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**Datasheet for the decision
of 19 May 2022**

Case Number: T 2778/19 - 3.5.05

Application Number: 13858103.8

Publication Number: 2926286

IPC: G06F19/00, G05B19/4065

Language of the proceedings: EN

Title of invention:

EQUIPMENT SOUND MONITORING SYSTEM AND METHOD

Applicant:

Discovery Sound Technology LLC

Headword:

Sound representative of equipment failure/DISCOVERY SOUND
TECHNOLOGY

Relevant legal provisions:

EPC Art. 84

Keyword:

Claims - clarity (no)



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Case Number: T 2778/19 - 3.5.05

D E C I S I O N
of Technical Board of Appeal 3.5.05
of 19 May 2022

Appellant: Discovery Sound Technology LLC
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Nashville, Tennessee 37203 (US)

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Decision under appeal: **Decision of the Examining Division of the
European Patent Office posted on 6 May 2019
refusing European patent application No.
13858103.8 pursuant to Article 97(2) EPC.**

Composition of the Board:
Chair A. Ritzka
Members: E. Konak
E. Mille

Summary of Facts and Submissions

- I. The appeal is against the examining division's decision to refuse the patent application. The examining division decided that claims 1 to 15 did not meet the requirements of Article 56 EPC.
- II. With its statement setting out the grounds of appeal, the appellant requested that the decision be set aside and that a patent be granted on the basis of the sole request on which the contested decision was based. As an auxiliary measure, it requested oral proceedings.
- III. In a communication pursuant to Article 15(1) RPBA, the board raised objections, *inter alia*, under Article 84 EPC.
- IV. The appellant then withdrew its request for oral proceedings without replying in substance to the board's preliminary opinion. The scheduled oral proceedings were thus cancelled.
- V. Claim 1 of the main (sole) request reads as follows:

"A system (10) for comparative analysis of sound data obtained from client equipment (26), the system comprising:
- a sound detection device (28) comprising one or more transducers effective to collect analog sound signals from equipment, said analog sound signals being configured to be used to identify at least one source of work having a variable intensity across a range of measurement frequencies, said one or more transducers being further effective to convert the collected sounds into digital sound data, the device being further

effective to generate one or more digital data files comprising location data, equipment type data, and the sound data; and

- a server (12) comprising a database (20), a processor (18), and a computer-readable storage medium (14) having program instructions residing thereon, the instructions effective upon execution by the processor to direct the performance of steps comprising:

- receiving the digital data files from the sound detection device and storing the received data files in the database (S210),
- aggregating data associated with the data files with previously stored and related data across a plurality of predetermined data parameters (S216, S612),
- identifying outlying data points with respect to the plurality of data points from the sound data (S211, S605),
- comparing the sound data with baseline data determined according to baseline criteria comprising one or more of the equipment type, the location and the aggregated data (S604, S607, S612),
- identifying data points from the sound data representative of an equipment failure (S612, S613) associated with the at least one source of work."

Reasons for the Decision

1. Clarity (Article 84 EPC)

1.1 The feature of claim 1 which reads "*said analog sound signals being configured to be used to identify at least one source of work having a variable intensity across a range of measurement frequencies*" is very

unclear. The appellant explains in the statement setting out the grounds of appeal that the system of claim 1 measures the intensity of the sound emitted by the equipment and uses the measurement for failure detection. However, the transducers of the sound detection device that collect sound signals cannot "*configure*" the sound signals which have already been emitted by the equipment. It is also unclear what is meant by the "*source of work having a variable intensity across a range of measurement frequencies*". Irrespective of the fact that sound signals actually come in varying intensities, it is not stated that the sound intensity is indeed measured. No measured sound intensity appears in the rest of the claim in features relating to the comparison of sound data either.

1.2 Furthermore, neither the basis on which sounds are compared nor the basis on which outliers are identified is clear. The claimed system converts detected analogue sound to "*digital sound data*", which apparently, together with "*location data*" and "*equipment type data*", forms a "*digital data file*". The rest of the claim deals with working on these "*digital data files*" and in particular on some unspecified "*data points*" from the "*sound data*". It is unclear which measurement or audio feature is used here as "*data points*".

1.3 In the comparison step in claim 1, it is stated that sound data is compared based on baseline criteria comprising "*one or more of the equipment type, the location and the aggregated data*". However, it is unclear how comparing files based on, e.g., only the location could possibly provide a meaningful indication of an equipment failure.

- 1.4 It is further unclear on which basis "*sound data representative of an equipment failure*" is identified in the last step of claim 1. In particular, it is unclear how this step is related to the preceding steps of "*identifying outlying data points*" and "*comparing the sound data with baseline data*". Indeed, these seem to be two independent and unrelated processes.
- 1.5 The clarity objections set out above were already raised in the board's preliminary opinion, to which the appellant did not reply in substance. Under these circumstances, the board sees no reason to change its preliminary opinion that claim 1 does not meet the requirements of Article 84 EPC.

Order

For these reasons it is decided that:

The appeal is dismissed.

The Registrar:

The Chair:



G. Nachtigall

A. Ritzka

Decision electronically authenticated