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Datasheet for the decision of 13 March 2025

Case Number: T 1155/23 - 3.4.01

Application Number: 17799814.3

Publication Number: 3458773

IPC: H05B47/105, H05B47/19

Language of the proceedings: EN

Title of invention:
CONFIGURABLE STREETLIGHT SENSOR PLATFORM

Patent Proprietor:
Cimcon Lighting, Inc.

Opponent:
Tridonic GmbH & Co KG

Headword:
Streelight sensor platform / Tridonic

Relevant legal provisions:
EPC 1973 Art. 100(c)
RPBA 2020 Art. 12(8)

Keyword:
Patent as granted - added subject-matter (yes)
Decision according to Article 12(8) RPBA

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Case Number: T 1155/23 - 3.4.01

D E C I S I O N
of Technical Board of Appeal 3.4.01
of 13 March 2025

Appellant: (Opponent)	Tridonic GmbH & Co KG Färbergasse 15 6851 Dornbirn (AT)
Representative:	Beder, Jens Mitscherlich PartmbB Patent- und Rechtsanwälte Karlstraße 7 80333 München (DE)
Respondent: (Patent Proprietor)	Cimcon Lighting, Inc. 200 Summit Drive, Suite 500 South Tower Burlington, MA 01803 (US)
Representative:	Slingsby Partners LLP 1 Kingsway London WC2B 6AN (GB)
Decision under appeal:	**Decision of the Opposition Division of the European Patent Office posted on 6 April 2023 rejecting the opposition filed against European patent No. 3458773 pursuant to Article 101(2) EPC.**

Composition of the Board:

Chair	P. Scriven
Members:	T. Petelski
	R. Winkelhofer

Summary of Facts and Submissions

I. The opponent appealed the Opposition Division's rejection of the opposition.

II. They request that the decision be set aside and the patent revoked. Alternatively, they request oral proceedings.

III. The proprietor (respondent) was notified of the grounds of appeal and was invited to respond within a time limit of four months. This time limit expired without response, an none came later either. In particular, the proprietor did not request oral proceedings.

IV. The claims that are relevant for the present decision are claims 1 and 5 of the patent. They read as follows (reference signs removed; feature labels added):

1. M1 *A configurable sensor platform configured to interface with a streetlight controller, the configurable sensor platform comprising:*

M2 *an enclosure configured to be deployed between a streetlight and the streetlight controller that manages operations of the streetlight;*

M3 *a sensor module comprising a plurality of sensor receptacles configured to receive*

at least a subset of various combinations of sensors;

M4 *a plurality of sensors disposed in the enclosure, wherein individual sensors included in the plurality of sensors are selected based on particular requirements of the configurable sensor platform, the plurality of sensors being one of said subset of various combinations of sensors;*

M5 *at least one processor disposed in the enclosure, the processor configured to receive data from at least one of the plurality of sensors;*

M6 *an electrical receptacle for receiving the streetlight controller in a substantially secure configuration;*

M7 *an electrical connector for connecting the enclosure to the streetlight; and*

M8 *at least one pass-through connector disposed within the enclosure to provide an electrical connection between the electrical connector and the electrical receptacle for passing power from the streetlight, through the configurable sensor platform, to the streetlight controller.*

5. The configurable sensor platform of any preceding claim, wherein the sensor module comprises a circuit board disposed

within the enclosure, and wherein the sensor receptacles comprise a plurality of slots on the circuit board, the plurality of slots configured to receive at least a subset of the one or more sensors.

Reasons for the Decision

Understanding of claim 1

1. Claim 1 defines a sensor platform, in part by reference to a "streetlight" and a "streetlight controller", which are not part of the claimed sensor platform. The references are as follows:

(a) The sensor platform is "configured to interface with a streetlight controller" (M1);

(b) it comprises an enclosure "configured to be deployed between a streetlight and the streetlight controller" (M2);

(c) it comprises an electrical receptacle "for receiving the streetlight controller" (M6);

(d) it comprises an electrical connector "for connecting the enclosure to the streetlight" (M7), and

(e) it comprises a pass-through connector "for passing power from the streetlight, through the

configurable sensor platform, to the streetlight controller" (M8).

2. The claim does not contain any definitions of the nature or shape of the streetlight or streetlight controller, or of the nature of their electrical connection means. Also, it does not define any communication between the processor and the streetlight controller. Therefore, the above references to the streetlight and streetlight controller cannot restrict the sensor platform beyond its being suitable for outdoor use, and beyond its having an electrical receptacle and an electrical connector, and a pass-through connector between the two.

3. Claim 1 defines the sensor platform as comprising "a sensor module comprising a plurality of sensor receptacles configured to receive at least a subset of various combinations of sensors" (feature M3). It is not immediately evident, what this means.

4. Supposing there are five sensors (of similar or different type), called A, B, C, D, and E, these can be combined into "various combinations of sensors", such as: (A,B), (A,D), (A,B,C), (A,B,D), (A,B,C,D), etc. A "subset" of these various combinations of sensors consists of more than one of these combinations. For example, a first subset consisting of two combinations might be {(A,B), (A,D)}, and a second one might be {(A,B,C),(A,B,D)}.

5. Feature M3 says that the receptacles are configured to receive at least one such subset. As each sensor can exist only once, the configuration to receive the first subset would mean the configuration to receive sensors A, B, and D, and for the second subset to receive

sensors A, B, C, and D. The claim does not define the nature or shape of the sensors, or any differences between them. It also does not define how they are combined or how the subsets of combinations are selected. This means that the claim does not restrict the sensor platform any more than that the receptacles must be configured to receive a plurality of sensors (e.g.: sensors A, B, and D).

6. According to feature M4, "one of said subset of various combinations of sensors" is the "plurality of sensors" that is comprised by the sensor platform and disposed in the enclosure. This means that the sensors of this one subset are actually disposed in the enclosure. If this subset is {(A,B), (A,D)}, the disposed sensors would be the sensors A, B, and D.

7. The opponent is of the view that, grammatically, the expression "configured to receive" in feature M3 could refer to the "sensor receptacles". In that case, each individual receptacle - and not the entirety of receptacles - would be configured to receive a subset of sensors.

8. However, regardless of whether "configured to receive" refers to "a sensor module", to "a plurality of sensor receptacles", or simply to "sensor receptacles", the reference is always to receptacle*s* in the plural. Therefore, the implication that the subset of sensors can be received by the entirety of receptacles is the same in all cases. Whether or not a single receptacle can receive more than one sensor can be left open.

9. The opponent is also of the view that the claim allows the sensor module with its receptacles to be arranged outside the enclosure.

10. Claim 1 defines a sensor platform comprising an enclosure, in which are disposed a plurality of sensors and a processor configured to receive the sensor data. The sensor platform also comprises a sensor module with sensor receptacles that are configured to receive a subset of various combinations of sensors, including the subset that consists of the plurality of sensors disposed in the enclosure. This implies that the sensor module and its receptacles, which are configured to receive these sensors, are, realistically, also disposed in the enclosure.

11. In view of the above, the subject-matter of claim 1 can be summarized as defining a sensor platform with an enclosure that comprises a plurality of sensors, a sensor module with receptacles for receiving those and possibly other sensors, and a processor for receiving sensor data; wherein the enclosure has an electrical connector, an electrical receptacle, and a pass-through connector connecting the two.

Added subject-matter

12. Most of the opponent's arguments relating to added subject-matter are based on an understanding of claim 1 that is different from the one give above.

13. However, at least one of the opponent's arguments is compatible with the above understanding, namely, that the subject-matter defined in claim 5 was not originally disclosed, according to which "the sensor receptacles comprise a plurality of slots on the circuit board, the plurality of slots configured to receive at least a subset of the one or more sensors."

14. Assuming that a subset is smaller than the set it is a subset of, and that it is not empty, a subset of a set of one sensor is inherently contradictory. Notwithstanding this problem, there is a further difficulty in understanding claim 5, even assuming the presence of more than one sensor, which results from the lack of a prior definition of "the one or more sensors". To make sense of the claim, the "subset of the one or more sensors" can be understood to be either the subset of the plurality of sensors disposed in the enclosure (e.g., sensors A, B, and D; to stay in the example of points 4. to 6.), or a subset of that subset (e.g., sensors A and B), or another subset of sensors that is also part of the set of sensors from which the "various combinations of sensors" are formed (e.g., C and E). In the latter two cases, the sensor module has first receptacles in the form of slots on a circuit board that are configured to receive a number of sensors (e.g., C and E), and second receptacles, not in the form of slots on a circuit board, that are configured to receive other sensors (e.g., A and B).

15. There is, however, no disclosure, in the application as filed, for a sensor module in which the receptacles are in part realised by slots on a circuit board, and in part otherwise. The application as filed only ever discloses one of the two: either a sensor module including receptacles configured to receive sensors (page 5, lines 9 to 11), or receptacles in the form of slots on a circuit board (page 2, lines 13 - 15).

16. Hence, the opponent is right in saying that there is added subject-matter in claim 5 (Article 100(c) EPC).

17. For this reason, the patent cannot be maintained as granted.

18. Since the proprietor did not reply to the opponent's statement of grounds of appeal, either within the time limit set with the notification of the opponent's statement of grounds of appeal or later, and since the Board follows the opponent's main request, the conditions laid down in Article 12(8) RPBA for issuing the present decision in writing are met.

Order

For these reasons it is decided that:

1. The decision under appeal is set aside.

2. The patent is revoked.

The Registrar: The Chair:

D. Meyfarth P. Scriven

Decision electronically authenticated