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**Datasheet for the decision
of 16 October 2024**

Case Number: T 1841/20 - 3.4.01

Application Number: 15161367.6

Publication Number: 3073284

IPC: G01S3/50, G01S5/12

Language of the proceedings: EN

Title of invention:

METHOD, DEVICE, COMPUTER PROGRAM AND COMPUTER PROGRAM PRODUCT
FOR DETERMINING WHETHER A PORTABLE KEY DEVICE IS LOCATED IN AN
ACTIVE AREA IN RELATION TO A BARRIER

Applicant:

Assa Abloy AB

Headword:

Active area detection / ASSA ABLOY

Relevant legal provisions:

EPC 1973 Art. 83

Keyword:

Decision in written proceedings (yes) - announcement of non-
attendance at oral proceedings



Beschwerdekammern
Boards of Appeal
Chambres de recours

Boards of Appeal of the
European Patent Office
Richard-Reitzner-Allee 8
85540 Haar
GERMANY
Tel. +49 (0)89 2399-0

Case Number: T 1841/20 - 3.4.01

D E C I S I O N
of Technical Board of Appeal 3.4.01
of 16 October 2024

Appellant: Assa Abloy AB
(Applicant) P.O. Box 70340
107 23 Stockholm (SE)

Representative: Kransell & Wennborg KB
P.O. Box 27834
115 93 Stockholm (SE)

Decision under appeal: **Decision of the Examining Division of the
European Patent Office posted on 31 March 2020
refusing European patent application No.
15161367.6 pursuant to Article 97(2) EPC.**

Composition of the Board:

Chairman P. Scriven
Members: B. Noll
C. Almberg

Summary of Facts and Submissions

- I. The application was refused for
- lack of support of the independent claims of a main request and each of auxiliary requests 1-3 (Article 84 EPC);
 - lack of clarity of the independent claims of auxiliary request 1 (Article 84 EPC);
 - added subject-matter in the independent claims of each of auxiliary requests 3 and 5 (Article 123(2) EPC); and
 - lack of an inventive step (Article 56 EPC) of the subject-matter of the independent claims of auxiliary request 8.
- II. Auxiliary requests 4, 6, and 7 were not admitted into the examination proceedings.
- III. On appeal, the appellant requested that the refusal be set aside and that a patent be granted on the basis of the claims of a main request or one of auxiliary requests 1 to 3, 8 and 9, all filed with the statement of grounds.
- IV. Claim 1 of the main request reads (reference signs omitted):

A method for determining whether a portable key device is located in an active area in

relation to a barrier, wherein the active area is all of the outside of the barrier, the method being performed in an access control device and comprising the steps of:

detecting a first angle of arrival of a wireless signal from the portable key device using a first pair of separated antennas;

detecting a second angle of arrival of a wireless signal from the portable key device using a second pair of separated antennas, wherein the first pair of antennas are located on an outside of the barrier and the second pair of antennas are located on an inside of the barrier;

determining a first pair of directions based on the first angle of arrival;

determining a second pair of directions based on the second angle of arrival;

determining a position of the portable key device to be where one of the first pair of directions intersects one of the second pair of directions; and

determining whether the portable key device is located in the active area based on the position.

- V. Claim 1 of auxiliary request 1 further specifies that *outside of the barrier* means *being outside physical space protected by the barrier*.
- VI. Claim 1 of auxiliary request 2 adds, to claim 1 of the main request, (reference signs omitted):

[... intersects one of the second pair of directions], *wherein the step of determining a position comprises discarding any intersection located between a first line between the first pair of antennas and a second line between the second pair of antennas[; and ...]*.

- VII. Claim 1 of auxiliary request 3 adds, to claim 1 of the main request,

[... based on the position]; and triggering access control and/or unlocking when the portable key device is located in the active area[.]

- VIII. Claim 1 of auxiliary request 8 modifies claim 1 of the main request by specifying the active area as *all of the space outside physical space protected by the barrier*, and by additionally defining that the first and second antennas are located on an outside of the barrier itself.

- IX. Claim 1 of auxiliary request 9 combines the amendments of auxiliary requests 2 and 8.

- X. The appellant did not request oral proceedings, but the Board considered them to be expedient, and, therefore, sent a summons.
- XI. In a communication accompanying the summons, objections under Articles 83, 84, and 56 EPC were raised. As regards Article 83 EPC, the following was set out:

Main request

6. The Board understands the applicant's arguments to mean that the barrier divides a space into protected and unprotected parts. Placing one pair of antennas on a surface of the barrier facing the protected part and the other facing the unprotected part enables enables [sic] the method to distinguish the location of the key device between the parts.

7. Arranging the pairs of antennas as shown in Fig. 2C (which is the basis for the claims) does not reliably distinguish the location of a key device within the entire active space. If the key device is located on a line through point 3a which is perpendicular to line 6a, the difference in transmit time is zero for both pairs of antennas so that it cannot be distinguished whether the key device is in the active or the protected part. The Board is, therefore, of the view that the application does not disclose the invention sufficiently clearly and completely, but that there remain blind

areas, outside the protected portion, for which location is not possible. Consequently, the application does not meet the requirement of Article 83 EPC..

It was further set out that, regardless of the admission of some of them, this objection equally applied to all auxiliary requests.

XII. In response to the Board's communication accompanying the summons to oral proceedings, the proprietor indicated that they would not attend the oral proceedings. They requested a decision "based on the current state of the file".

XIII. The oral proceedings were cancelled.

Reasons for the Decision

1. In the parts of the communication cited above, the Board explained why, in its preliminary assessment, none of the requests was allowable.
2. This preliminary assessment was not challenged by the appellant.
3. After further consideration, the Board sees no reason to deviate from its preliminary assessment. The appeal is not allowable, for the reasons given.

4. The decision may be, and is, handed down in written proceedings (Article 12(8) RPBA).

Order

For these reasons it is decided that:

The appeal is dismissed.

The Registrar:

The Chair:



D. Meyfarth

P. Scriven

Decision electronically authenticated