opposition after having sent a reply to the statement of grounds of appeal. The board has also considered the arguments in this reply.
- IV. Oral proceedings before the board were held on 18 October 2022. The final requests of the parties were as follows:
  - The proprietor (appellant) requested, as a **main request**, that the decision under appeal be set aside and that the patent be maintained in its granted form (i.e. that the opposition be rejected), or that the patent be maintained in amended form on the basis of the claims of one of forty auxiliary requests: **auxiliary requests A1 to A24**, subject to the decision under appeal, **auxiliary requests B1 to B9**, filed with the statement of grounds of appeal, and auxiliary requests **B1A to B7A**, filed with the proprietor's response to the board's communication under Article 15(1) RPBA 2020.
  - Opponent 2 (respondent) requested that the appeal be dismissed.

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

V. Claim 1 as granted (**main request**) reads as follows:

"A method for operating a mobile terminal in a wireless telecommunications system which defines a plurality of communications cells, the method comprising:

communicating with a radio base station which serves a first communications cell;  
determining (101) at least one operating parameter for a second communications cell;  
detecting non-unique identifier information for the second communications cell;  
reporting (103) parameter information relating to the or each operating parameter for the second communications cell and reporting the detected non-unique identifier information to the radio base station of the first communications cell,  
wherein the method further comprises:

receiving (113) an instruction from the radio base station of the first communications cell;  
detecting (115) unique cell identifier information for the second communications cell upon receipt of the instruction; and  
reporting (117) the detected unique cell identifier information for the second communications cell to the radio base station of the first communications cell."

Claim 1 of **auxiliary request A1** (labelled "Auxiliary Request 0.A") is identical to claim 1 as granted, except for the replacement of "upon receipt" by "in

response to receipt" in the penultimate sentence of the claim.

Claim 1 of **auxiliary request A2** (labelled "Auxiliary Request 0.B") is identical to claim 1 as granted, except for the addition of

", wherein the second communications cell is a non-serving cell for the mobile terminal"

after "for a second communications cell" at the end of the third sentence of the claim.

Claim 1 of **auxiliary request A3** (labelled "Auxiliary Request 0.C") is identical to claim 1 as granted, except for the addition of

"for the mobile terminal to also retrieve unique cell identifier information relating to the second communications cell"

after "of the first communications cell" at the end of the antepenultimate sentence of the claim.

Claim 1 of **auxiliary request A4** (labelled "Auxiliary Request 0.D") is identical to claim 1 as granted, except for the addition of

", wherein the second communications cell is a new neighbour cell identified by the mobile terminal"

after "upon receipt of the instruction" at the end of the penultimate sentence of the claim.

Claim 1 of **auxiliary request A5** (labelled "Auxiliary Request 1") reads as follows:

"A method for operating a mobile terminal in a wireless telecommunications network which defines a plurality of communications cells, the network storing a neighbour cell set, the neighbour cell set comprising known neighbours of a first communications cell, the method comprising:

communicating with a radio base station which serves the first communications cell;

determining (101) at least one operating parameter for a second communications cell;

detecting non-unique identifier information for the second communications cell;

reporting (103) parameter information relating to the or each operating parameter for the second communications cell and reporting the detected non-unique identifier information to the radio base station of the first communications cell,

wherein the method further comprises:

receiving (113) an instruction from the radio base station of the first communications cell to also retrieve unique cell identifier information relating to the second communications cell if the second communications cell is not included in the neighbour cell set of the first communications cell;

detecting (115) the unique cell identifier information for the second communications cell upon receipt of the instruction; and

reporting (117) the detected unique cell identifier information for the second communications cell to the radio base station of the first communications cell, to enable the neighbour cell set of the first communications cell to be updated with the newly discovered second communications cell."

Claim 1 of **auxiliary request A6** (labelled "AUXILIARY REQUEST 1.A") is identical to claim 1 of auxiliary request A5, except for the replacement of "upon receipt" by "in response to receipt" in the penultimate sentence of the claim.

Claim 1 of **auxiliary request A7** (labelled "AUXILIARY REQUEST 1.B") is identical to claim 1 of auxiliary request A5, except for the addition of

" , wherein the second communications cell is a non-serving cell for the mobile terminal"

after "for a second communications cell" at the end of the third sentence of the claim.

Claim 1 of **auxiliary request A8** (labelled "AUXILIARY REQUEST 1.C") is identical to claim 1 of auxiliary request A5, except for the insertion of

"for the mobile terminal"

before "to also retrieve unique cell identifier information" in the antepenultimate sentence of the claim.

Claim 1 of **auxiliary request A9** (labelled "AUXILIARY REQUEST 1.D") is identical to claim 1 of auxiliary request A5, except for the addition of

", wherein the second communications cell is a new neighbour cell identified by the mobile terminal"

after "upon receipt of the instruction" at the end of the penultimate sentence of the claim.

Claim 1 of **auxiliary request A10** (labelled "Auxiliary Request 2") reads as follows:

"A method for operating a mobile terminal in a wireless telecommunications network which defines a plurality of communications cells in which a physical layer cell identity, which is not unique within the wireless telecommunications network, and a unique cell identity, different to the physical layer cell identity, which uniquely identifies neighbouring cells within the wireless telecommunications network, are transmitted, the network storing a neighbour cell set, the neighbour cell set comprising known neighbours of a first communications cell, the method comprising:

communicating with a radio base station which serves the first communications cell;

determining (101) at least one operating parameter for a second communications cell;

detecting non-unique identifier information, namely the physical layer cell identity, for the second communications cell;

reporting (103) parameter information relating to the or each operating parameter for the second communications cell and reporting the detected non-unique identifier information to the radio base station of the first communications cell,

wherein the method further comprises:

receiving (113) an instruction from the radio base station of the first communications cell to also retrieve unique cell identifier information, namely the unique cell identity, relating to the second communications cell if the second communications cell is not included in the neighbour cell set of the first communications cell;

detecting (115) the unique cell identifier information for the second communications cell upon receipt of the instruction; and

reporting (117) the detected unique cell identifier information for the second communications cell to the radio base station of the first communications cell, to enable the neighbour cell set of the first communications cell to be updated with the newly discovered second communications cell."

Claim 1 of **auxiliary request A11** (labelled "AUXILIARY REQUEST 2.A") is identical to claim 1 of auxiliary request A10, except for the replacement of "upon receipt" by "in response to receipt" in the penultimate sentence of the claim.

Claim 1 of **auxiliary request A12** (labelled "AUXILIARY REQUEST 2.B") is identical to claim 1 of auxiliary request A10, except for the addition of

" , wherein the second communications cell is a non-serving cell for the mobile terminal"

after "for a second communications cell" at the end of the third sentence of the claim.

Claim 1 of **auxiliary request A13** (labelled "AUXILIARY REQUEST 2.C") is identical to claim 1 of auxiliary request A10, except for the insertion of

"for the mobile terminal"

before "to also retrieve unique cell identifier information" in the antepenultimate sentence of the claim.

Claim 1 of **auxiliary request A14** (labelled "AUXILIARY REQUEST 2.D") is identical to claim 1 of auxiliary request A10, except for the addition of

", wherein the second communications cell is a new neighbour cell identified by the mobile terminal"

after "upon receipt of the instruction" at the end of the penultimate sentence of the claim.

Claim 1 of **auxiliary request A15** (labelled "Auxiliary Request 3") is identical to claim 1 of auxiliary request A10, except for the insertion of:

"the physical layer identity being transmitted in a cell at a first interval and the unique identity being transmitted in a cell at a second interval, the first and second intervals being arranged such that the unique identity is transmitted less frequently than the physical layer identity,"

between "are transmitted," and "the network storing" in the first sentence of the claim.

Claim 1 of **auxiliary request A16** (labelled "Auxiliary Request 3.A") is identical to claim 1 of auxiliary

request A15, except for the replacement of "upon receipt" by "in response to receipt" in the penultimate sentence of the claim.

Claim 1 of **auxiliary request A17** (labelled "Auxiliary Request 3.B") is identical to claim 1 of auxiliary request A15, except for the addition of

" , wherein the second communications cell is a non-serving cell for the mobile terminal "

after "for a second communications cell" at the end of the third sentence of the claim.

Claim 1 of **auxiliary request A18** (labelled "Auxiliary Request 3.C") is identical to claim 1 of auxiliary request A15, except for the insertion of

"for the mobile terminal"

before "to also retrieve unique cell identifier information" in the antepenultimate sentence of the claim.

Claim 1 of **auxiliary request A19** (labelled "Auxiliary Request 3.D") is identical to claim 1 of auxiliary request A15, except for the addition of

" , wherein the second communications cell is a new neighbour cell identified by the mobile terminal "

after "upon receipt of the instruction" at the end of the penultimate sentence of the claim.

Claim 1 of **auxiliary request A20** (labelled "Auxiliary Request 4") reads as follows:

"A method for operating an LTE mobile terminal in an LTE wireless telecommunications network which defines a plurality of LTE communications cells in which a physical layer cell identity, which is not unique within the LTE wireless telecommunications network, and a unique cell identity, different to the physical layer cell identity, which uniquely identifies LTE neighbouring cells within the LTE wireless telecommunications network, are transmitted, the physical layer identity being transmitted in an LTE cell at a first interval and the unique identity being transmitted in an LTE cell at a second interval, the first and second intervals being arranged such that the unique identity is transmitted less frequently than the physical layer identity, the LTE network storing a neighbour cell set, the neighbour cell set comprising known neighbours of a first LTE communications cell, the method comprising:

communicating with a radio base station which serves the first LTE communications cell;

determining (101) at least one operating parameter for a second LTE communications cell;

detecting non-unique identifier information, namely the physical layer cell identity, for the second LTE communications cell;

reporting (103) parameter information relating to the or each operating parameter for the second LTE communications cell and reporting the detected non-unique identifier information to the radio base station of the first LTE communications cell,

wherein the method further comprises:

receiving (113) an instruction from the radio base station of the first LTE communications cell to also retrieve unique cell identifier information, namely the unique cell identity, relating to the second communications cell if the second communications cell is not included in the neighbour cell set of the first communications cell;

detecting (115) the unique cell identifier information for the second LTE communications cell upon receipt of the instruction; and

reporting (117) the detected unique cell identifier information for the second LTE communications cell to the radio base station of the first LTE communications cell, to enable the neighbour cell set of the first LTE communications cell to be updated with the newly discovered second LTE communications cell."

Claim 1 of **auxiliary request A21** (labelled "AUXILIARY REQUEST 4.A") is identical to claim 1 of auxiliary request A20, except for the replacement of "upon receipt" by "in response to receipt" in the penultimate sentence of the claim and the deletion of "LTE" from "the radio base station of the first LTE communications cell" in the last sentence of the claim.

Claim 1 of **auxiliary request A22** (labelled "AUXILIARY REQUEST 4.B") is identical to claim 1 of auxiliary request A20, except for the addition of

" , wherein the second communications cell is a non-serving cell for the mobile terminal"

after "for a second communications cell" at the end of the third sentence of the claim and the deletion of

"LTE" from "the radio base station of the first LTE communications cell" in the last sentence of the claim.

Claim 1 of **auxiliary request A23** (labelled "AUXILIARY REQUEST 4.C") is identical to claim 1 of auxiliary request A20, except for the insertion of

"for the mobile terminal"

before "to also retrieve unique cell identifier information" in the antepenultimate sentence of the claim, and the deletion of "LTE" from "the radio base station of the first LTE communications cell" in the last sentence of the claim.

Claim 1 of **auxiliary request A24** (labelled "AUXILIARY REQUEST 4.D") is identical to claim 1 of auxiliary request A20, except for the addition of

", wherein the second communications cell is a new neighbour cell identified by the mobile terminal"

after "upon receipt of the instruction" at the end of the penultimate sentence of the claim, and the deletion of "LTE" from "the radio base station of the first LTE communications cell" in the last sentence of the claim.

Claim 1 of **auxiliary request B1** is identical to claim 1 as granted, except for the insertion of

", but not unique cell identifier information for the second communication cell,"

between "non-unique identifier information" and "to the radio base station" in the sixth sentence of the claim, and the insertion of "the" before "unique cell

identifier information" in the penultimate sentence of the claim.

Claim 1 of **auxiliary request B1A** is identical to claim 1 of auxiliary request B1, except for the replacement of "upon receipt" by "in response to receipt" in the penultimate sentence of the claim.

Claim 1 of **auxiliary request B2** is identical to claim 1 of auxiliary request B1, except for the addition of

", wherein the parameter information is tied to the detected non-unique identifier information"

after "of the first communications cell" at the end of the sixth sentence of the claim.

Claim 1 of **auxiliary request B2A** is identical to claim 1 of auxiliary request B2, except for the replacement of "upon receipt" by "in response to receipt" in the penultimate sentence of the claim.

Claim 1 of **auxiliary request B3** is identical to claim 1 as granted, except for the addition of

", wherein the parameter information is tied to the detected non-unique identifier information"

after "of the first communications cell" at the end of the sixth sentence of the claim and for the addition of:

", wherein the second communications cell is a new neighbour cell identified by the mobile terminal"

after "upon receipt of the instruction" at the end of the penultimate sentence of the claim.

Claim 1 of **auxiliary request B3A** is identical to claim 1 of auxiliary request B3, except for the replacement of "upon receipt" by "in response to receipt" in the penultimate sentence of the claim.

Claim 1 of **auxiliary request B4** is identical to claim 1 of auxiliary request B1, except for the addition of:

", wherein the second communications cell is a new neighbour cell identified by the mobile terminal"

after "upon receipt of the instruction" at the end of the penultimate sentence of the claim.

Claim 1 of **auxiliary request B4A** is identical to claim 1 of auxiliary request B4, except for the replacement of "upon receipt" by "in response to receipt" in the penultimate sentence of the claim.

Claim 1 of **auxiliary request B5** is identical to claim 1 of auxiliary request B2, except for the addition of:

", wherein the second communications cell is a new neighbour cell identified by the mobile terminal"

after "upon receipt of the instruction" at the end of the penultimate sentence of the claim.

Claim 1 of **auxiliary request B5A** is identical to claim 1 of auxiliary request B5, except for the replacement of "upon receipt" by "in response to receipt" in the penultimate sentence of the claim.

Claim 1 of **auxiliary request B6** reads as follows:

"A method for operating an LTE mobile terminal in an LTE wireless telecommunications network which defines a plurality of LTE communications cells in which a physical layer cell identity, which is not unique within the LTE wireless telecommunications network, and a unique cell identity, different to the physical layer cell identity, which uniquely identifies LTE neighbouring cells within the LTE wireless telecommunications network, are transmitted, the physical layer identity being transmitted in an LTE cell at a first interval and the unique identity being transmitted in an LTE cell at a second interval, the first and second intervals being arranged such that the unique identity is transmitted less frequently than the physical layer identity, the method comprising:

communicating with a radio base station which serves the first LTE communications cell;

determining (101) at least one operating parameter for a second LTE communications cell;

detecting non-unique identifier information, namely the physical layer cell identity, for the second LTE communications cell;

reporting (103) parameter information relating to the or each operating parameter for the second LTE communications cell and reporting the detected non-unique identifier information to the radio base station of the first LTE communications cell,

wherein the method further comprises:

receiving (113) an instruction from the radio base station of the first LTE communications cell to also retrieve unique cell identifier information, namely the unique cell identity, relating to the second communications cell;

detecting (115) the unique cell identifier information for the second LTE communications cell upon receipt of the instruction, wherein the second communications cell is a neighbour cell identified by the mobile terminal; and

reporting (117) the detected unique cell identifier information for the second LTE communications cell to the radio base station of the first communications cell."

Claim 1 of **auxiliary request B6A** is identical to claim 1 of auxiliary request B6, except for the replacement of "upon receipt" by "in response to receipt" in the penultimate sentence of the claim.

Claim 1 of **auxiliary request B7** is identical to claim 1 of auxiliary request B6, except for the addition of

" , wherein the parameter information is tied to the detected non-unique identifier information"

after "of the first LTE communications cell" at the end of the fifth sentence of the claim.

Claim 1 of **auxiliary request B7A** is identical to claim 1 of auxiliary request B7, except for the replacement of "upon receipt" by "in response to receipt" in the penultimate sentence of the claim.

Claim 1 of **auxiliary request B8** reads as follows:

"A method for controlling resources in a wireless telecommunications system which defines a plurality of communications cells, the method comprising:

communicating with a mobile terminal operating in a first communications cell;

receiving (107) non-unique identifier information and parameter information relating to at least one operating parameter for a second communications cell from the mobile terminal;  
and

defining (109) a neighbour cell list for the mobile terminal, the neighbour cell list including the second communications cell,

wherein the method further comprises:

determining (111), from the non-unique identifier information, whether unique cell identity information is required for the second communications cell; and, if such unique identity information is required:

transmitting (111) an instruction to the mobile terminal;

receiving (119) unique cell identifier information relating to the second communications cell from the mobile terminal; and

defining (121) a handover candidate cell list for the mobile terminal, the handover candidate cell list including the second communications cell."

Claim 1 of **auxiliary request B9** is identical to claim 1 of auxiliary request B8, except for the addition of

"wherein the parameter information is tied to the detected non-unique identifier information"

after "from the mobile terminal;" at the end of the third sentence of the claim.

## **Reasons for the Decision**

### 1. MAIN REQUEST

Claim 1 as granted comprises the following limiting features (board's outline):

A method for operating a mobile terminal in a wireless telecommunications system which defines a plurality of communications cells, the method comprising:

- (a) communicating with a radio base station which serves a first communications cell;
- (b) determining at least one operating parameter for a second communications cell;
- (c) detecting non-unique identifier information for the second communications cell;
- (d) reporting parameter information relating to the or each operating parameter for the second communications cell [to the radio base station of the first communications cell];

- (e) reporting the detected non-unique identifier information to the radio base station of the first communications cell,
- (f) receiving an instruction from the radio base station of the first communications cell;
- (g) detecting unique cell identifier information for the second communications cell upon receipt of the instruction;
- (h) reporting the detected unique cell identifier information for the second communications cell to the radio base station of the first communications cell.

1.1 *Claim 1 - added subject-matter (Articles 100(c) and 123(2) EPC)*

1.1.1 In point II.6 of the decision under appeal, the opposition division considered that the application as filed disclosed at page 4, lines 11-13 that, at least at the stage of reporting, the "non-unique identifier information" and the "at least one operating parameter" - obtained as measurement information - were tied to each other, whereas **features (d) and (e)** in claim 1 were unrelated to each other.

1.1.2 The proprietor argued that original claim 9 disclosed reporting of "parameter information" *without* any restriction as to how the reporting had to be performed, and explicitly did not restrict the reporting to be tied together. Consequently, the reporting step of original claim 9 also encompassed the *separate* reporting of the parameter information for each "operating parameter". Original claim 9, in combination with original claim 10, disclosed *separately* reporting the parameter information (e.g. not including the non-unique identifier (ID)

information, but e.g. the signal-strength measurement and/or the signal-quality measurement and/or the timing information) and the "scramble code", which was equivalent to the non-unique ID information, as explicitly indicated at page 2, second line of the original application. Moreover, the reporting of the "non-unique identifier information" and "parameter information" being tied together was not an *essential* feature of the invention, and thus its omission from the independent claim did not violate the requirements of Article 123(2) EPC. Even if it was essential, **feature (d)** of granted claim 1 explicitly indicated that the reported parameter information was "relating to" the or each operating parameter for the second communications cell. Such parameter information must necessarily relate, i.e. be "tied to", the non-unique ID information for the second communications cell. The broader term "operating parameter" in original claim 10 encompassed both "measurement information" and detected parameters such as the "scramble code", i.e. the non-unique ID information.

- 1.1.3 The board concurs with the opposition division and with opponents 2 and 5 that original claims 9 and 10 indeed fail to disclose the combination of **features (d) and (e)** in granted claim 1, and that the omission of "measurement information tied to" vis-à-vis the disclosure of page 4, lines 11-13 of the application as filed constitutes an unallowable intermediate generalisation. It is noted upfront that, in the assessment of compliance with Article 123(2) EPC, the board applies the "gold standard" rather than the superseded "essentiality test". Thus, whether or not the features in question are relevant or essential for the claimed invention is not the decisive criterion for such an assessment. What counts is whether the skilled

reader is presented with new technical information following the amendment (see e.g. T 1270/20, Reasons 3.7.1).

On the one hand, original claims 9 and 10 do not provide an *explicit* disclosure for *detecting* and *reporting* non-unique ID information, both being mandatory steps in granted claim 1. These original claims cannot provide an *implicit* disclosure for these features either. Rather than presenting the "scramble code" as a prominent "operating parameter", original claim 10 merely mentions it as one of many possible "operating parameters" which could be "detected" according to original claim 9. It follows that original claims 9 and 10, even if combined with the teaching of page 2, lines 1-2 ("a scramble code which is non uniquely assigned to the cell"), fail to directly and unambiguously disclose the subject-matter of granted claim 1.

On the other hand, the embodiment described at page 4, lines 8-13 of the original application arguably discloses that the "non-unique cell identifier information" is "detected" and "reported" as per **features (c) and (e)** of granted claim 1:

"... Next, the mobile terminal reports the measurement information to the base station (step 103).

Turning to Figure 4, the base station 2 receives the measurement information from the mobile terminal 4 (step 107), with each measurement information tied to the (non-unique) cell identities that the mobile terminal 4 have detected ...".

In this embodiment, each measurement information is tied to the detected (non-unique) cell IDs. Conversely, the combination of **features (d) and (e)** in granted claim 1 does not require any particular link between the reporting of "parameter information relating to the or each operating parameter" and the reporting of the "non-unique identifier information", let alone that the "parameter information" should be "measurement information". Given that a general parameter need not necessarily be *measured*, the board does not agree with the appellant that "*parameter information*" should automatically correspond to "*measurement information*" in the context of claim 1.

In conclusion, the subject-matter of granted claim 1 is not, either explicitly or implicitly, directly and unambiguously disclosed to the skilled person using common general knowledge in the application as filed. Rather, the claimed combination of features from original claims with a selection of isolated features from the embodiment in the description presents the skilled with new technical information.

1.1.4 Hence, the subject-matter of granted claim 1 extends beyond the content of the application as filed (Article 123(2) EPC).

1.2 It follows that the ground for opposition under Article 100(c) in conjunction with Article 123(2) EPC prejudices the maintenance of the patent as granted (main request).

2. AUXILIARY REQUESTS A1 to A24

2.1 *Claim 1 - added subject-matter (Article 123(2) EPC)*

The objection set out in point 1.1.3 above applies *mutatis mutandis* to claim 1 of each of **auxiliary requests A1 to A24**.

2.2 None of auxiliary requests A1 to A24 is thus allowable under Article 123(2) EPC.

3. AUXILIARY REQUESTS B1 TO B9 AND B1A TO B7A

Claim 1 of **auxiliary request B1** contains the same limiting features as claim 1 of the main request, with the following addition (board's outline and highlighting):

(i) not reporting unique cell identifier information for the second communications cell when reporting the detected non-unique identifier information.

Claim 1 of **auxiliary request B2** contains the same limiting features as claim 1 of auxiliary request B1, with the following addition (board's outline and highlighting):

(j) the parameter information is tied to the detected non-unique identifier information.

Claim 1 of **auxiliary request B3** contains the same limiting features as claim 1 of the main request, with the addition of **feature (j)** and the following feature (board's outline and highlighting):

(k) the second communications cell is a new neighbour cell identified by the mobile terminal.

Claim 1 of **auxiliary request B4** contains the same limiting features as claim 1 of auxiliary request B1, with the addition of **feature (k)**.

Claim 1 of **auxiliary request B5** contains the same limiting features as claim 1 of auxiliary request B2, with the addition of **feature (k)**.

Claim 1 of **auxiliary request B6** contains the same limiting features as claim 1 of auxiliary request A24, except for the deletion of the following features relating to a "neighbour cell set":

- the LTE network storing a neighbour cell set, the neighbour cell set comprising known neighbours of a first LTE communications cell;
- if the second communications cell is not included in the neighbour cell set of the first communications cell;
- to enable the neighbour cell set of the first LTE communications cell to be updated with the new discovered second LTE communications cell.

Claim 1 of **auxiliary request B7** contains the same limiting features as claim 1 of auxiliary request B6, with the addition of **feature (j)**.

Claim 1 of **auxiliary request B8** contains the same limiting features as claim 12 of the main request.

Claim 1 of **auxiliary request B9** contains the same limiting features as claim 1 of auxiliary request B8, with the addition of **feature (j)**.

Claim 1 of each of **auxiliary requests B1A to B7A** contains the same limiting features as claim 1 of auxiliary requests B1 to B7, respectively, except for the replacement of "upon receipt" by "in response to receipt" in **feature (g)**.

3.1 *Claim 1 - added subject-matter (Article 123(2) EPC)*

The objection set out in point 1.1.3 above applies *mutatis mutandis* to claim 1 of each of auxiliary requests B1 to B9 and B1A to B7A. Moreover, the board agrees with opponent 2 that the addition of **feature (j)** in claim 1 of each of auxiliary requests B2, B3, B5, B7 and B9 and, correspondingly, in auxiliary requests B2A, B3A, B5A and B7A does not overcome this objection. In the application as filed, the "*measurement information*", rather than the "*parameter information*", is tied to the "(non-unique) cell identity".

3.2 Hence, and regardless of their respective admissibility, auxiliary requests B1 to B9 and B1A to B7A are not allowable under Article 123(2) EPC either.

4. Since there is no allowable claim request on file, the appeal must be dismissed.

**Order**

**For these reasons it is decided that:**

The appeal is dismissed.

The Registrar:

The Chair:



B. Brückner

K. Bengi-Akyürek

Decision electronically authenticated