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**Datasheet for the decision
of 26 November 2024**

Case Number: T 0850/21 - 3.5.01

Application Number: 12740477.0

Publication Number: 2867835

IPC: G06Q10/10, G06Q50/06

Language of the proceedings: EN

Title of invention:

DATA INTEGRATION

Applicant:

ista SE

Headword:

Data integration system/ISTA

Relevant legal provisions:

EPC Art. 56, 113(1)

EPC R. 103(1)(a), 111(2), 137(3)

RPBA 2020 Art. 12(6)

Keyword:

Inventive step - automating the exchange of information
between two data systems (no - obvious)
Substantial procedural violation - (no)



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Case Number: T 0850/21 - 3.5.01

D E C I S I O N
of Technical Board of Appeal 3.5.01
of 26 November 2024

Appellant: ista SE
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Decision under appeal: **Decision of the Examining Division of the
European Patent Office posted on 15 January 2021
refusing European patent application No.
12740477.0 pursuant to Article 97(2) EPC.**

Composition of the Board:

Chairman W. Chandler
Members: A. Wahrenberg
L. Basterreix

Summary of Facts and Submissions

- I. The case concerns the appeal against the examining division's decision to refuse European patent application No. 12740477.0, published as WO 2014/000741 A1.

- II. The examining division found that claim 1 of the main request and the first to eighth auxiliary requests lacked inventive step over D1 (US 2004/113810 A1, cited in the international search report) or D5 (EP 1971055 A2, cited in third party observations filed on 31 August 2020). The ninth and tenth auxiliary requests were not admitted under Rule 137(3) EPC.

- III. In the grounds of appeal, the appellant requested that the decision to refuse the application be set aside and that a patent be granted on the basis of the main request or the first to tenth auxiliary requests rejected by the examining division. The appellant furthermore argued that the decision under appeal was not sufficiently reasoned, and that there was a possible violation of the applicant's right to be heard.

- IV. In the communication accompanying the summons to oral proceedings, the Board tended to agree with the examining division that claim 1 of the main request and the first to eighth auxiliary requests lacked inventive step over D1 or D5 and that the ninth and tenth auxiliary requests should not be admitted. The Board was of the opinion that no substantial procedural violation had occurred.

V. During the oral proceedings, which were held as a videoconference, the appellant made the refused sixth auxiliary request the new first auxiliary request and filed a new second auxiliary request. The appellant also requested the reimbursement of the appeal fee by reason of a substantial procedural violation in the proceedings before the examining division.

The appellant's final requests were the following:

- that the examining division's decision to refuse the application be set aside,
- that a patent be granted on the basis of the refused main request, auxiliary request 1 (corresponding to refused auxiliary request 6), auxiliary request 2 filed during the oral proceedings, or one of the remaining auxiliary requests (corresponding to refused auxiliary requests 1 to 5 and 7 to 10), and
- reimbursement of the appeal fee if the contested decision was set aside.

VI. Claim 1 of the main request reads:

A data integration system (DIS) arranged to integrate data from a heat sub-metering service provider data system (SP) and a real estate administrator data system (RA),

wherein the heat sub-metering service provider data system (SP) is arranged to receive sub-meter readings (SMR) from a number of measuring devices (M) located in properties (B) which are at least partially managed by the real estate administrator data system (RA), said measuring devices (M) transmitting said sub-meter readings (SMR) automatically, wherein the measuring devices (M) comprise consumption meters,

wherein the consumption meters comprise heat cost allocation meters,

the data integration system (DIS) comprising

- a real estate administrator database (RADB) associated with the real estate administrator data system (RA); the real estate administrator database (RADB) at least comprising real estate administrator owned data (RAD) associated with real estate administrator data identifiers (RADI);

- a real estate administrator request gateway (RAGW) associated with the real estate administrator data system (RA);

- a request generator (RG) associated with the real estate administrator data system (RA); the request generator (RG) being arranged to generate a request (R) and submit the request through the real estate administrator request gateway (RAGW);

- a heat sub-metering service provider database (SPDB) associated with the heat sub-metering service provider data system (SP); the heat sub-metering service provider database (SPDB) at least comprising heat sub-metering service provider owned data (SPD) associated with heat sub-metering service provider data identifiers (SPDI);

- a heat sub-metering service provider request gateway (SPGW) associated with the heat sub-metering service provider data system (SP); and

- a request handler (RH) associated with the heat

sub-metering service provider data system (SP); the request handler (RH) being arranged to automatically handle the request (R) received through the heat sub-metering service provider request gateway (SPGW);

wherein the real estate administrator request gateway (RAGW) and the heat sub-metering service provider request gateway (SPGW) are arranged to establish a connection (C) between them for transfer of the request (R); and

wherein the request (R) is one or more of at least

- a data pull request (PLR) comprising a request (R) for the heat sub-metering service provider data system (SP) to provide a subset of the heat sub-metering service provider owned data (SPD) to the real estate administrator data system (RA); and

- a data push request (PSR) comprising a request (R) for the heat sub-metering service provider data system (SP) to receive a subset of the real estate administrator owned data (RAD) from the real estate administrator data system (RA),

said subset of the heat sub-metering service provider owned data (SPD) of said data pull request (PLR) comprises heating cost allocation, or a basis for calculating such cost allocation, based on said sub-meter readings (SMR).

VII. The first auxiliary request (the refused sixth auxiliary request refiled with the grounds of appeal) adds to claim 1 of the main request:

" said subset of the real estate administrator owned

data (RAD) of said data push request (PSR) comprises data related to consumption units (CU)".

VIII. The second auxiliary request, filed during the oral proceedings before the Board, adds to claim 1 of the first auxiliary request:

"consumption units (CU), e.g. apartments, located in" between "located in" and "properties (B)" in the second feature; and

"so that the heat sub-metering data system (SP) is automatically updated upon change in the real estate administrator owned data (RAD) maintained by the real estate administrator data system (RA)" at the end.

IX. The third auxiliary request (the refused first auxiliary request refiled with the grounds of appeal) adds to claim 1 of the main request the following at the end:

" wherein the data integration system comprises a system of data identifiers comprising heat sub-metering service provider data identifiers (SPDI) maintained by the heat sub-metering service provider data system (SP), real estate administrator data identifiers (RADI) maintained by the real estate administrator data system (RA) and foreign data identifiers (EDI), wherein the heat sub-metering service provider data system (SP) is arranged to reference real estate administrator owned data (RAD) at least partially by foreign data identifiers (EDI) corresponding to real estate administrator data identifiers (RADI) and wherein the real estate administrator data system (RA) is arranged to reference heat sub-metering service provider data (SPD) at least partially by foreign data identifiers

(EDI) corresponding to heat sub-metering service provider data identifiers (SPDI)".

- X. The fourth auxiliary request (the refused second auxiliary request refiled with the grounds of appeal) adds the following feature at the end of claim 1 of the main request:

" wherein the real estate administrator owned data (RAD(FDI)) stored in the heat sub-metering service provider database (SPDB) is only a subset of the entire real estate administrator owned data (RAD).

- XI. The fifth auxiliary request (the refused third auxiliary request) adds the word "automatically" after "being arranged to" in the request generator feature in claim 1.

- XII. The sixth auxiliary request (the refused fourth auxiliary request) adds after the data push request feature in claim 1 of the main request:

" - a data identifier maintenance request (DIMR) comprising a request (R) for the heat sub-metering service provider data system (SP) to update a foreign data identifier (EDI) in the heat sub-metering service provider database (SPDB), the foreign data identifier (EDI) corresponding to one of the real estate administrator data identifiers (RADI) associated with real estate administrator owned data (RAD)".

- XIII. The seventh auxiliary request (the refused fifth auxiliary request) adds to claim 1 of the main request the following text after the third feature:

"wherein the heat sub-metering service provider data

system (SP) is arranged to calculate a cost allocation of utility expenses among consumers (CM) associated with consumption units (CU) associated with the properties (B)", and the following at the beginning of the last feature: "wherein the heat sub-metering service provider owned data (SPD) comprises said sub-meter readings (SMR) received from a number of measuring devices (M) located in the properties (B) and wherein".

- XIV. The eighth auxiliary request (the refused seventh auxiliary request) adds the following feature after the third feature of claim 1 of the main request:

"wherein several groups (G1 - G3) of said properties (B; B1 - B7) are associated with different real estate administrator data systems (RA; RAI - RA3) each being associated with a real estate administrator identifier; and wherein the heat sub-metering service provider data system (SP) is arranged to receive sub-meter readings (SMR) from a number of measuring devices (M) located in two or more of the several groups of the properties".

- XV. The ninth auxiliary request (the refused eighth auxiliary request) essentially corresponds to the seventh auxiliary request with the end of the last feature starting with "comprises heating cost allocation ..." replaced with "is arranged to facilitate the real estate administrator data system (RA) to perform billing, cash collection or prepayment forecasts for the consumers (CM)."

- XVI. The claims of the tenth and eleventh auxiliary requests are not recited here.

Reasons for the Decision

1. *Background*

1.1 The invention relates to distributing data between a real estate administrator, who typically bills residents for services, e.g. heating consumption, in a multi-apartment building, and a heat sub-metering service provider who actually measures the consumption.

1.2 Sub-metering is necessary because there is generally only one master meter for the whole building or property. The individual consumption for each apartment (consumption unit) is calculated from heat cost allocation meters attached to the heating radiators in the building and parameters relating to the property and the apartments as a share of the total consumption for the whole building.

1.3 Typically, the administration of the sub-metering is outsourced to a sub-metering service provider. Then, the sub-metering service provider and the real estate administrator in charge of the building administration need to exchange information. The sub-meter service provider needs information from the real estate administrator about the building, for example which heat cost allocation meter is placed in which apartment, and the real estate administrator receives the heat cost allocation calculations from the sub-metering service provider. In the prior art, the information was exchanged via post or e-mail and entered manually into respective computer systems. This manner of exchanging information was prone to error, and the information was not always up to date. Basing the heat cost allocation calculations on obsolete data

about the apartments could lead to errors in the calculations for the whole building.

1.4 The invention seeks to automate the exchange of information such that the real estate administrator data system can pull and push heat cost allocation related data from and to the heat sub-metering service provider data system. This ensures that the data relevant to the heat cost allocation is up to date in both systems reducing human error. It also facilitates the interaction between the sub-metering service provider and several real estate administrators.

2. *Main request, claim 1*

2.1 Figure 1 shows the claimed data integration system (DIS) for doing this with a sub-metering service provider data system (SP) and a real estate administrator data system (RA). Both data systems have a database (SPDB, RADB) for storing data (SPD, RAD), and a gateway (SPGW, RAGW) for communicating with the other system. The RA has a request generator (RG) for generating a request (R), and the SP has a corresponding request handler (RH) for handling the request automatically. The request (R) is either a data pull request (PLR) or a data push request (PSR). Thus, the RA can both pull sub-metering service provider owned data from the SP and push real estate administrator owned data into the SP.

As shown in Figure 5, the SP receives readings (SMR) from a number of measuring devices (M), i.e. heat cost allocation meters, located in properties (B). The heat cost allocation meters transmit the readings to the SP automatically.

- 2.2 Although, the Board agrees with the examining division that D1 has essentially the same overall aim as the claimed invention, namely automated metering for utility billing and is therefore a suitable starting point for inventive step, it agrees with the appellant that D5 provides a better starting point, since it relates specifically to sub-metering and heat cost allocation.
- 2.3 D5 essentially discloses the conventional sub-metering system described in the introductory portion of the present application. D5 mentions heat cost allocation meters (Heizkostenverteiler) installed in the apartments (paragraph [0048]). The meters may be read manually using a mobile device (Datensammelgerät, paragraph [0049]), or they may transmit the data automatically over a wireless connection to a central device (zentrale Datensammelknoten, paragraph [0050]). The data is forwarded from the mobile/central device to a data processing system for evaluation and billing (paragraph [0049]). D5 does not further describe this system, but given the typical sub-metering scenario involving a sub-metering service provider and a real estate administrator (paragraph [0048] in D5 mentions a "Hausverwalter"), it is reasonable to assume that both parties exist in the background and that they have their own, respective computer system.

Furthermore, although D5 does not describe how the heat cost allocation is calculated based on the readings from the heat cost allocation meters, this was also part of the conventional sub-metering context. During the oral proceedings before the Board, the appellant confirmed that the invention did not provide anything new in how the heat cost allocation was calculated.

2.4 Thus, the Board considers that claim 1 differs from D5/ the conventional sub-metering context by the data integration features:

- the gateways between the two computer systems;
- the request generator; and
- the corresponding request handler.

The request itself was already known, because in the conventional context, the real estate administrator had to obtain the heat cost allocations from the sub-metering service provider (a "pull" in a general sense) and provide the sub-meter service provider with the data necessary for calculating the allocations (a "push"). The difference in claim 1 is that this is done automatically with electronic means.

2.5 The appellant argued that the claimed invention improved the reliability, availability and accuracy of the data, which resulted in a more accurate heat cost allocation calculation.

2.6 In the decision under appeal, the examining division argued that the effects mentioned by the appellant were known advantages of using a computer to automate a manual task (see point 4.19). The examining division moreover argued that it would have been obvious for the skilled person to automate the task of exchanging information between the sub-metering service provider and the real estate administrator. The Board concurs.

2.7 Furthermore, the implementation by means of the gateways, the request generator, the request handler, and the electronic push and pull requests, is, in the

Board's view, a standard computer implementation. No technical effect can be derived from this beyond providing a computer automation of the exchange of information between the two computer systems. Therefore, the Board finds that the skilled person would have arrived at claim 1 without inventive effort.

- 2.8 In the grounds of appeal, the appellant argued that specific implementation of the data integration system of the claimed invention ensured both data security and protection of personal information. However, during the oral proceedings before the Board, the appellant somewhat contradictorily argued that the solution in claim 1 was not obvious since allowing the real estate administrator to push data into the sub-metering service provider database caused security issues. Therefore, the skilled person would not have considered this solution.

The Board, however, is not convinced by either of these arguments. Firstly, there is nothing in the claimed implementation that makes the computer system more secure, and the protection of privacy is not a technical effect. Secondly, the invention does not overcome the security problems relating to the real estate administrator system pushing data into the sub-metering service provider system but merely accepts this drawback. Merely accepting a foreseeable disadvantage does not involve an inventive step.

- 2.9 For these reasons, the Board judges that claim 1 of the main request lacks an inventive step (Article 56 EPC).

3. *First auxiliary request*

- 3.1 Claim 1 adds over the main request that the real estate administrator-owned data of the data push request comprises data related to consumption units.

The appellant argued that this made it clear that the data pushed from the real estate administrator system related to the calculation of the heat cost allocation. Therefore, by ensuring that this data was up to date in the sub-metering service provider system, the heat cost allocation was more accurate.

- 3.2 The known method of calculating heat cost allocations used data relating to consumption units. Thus, in the Board's assessment, this feature does not provide a contribution over the prior art. Any improved accuracy of the heat cost allocation calculation is mere consequence of automating of the information exchange. The automation would have been obvious to the skilled person for the reasons as given above with respect to the main request. Therefore, there is no inventive step (Article 56 EPC).

4. *Second auxiliary request*

- 4.1 The second auxiliary request was filed during the oral proceedings.
- 4.2 Claim 1 of the second auxiliary request adds to claim 1 of the first auxiliary request "consumption units (CU), e.g. apartments, located in" between "located in" and "properties (B)" in the second feature, and the feature "so that the heat sub-metering data system (SP) is automatically updated upon change in the real estate administrator owned data (RAD) maintained by the real estate administrator data system (RA)" at the end.

4.3 According to Article 13(2) RPBA, any amendment made after notification of the communication under Article 15(1) RPBA, shall, in principle, not be taken into account unless there are exceptional circumstances, which have been justified with cogent reasons by the party concerned.

4.4 The appellant argued that there were exceptional circumstances in this case which justified the late filing of the second auxiliary request.

The circumstances advanced by the appellant were that, up until the oral proceedings in appeal, there hadn't been a proper discussion of inventive step based on D5. Therefore, amendments which addressed this objection, and further distinguished the invention from D5 should be admitted.

4.5 The Board disagrees that new issues were raised during the oral proceedings. The data integration features for automating the exchange of information between the two systems had been discussed during examination and in the Board's communication. The discussion was the same starting from D1. The examining division dealt with the inventive merits of an automation in sections 4.19, 5.12, and 5.17 of the decision under appeal. The question was also discussed in the Board's communication (see points 3.5 and 3.9), considering both D1 and D5 as starting point.

Thus, the Board sees no exceptional circumstances for admitting the request filed during the oral proceedings.

4.6 Furthermore, the added features were already taken into account in the assessment of the higher ranking

requests. It was acknowledged, already for the main request, that the data integration system allowed data to be pushed by the RA into the SP automatically following an update of the RAD, but this was considered to be a normal effect of connecting the two systems together. Thus, the amendment does not *prima facie* overcome the objections with regard to the previous requests. This is another reason for not admitting the second auxiliary request at a late stage of the appeal proceedings.

5. *Third auxiliary request (the refused first auxiliary request)*

5.1 This request defines data identifiers: the systems' (RADI, SPDI) own data identifiers and foreign data identifiers (FDI) used for data from the other system.

5.2 The Board agrees with the examining division (see point 6 of the decision under appeal) that this does not add anything inventive, as the data needs to be identified by both systems. The implementation of the respective databases would have been straightforward to the skilled person.

6. *Fourth auxiliary request (the refused second auxiliary request)*

6.1 Claim 1 of this request adds over the main request that only a sub-set of the real estate administrator's own data is stored in the sub-metering service provider's database. The reason appears to be to protect the privacy of other data.

- 6.2 The Board agrees with the examining division that this is motivated by administrative considerations rather than technical ones, and therefore, the additional feature does not contribute to inventive step.
- 6.3 The appellant argued that the implementation was technical. However, the claim does not contain any details of the implementation, but merely specifies that the sub-metering service provider does not have all the data owned by the real estate administrator. Thus, it covers an allocation of data based on non-technical criteria.
7. *Fifth auxiliary request (the refused third auxiliary request)*
- 7.1 Claim 1 of this request adds to the main request that the request generator generates the request (R) automatically.
- 7.2 However, the reasoning given for the main request already takes this into account. Therefore, the request lacks an inventive step (Article 56 EPC) for the same reasons as the main request.
8. *Sixth auxiliary request (the refused fourth auxiliary request)*
- 8.1 Claim 1 of this request defines an additional "data identifier maintenance request" (DIMR) for the SP to update a foreign data identifier (FDI) for real administrator owned data.
- 8.2 The Board does not see that this feature provides any effect beyond the identification and organisation of data, which is managed by both systems for

administrative reasons. In the Board's view, data management is not a technical effect *per se*.

In any case, providing identifiers and updating them in this way would have been obvious to the technical skilled person. Therefore, the Board does not see that claim 1 of the request involves an inventive step, for the same reasons as already given for the main request.

9. *Seventh auxiliary request (the refused fifth auxiliary request)*

9.1 Claim 1 of this request specifies that the heat sub-metering service provider data system (SP) calculates the cost allocation of utility expenses among consumers (CM) associated with consumption units (CU) associated with the properties (B), and that the heat sub-metering service provider owned data (SPD) comprises the sub-meter readings (SMR) received from the measuring devices (M) located in the properties.

9.2 The Board finds that the calculation of cost allocation is already known from the prior art described above for the main request. Therefore, the request does not involve an inventive step (Article 56 EPC).

10. *Eighth auxiliary request (the refused seventh auxiliary request)*

10.1 Claim 1 of this request adds over the main request that groups (G1 - G3) of properties (B; B1 - B7) are associated with different real estate administrator data systems (RA; RA1 - RA3) each being associated with a real estate administrator identifier, and the sub-metering service provider data system (SP) is arranged to receive sub-meter readings (SMR) from a number of

measuring devices (M) located in two or more of the several groups of the properties.

10.2 In other words, the sub-metering service provider receives sub-meter readings from several properties. This seems to have been part of the conventional sub-metering scenario, in which the sub-metering service provider provided services to several real estate administrators. In any case, the Board is of the view that it would have been obvious to adapt the sub-metering service provider's computer system to receive data from meters located in different buildings. The same is true for the groups of real estate administrator systems. The number of and grouping of real estate administrator systems is an administrative choice and it would have been straightforward for the skilled person to modify the computer system to accommodate more than one real estate administrator. For these reasons, the Board agrees with the examining division that the request lacks an inventive step (Article 56 EPC).

11. *Ninth auxiliary request (the refused eighth auxiliary request)*

11.1 Claim 1 of the eighth auxiliary request differs slightly from the main and/or seventh auxiliary request, but does not change anything of substance (see also the grounds of appeal, point 14). Therefore, the same reasons as for the main request apply also to this request.

12. *Tenth and eleventh auxiliary requests (ninth and tenth auxiliary requests before the examining division)*

12.1 These requests were not admitted by the examining division under Rule 137(3) EPC. Under Article 12(6) RPBA 2020, the Board shall not admit requests which were not admitted in the proceedings leading to the decision under appeal, unless the decision not to admit them suffered from an error in the use of discretion or unless the circumstances of the appeal case justify their admittance. The appellant has not argued that there was an error in the examining division's use of discretion not to admit the requests, and the Board does not see any reason for admitting them into the appeal proceedings. Therefore, the requests are not admitted.

13. *The request for the reimbursement of the appeal fee*

13.1 In the grounds of appeal, the appellant argues that the decision under appeal is not sufficiently reasoned (Rule 111(2) EPC), and that there was a possible violation of the applicant's right to be heard (Article 113(1) EPC). Therefore, the appellant requests that the appeal fee be reimbursed by reason of a substantial procedural violation (Rule 103(1)(a) EPC).

13.2 The reimbursement of the appeal fee presupposes an allowable appeal (Rule 103(1)(a) EPC). However, rejecting the request for reimbursement for the sole reason that the appeal is not allowable on substantive grounds is not quite right, in the Board's view. If there had been a deficiency in the examination proceedings of such fundamental character that the decision under appeal should have been set aside on this ground, the Board would not have proceeded to examine the substantive grounds, in this case inventive step. For example, if there had been a blatant violation of the applicant's rights such as denying the

applicant's right to oral proceedings, the case would normally have been remitted straight away and the appeal fee would have been reimbursed. Therefore, the Board considers that the rejection of the request for reimbursement of the appeal fee requires at least some assessment of the alleged procedural violation, even if the appeal is not allowable on substantive grounds.

- 13.3 The appellant argued that the reasoning in the decision under appeal was perfunctory and relied on a paraphrased "summary of the invention". The decision furthermore had a number of inconsistencies and contradictions. Therefore, the reasoning was unclear, in particular as to which claim features had been taken into account. The appellant contended that the examining division failed to consider the (synergistic) contribution of the actual claim features.

The applicant furthermore argued that the examining division merely copied the reasoning in the summons to oral proceedings, despite better prior art (D5) and further submissions by the applicant. The oral proceedings had the character of a "show trial" since the examining division had clearly made up their mind before the hearing. The appellant stated that, during the oral proceedings, it was not given the opportunity to present its arguments on the division's "mere automation argument". This was a potential violation of the appellant's right to be heard (Article 113(1) EPC), insofar as this argument was relevant to the conclusion of lack of inventive step.

The appellant also pointed out that, in its reasoning, the examining division referred to a slide show presented by the appellant during the oral proceedings. This slide show was not attached to the minutes, which

was a further procedural violation.

- 13.4 The Board agrees with the appellant that the decision under appeal has some deficiencies. However, none of those deficiencies was so serious that the decision should have been set aside and remitted to the examining division for them to re-consider the case.

The decision provides a logical chain of reasons why the claims lack an inventive step over D1. The examining division applied the well established "Comvik approach". They discussed which features made a technical contribution, and which features were non-technical and as such part of the problem. Contrary to what the appellant stated, the examining division referred to the wording of the claim (see point 4.8). The technical problem was defined in point 4.15, and the examining division explained, in point 4.16, why the skilled person faced with that problem would have arrived at the claimed invention. The appellant's arguments were considered in point 5, including slide 8 of the presentation, which aimed at describing the manual processing of consumption data, in point 5.21.

The examining division need not consider every possible inventive step attack. It is enough to show one obvious route to the invention to prove a lack of inventive step. Thus, the Board does not see it as a procedural error that the examining division "stuck to" D1. At most, this was an error of judgment, but the mere existence of a disagreement does not justify the reimbursement of the appeal fee. The appeal procedure is for resolving such disputes, and for that there is a fee.

Regarding the appellant's complaint about the oral

proceedings, the Board notes that this is not reflected in the minutes. The Board can only rely on the minutes, and if a party disagrees with the minutes, they can request to have them amended.

Furthermore, while it is, indeed, unsatisfactory that the appellant's presentation was not enclosed with the minutes as indicated on form 2009.2, the Board does not see that this has any major impact on the outcome of the case. The mere fact that the presentation was not enclosed with the minutes does not mean that the examining division did not consider it.

13.5 For these reasons, the request for the reimbursement of the appeal fee is rejected.

Order

For these reasons it is decided that:

The appeal is dismissed.

The Registrar:

The Chairman:



T. Buschek

W. Chandler

Decision electronically authenticated