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**Datasheet for the decision  
of 26 November 2018**

**Case Number:** T 1628/18 - 3.5.07

**Application Number:** 13162170.8

**Publication Number:** 2787453

**IPC:** G06F17/30

**Language of the proceedings:** EN

**Title of invention:**

Computer implemented method for integrating data from the Web from different sources by using SPARQL

**Applicant:**

Siemens AG Österreich

**Headword:**

Web-data integration/SIEMENS ÖSTERREICH

**Relevant legal provisions:**

EPC Art. 108

EPC R. 99(2), 101(1)

**Keyword:**

Admissibility of appeal - appeal sufficiently substantiated  
(no)

**Decisions cited:**

T 0305/11



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Case Number: T 1628/18 - 3.5.07

**D E C I S I O N**  
**of Technical Board of Appeal 3.5.07**  
**of 26 November 2018**

**Appellant:** Siemens AG Österreich  
(Applicant) Siemensstraße 90  
1210 Wien (AT)

**Representative:** Maier, Daniel Oliver  
Siemens AG  
Postfach 22 16 34  
80506 München (DE)

**Decision under appeal:** **Decision of the Examining Division of the  
European Patent Office posted on 31 January 2018  
refusing European patent application No.  
13162170.8 pursuant to Article 97(2) EPC**

**Composition of the Board:**

**Chairman** R. Moufang  
**Members:** R. de Man  
M. Jaedicke

## **Summary of Facts and Submissions**

- I. The appellant appealed against the decision of the Examining Division refusing European patent application No. 13162170.8.
- II. The decision was issued on EPO Form 2061, referring to communications dated 3 February 2017 and 27 January 2014 for the reasons for the refusal.

Both communications were based on description pages 1 to 9 and claim 1 as originally filed and drawing sheet 1/1 filed by letter of 9 April 2013.

The communication dated 27 January 2014 included the European search opinion, which contained objections under Article 83 EPC (insufficiency of disclosure), Article 84 EPC (lack of clarity) and Article 54 EPC (lack of novelty over document D1).

In its communication dated 3 February 2017, the Examining Division explicitly maintained the objections under Articles 83, 84 and 54 EPC raised in the European search opinion. It also raised an objection under Article 56 EPC based on a known general-purpose computer, and it dealt with the appellant's arguments contained in the letter dated 27 March 2015 and relating to the objections raised under Articles 54 and 83 EPC.

- III. In its statement of grounds of appeal, the appellant gave arguments why the invention was not rendered obvious by a general-purpose computer and why the application complied with Article 83 EPC.

In respect of Article 84 EPC, it stated the following:

"Auch der vorliegende Patentanspruch entspricht nach unserem Dafürhalten den Vorgaben des Art 84 EPÜ. Er ist deutlich und knapp gefasst, von der Beschreibung gestützt und gibt den Gegenstand an, für den Schutz begehrt wird."

[In English: "In our opinion, the present claim also meets the requirements of Art 84 EPC. It is clear and concise, supported by the description and defines the matter for which protection is sought."]

It did not comment on document D1.

- IV. Neither the notice of appeal nor the statement of grounds of appeal contained a request for oral proceedings.
- V. The Board nevertheless issued a summons to oral proceedings. In a communication accompanying the summons, the Board expressed the preliminary opinion that the statement of grounds of appeal did not comply with Rule 99(2) EPC and that the appeal had to be rejected as inadmissible.
- VI. In response, the appellant informed the Board that it would not attend the oral proceedings and requested a decision according to the state of the file. It did not comment on the Board's communication.
- VII. The Board then cancelled the oral proceedings.

## **Reasons for the Decision**

1. According to Rule 99(2) EPC, the statement of grounds of appeal is to indicate the reasons for setting aside the decision impugned. If this requirement is not complied with before expiry of the time limit for filing the statement of grounds of appeal, the appeal is to be rejected as inadmissible (Rule 101(1) EPC). For the statement of grounds of appeal to comply with Rule 99(2) EPC, it has to address in sufficient detail each of the grounds for the decision (see decision T 305/11 of 26 April 2016, reasons 1.1, and the decisions cited there). In principle, a ground for refusal can be addressed by arguing why the objection raised was incorrect or by amending the application and explaining why the objection is no longer relevant.
  
2. In the present case, the decision refers to two earlier communications for its reasons (see section II). Referring to more than one communication can sometimes lead to it being unclear which are the grounds for refusal (cf. Case Law of the Boards of Appeal, 8th edition, 2016, III.K.4.3.2), but this is not such a case: both communications are based on the same application documents, and the later communication explicitly maintains the objections raised in the earlier communication. It is uncontested that two of the grounds for refusal are lack of novelty over document D1 and lack of clarity.

In its statement of grounds of appeal, the appellant did not address novelty over document D1 at all. In respect of clarity, it asserted that claim 1 was clear but failed to give any argument why, in its view, the clarity objection raised in the European search opinion

and maintained in the communication dated  
3 February 2017 was wrong.

3. It follows that the statement of grounds of appeal does not address in sufficient detail each of the grounds for refusal and hence does not comply with Rule 99(2) EPC. The appeal is therefore to be rejected as inadmissible.

### **Order**

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

The appeal is rejected as inadmissible.

The Registrar:

The Chairman:



I. Aperribay

R. Moufang

Decision electronically authenticated