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**Datasheet for the decision
of 4 July 2025**

Case Number: T 1239/23 - 3.2.02

Application Number: 14159616.3

Publication Number: 2777493

IPC: A61B5/03, A61B5/00, A61B5/0205

Language of the proceedings: EN

Title of invention:
Methods, systems, and devices for monitoring and displaying
medical parameters for a patient

Patent Proprietor:
Integra LifeSciences Corporation

Opponent:
Fresenius Medical Care AG

Headword:

Relevant legal provisions:
EPC Art. 100(c), 111(1), 123(2)
RPBA 2020 Art. 11

Keyword:

Subject-matter extends beyond content of earlier application

(no)

Remittal - (yes)

Decisions cited:

Catchword:



Beschwerdekammern

Boards of Appeal

Chambres de recours

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Case Number: T 1239/23 - 3.2.02

D E C I S I O N
of Technical Board of Appeal 3.2.02
of 4 July 2025

Appellant: Integra LifeSciences Corporation
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Decision under appeal: **Decision of the Opposition Division of the
European Patent Office posted on 24 April 2023
revoking European patent No. 2777493 pursuant to
Article 101(3)(b) EPC.**

Composition of the Board:

Chairman M. Alvazzi Delfrate
Members: A. Martinez Möller
Y. Podbielski

Summary of Facts and Submissions

- I. The appeal is against the decision of the opposition division revoking European patent No. 2777493. The opposition division found that all of the requests then on file comprised added subject-matter.
- II. Oral proceedings before the Board took place on 4 July 2025.

The appellant (patent proprietor) requested that the decision under appeal be set aside and that the case be remitted to the opposition division on the basis of the main request or of one of the auxiliary requests 1, 2, 3, 4 or 4.1, all of which were filed with the statement of grounds of appeal.

The respondent (opponent) requested that the appeal be dismissed. As an auxiliary measure they requested that the case be remitted to the opposition division if one of the requests was found to comply with Article 123(2) EPC. The respondent further requested that auxiliary requests 2, 3, 4 and 4.1 not be admitted into the appeal proceedings.

- III. Claim 1 of the main request reads as follows.

A system, comprising:

a display screen (300); and
a processor configured to:

receive a plurality of values of a physiological parameter measured from a patient over a period of time,
determine if a current value based on the received values is within a normal range of the physiological parameter,
cause an alarm indicator to be displayed on the display screen (300) if the current value is determined to not be within the normal range, the alarm indicator not being displayed on the display screen (300) if the current value is determined to be within the normal range,
receive an acknowledgement of an alarm indicator from a user if the current value is determined to not be within the normal range,
cause an alarm acknowledgement indicator to be displayed on the display screen (300) in response to an acknowledgement of an alarm indicator, until the current value returns to within the normal range,
determine if the current value is within a goal range of the physiological parameter, the goal range being nested within the normal range, and
cause a goal indicator to be displayed on the display screen (300) if the current value is determined to be within the goal range, the goal indicator not being displayed on the display screen (300) if the current value is determined to not be within the goal range.

IV. The appellant's arguments, where relevant to the present decision, can be summarised as follows.

Main request - added subject-matter

The claims did not comprise added subject-matter.

The feature of claim 1 that an alarm acknowledgement indicator was displayed "until the current value returns to within the normal range" was disclosed in the first three sentences of paragraph [0076] of the application as filed. It was derivable from the first two sentences and their link using the expression "in this way" that acknowledgement was only indicated for an active alarm condition. This was confirmed by the wording "while the alarm condition persists" in the third sentence of paragraph [0076]. The example provided in the subsequent sentences also confirmed this understanding, disclosing the use of a third colour to indicate "an acknowledged out-of-normal-limit parameter". This meant that the alarm acknowledgement indicator was only displayed for parameters that were outside of their normal limit, and was no longer displayed when the alarm condition ended.

V. The respondent's arguments, where relevant to the present decision, can be summarised as follows.

Main request - added subject-matter

Claim 1 comprised added subject-matter.

Firstly, the application as filed disclosed that acknowledgement of an alarm was displayed by using different colours (embodiment of Figures 7 to 9). However, claim 1 was not limited to that or to any

particular way of displaying it. There was thus no basis for the generalisation to the term "alarm acknowledgement indicator". The application as filed disclosed other ways of displaying information relating to the alarm and goal indicators, but not to the alarm acknowledgement indicator. Moreover, it was unclear if the term "in a variety of ways" in paragraph [0076] of the application as filed referred to displaying the acknowledged alarm in one way out of a variety of ways, or to displaying it in more than one way simultaneously.

Secondly, it was not disclosed that an alarm acknowledgement indicator was only to be displayed "until the current value returns to within the normal range". The application as filed stated in the first three sentences of paragraph [0076] that acknowledgement of an alarm was displayed for as long as the alarm condition persisted. However, it did not describe when this display would disappear. Moreover, it was helpful for an operator of the system to be able to see if the patient had previously experienced an alarm condition, even if that condition was no longer present. The subsequent sentences of paragraph [0076] referred to the embodiment of Figure 8. This embodiment included other features, particularly the use of colours to indicate different states, that were inextricably linked to but had been omitted from the claim.

For the same reasons, claims 3, 9 and 18 also comprised added subject-matter.

Reasons for the Decision

1. Patent
 - 1.1 The invention relates to systems and methods for monitoring and displaying physiological parameters of a patient.
 - 1.2 Current monitoring devices provide a limited amount of patient data. To make clinical decisions, caregivers often need to spend extra time reviewing other patient records. This can adversely affect patient treatment, particularly in critical care situations, such as situations involving traumatic brain injury. The opposed patent addresses these shortcomings by facilitating the quick identification of changes in the patient's condition.
 - 1.3 According to the independent claims, a plurality of values of a physiological parameter measured from a patient over a period of time is received. It is then determined whether a current value based on the received values is within a normal range of the physiological parameter. An alarm indicator is displayed based on this determination, and an acknowledgement of the alarm indicator is received from a user. An alarm acknowledgement indicator is displayed until the current value returns to within the normal range. Moreover, it is determined if the current value is within a goal range nested within the normal range, and a goal indicator is displayed based on this determination.

2. Main request - added subject-matter
- 2.1 It is disputed whether there is basis in the application as filed for the feature "cause an alarm acknowledgement indicator to be displayed on the display screen in response to an acknowledgement of an alarm indicator, until the current value returns to within the normal range".
- 2.2 The opposition division concluded that there is basis for an "alarm acknowledgement indicator", but not for displaying the acknowledgement indicator "until the current value returns to within the normal range".
- 2.3 The respondent disputes the conclusion regarding the "alarm acknowledgement indicator".
 - 2.3.1 The application as filed states in paragraph [0076] that "[t]he display screen 300 can display an acknowledged alarm in a variety of ways". This sentence does not include "simultaneously", "at the same time" or any other wording suggesting the combination of multiple simultaneous ways of displaying an acknowledged alarm. In the immediately preceding paragraph [0075] it is stated that "[t]he alarm can be acknowledged in a variety of ways, such as by activating the alarm silence button 374", being clear from the example with the button activation that the expression "in a variety of ways" in paragraph [0075] refers to one way (out of several possible ways) of acknowledging the alarm, and not to multiple ways being required to acknowledge it. This supports that the same expression in paragraph [0076] is used with the same meaning.

2.3.2 Moreover, with regard to both the alarm and goal indicators, the application as filed discloses a change of colour as just one of several possible ways of informing the user whether an alarm is active or whether the current value is within the goal range, respectively (see, for example, the last sentence of paragraph [0040], the second sentence of paragraph [0042], the first sentence of paragraph [0068], the first sentence of paragraph [0075], and the first two sentences of paragraph [0082]). Therefore, a person skilled in the art reading the application as filed would understand that a colour change is just one possible way of conveying information to the user and that indicating an acknowledged alarm does not have to be linked to a colour change. Instead, a colour change is just one possible way of indicating that an alarm has been acknowledged.

2.3.3 Therefore, the application as filed provides a basis for including an "alarm acknowledgement indicator" that is not limited to a colour change.

2.4 The appellant disputes the opposition division's conclusion regarding the wording "until the current value returns to within the normal range".

2.4.1 According to the application as filed, an alarm indicator is displayed if the current value is determined to not be within the normal range, and it is not displayed if the current value is determined to be within the normal range. This aspect is reflected in original claim 1 and is maintained in claim 1 of the main request.

2.4.2 Paragraph [0076] states in the first sentence that, when the alarm is acknowledged, the display screen can

continue to indicate that the parameter is outside the normal range until it returns to within the normal range. As in the disputed feature of claim 1, the word "until" refers to up to this point in time, meaning that the alarm indicator will no longer be present after the parameter returns to within the normal range.

2.4.3 The second sentence of paragraph [0076] adds that "[i]n this way" (i.e. by displaying an alarm indicator after acknowledgement until the parameter returns to within the normal range), the display can indicate that the alarm condition has been observed/acknowledged by a caregiver. Contrary to the respondent's allegations at the oral proceedings, the introductory phrase "In this way" is not a meaningless filler. Rather, it follows from the first two sentences that, when an alarm is acknowledged, displaying the alarm indicator until the parameter returns to within the normal range makes it possible to indicate that the alarm condition has been observed. This implies that an ongoing alarm indicator is necessary to indicate that an alarm condition has been acknowledged.

2.4.4 The third sentence of paragraph [0076] then adds that, "Thus", i.e. in this way, any subsequent observer/caregiver while the alarm condition persists can determine from the display that the alarm has been observed/acknowledged. The wording "while the alarm condition persists" would serve no purpose if the observer could determine at any later point that the alarm has been acknowledged. In view of the two previous sentences of paragraph [0076] and of the link between the first three sentences, the third sentence confirms that it is only possible to determine that an alarm has been acknowledged if (i.e. provided that) the

alarm condition persists, i.e. if the parameter is outside the normal range.

2.4.5 Paragraph [0076] goes on to describe an exemplary embodiment in which a portion of the display changes from a first colour (indicative of no alarm, i.e. parameter within the normal range) to a second colour (indicative of an alarm, in particular one that has not been acknowledged) and, upon acknowledgement of the alarm, to a third colour "indicative of an acknowledged out-of-normal-limit parameter". Thus, in this example, the third colour indicates that a parameter is outside the normal range and that this has been acknowledged, corresponding to the indication in the first sentence of paragraph [0076]. Consequently, the third colour would only be maintained as long as the alarm persists, and it would be changed back to the first colour (no alarm) if the parameter is determined to be within the normal range. The third colour would thus allow an observer/caregiver to determine from the display that the alarm has been acknowledged "while the alarm condition persists", as stated in the third sentence of paragraph [0076]. The exemplary embodiment is thus consistent with the disclosure of the first three sentences of paragraph [0076] as discussed above.

2.4.6 In summary, paragraph [0076] of the application as filed discloses that an alarm acknowledgement indicator is only displayed as long as the alarm occurs, i.e. as long as the current value is determined to not be within the normal range. The wording "until the current value returns to within the normal range" does therefore not result in added subject-matter.

2.5 It follows that the claims of the main request do not comprise added subject-matter.

3. Remittal

3.1 Both parties requested remittal to the opposition division if it is established that a request does not comprise added subject-matter. In view of the parties' requests and taking into account that the opposition division did not deal with the grounds for opposition other than Article 100(c) EPC, the Board considers that special reasons within the meaning of Article 11 RPBA present themselves for remitting the case to the opposition division.

Order

For these reasons it is decided that:

The decision under appeal is set aside.

The case is remitted to the opposition division for further prosecution.

The Registrar:

The Chairman:



A. Chavinier-Tomsic

M. Alvazzi Delfrate

Decision electronically authenticated