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**Datasheet for the decision
of 12 May 2026**

Case Number: T 0806/24 - 3.4.02

Application Number: 17733839.9

Publication Number: 3479068

IPC: G01D4/00, H04Q9/00

Language of the proceedings: EN

Title of invention:

Decentralized Measuring System and Network

Patent Proprietor:

3F Security AB

Opponent:

Techem Energy Services GmbH

Headword:

Pushing Measured Data/3F SECURITY AB

Relevant legal provisions:

EPC Art. 54, 56, 84

RPBA 2020 Art. 12(4), 13(2)

Keyword:

Novelty - (no) - main request (no)

Inventive step - auxiliary request (no)

Claims - clarity - auxiliary request (no)

Amendment to case - amendment overcomes objection (no)

Amendment after summons - exceptional circumstances (no)



Beschwerdekammern

Boards of Appeal

Chambres de recours

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Case Number: T 0806/24 - 3.4.02

D E C I S I O N
of Technical Board of Appeal 3.4.02
of 12 May 2026

Appellant: Techem Energy Services GmbH
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Decision under appeal: Interlocutory decision of the Opposition
Division of the European Patent Office posted/
electronically transmitted on 11 April 2024
concerning maintenance of the European Patent
No. 3479068 in amended form.

Composition of the Board:

Chairman R. Bekkering
Members: F. Giesen
M. Blasi

Summary of Facts and Submissions

I. The opponent (appellant) filed an appeal against the interlocutory decision of the opposition division dated 11 April 2024, which found that European patent No. 3 479 068, as amended in the version of auxiliary request 1 with claims filed with letter dated 31 January 2024, met the requirements of the Convention.

II. The following document will be referred to:

D9: WO 95/32595

III. Oral proceedings before the board took place on 12 May 2026.

The parties' final requests were as follows:

The opponent requested

that the decision under appeal be set aside and
that the patent be revoked.

The patent proprietor (respondent) requested,

that the appeal be dismissed, implying that the
patent be maintained as amended in the form held
allowable by the opposition division (main
request),

and, as auxiliary request, that the patent be maintained in amended form on the basis of the claims of

- auxiliary request 1 filed with letter dated 13 April 2026
- auxiliary request 1a filed during the oral proceedings on 12 May 2026
- or of one of auxiliary requests 2 to 17, filed as auxiliary requests 1 to 16 with the reply dated 19 December 2024.

Reasons for the Decision

1. Admissibility of the appeal

The appeal meets the requirements of Articles 106 to 108 EPC, as well as those of Rule 99 EPC. It is therefore admissible.

2. Main request - novelty in view of D9

2.1 The subject-matter of claim 1 of the main request lacks novelty within the meaning of Article 54 EPC in view of document D9.

2.2 Claim 1 of the main request reads as follows:

- M1.1 *"Method for use in networking and remote reading of utility meters, wherein the method comprises:*
- M1.2 *providing, from a sensor (121, 221, 222, 223, 224, 322), a measurement signal that is indicative of a performed measurement;*

- M1.3 *storing, at a detection unit (111, 211, 212, 213, 214, 312, 411) adapted to be used as a utility meter, a plurality of measurement signals provided from the sensor;*
- M1.4 *initiating, at the detection unit, a transmission of a data package comprising the plurality of measurement signals from the detection unit,*
- M1.5 *wherein the transmission from the detection unit is a broadcast transmission;*
- M1.6 *receiving, at a plurality of collection units (131, 231, 232, 233, 331, 332, 431), the data package from the detection unit;*
- M1.7 *adding, at each of the plurality of collection units, information to the received data package, wherein the information comprises a time indicative of when the collection unit receives the data package; and*
- M1.8 *thereafter initiating, at each of the plurality of collection units, a transmission of the data package to a central unit (150, 250, 350, 450),*
- M1.9 *wherein the data package transmission utilizes PUSH technology."*

The feature labels were added by the board.

2.3 The opposition division held that document D9 disclosed features M1.1 to M1.8 (see points 39 to 52 of the decision under appeal). The only contentious issue regarding novelty over D9 in the decision under appeal (see points 56 to 60) was whether D9 discloses feature M1.9.

2.4 The board agrees with the opposition division's assessment of features M1.1 to M1.8. The system according to D9 collects data from many remote

measuring devices, for example electricity, gas or water meters.

Each meter has a network service module (NSM). The NSM reads the meter, stores the data, and sends it by radio as a short data packet. Usually, the meters are not individually polled. Instead, they send their data autonomously at random or pseudo-random times, so that not all meters transmit at the same time. Alarm messages, caused by for example tampering or power failure, can be sent immediately.

The data is received by nearby remote cell nodes (RCNs). These RCNs store the meter data packets. Several RCNs may receive the same meter message, which gives redundancy.

Then an intermediate data terminal (IDT) polls the RCNs. The RCNs forward the stored meter data to the IDT. The IDT stores the received data and removes duplicate messages.

Finally, the central data terminal (CDT) polls the IDTs. The IDTs then forward the collected data to the CDT, where the data is decoded, duplicates are removed, and the meter data is stored in a database.

The board notes in particular that D9 discloses in the section "Network Service Module" on page 18, lines 15 to 18 that

"[w]hile the network service modules could be polled by the command signal, in general, such polling is not required and preferably not used with the present invention".

Moreover, according to page 20, lines 3 to 11

"[i]n order to simplify network operation and reduce costs, the wide area communications network as embodied herein does not poll individual network service modules. Rather, each network service module reports autonomously at a rate appropriate for the application being supported. Routine reports are therefore transmitted randomly or pseudorandomly at fixed average intervals, while alarm signals are transmitted immediately following detection of alarm conditions."

According to page 21, lines 5 to 20

"[n]etwork capacity or throughput is limited by the probability of message collisions at each remote cell node 112. Because all network service modules 110 share a single carrier channel and transmit at random times, several network service modules 110 within a range of a particular remote cell node 112 may transmit simultaneously, with NSM packet signals colliding at the remote cell node 112. [...] Moreover, since both signals are received by at least two and preferably four of the remote cell nodes, the probability of both messages being received is fairly high unless the network service modules are in close spatial proximity."

The first two passages expressly state that polling is not preferred. The second passage further specifies that the network service module reports autonomously, i.e. that the sender initiates the transmission of data packets. Message collisions, as described in the third cited passage, occur only when the sender (here the network service module) initiates the transmission of

data packets without coordination by the receiver. The reference to "*random times*" corroborates this understanding, since this is a common measure to avoid message collisions where several senders push messages on a common uplink.

The above passages can only be understood as disclosing that a broadcast transmission of a data packet (called package in claim 1) is initiated at the network service modules within the meaning of feature M1.4 and M1.5 and that the network service modules also push data packets within the meaning of feature M1.9. A broadcast message can be viewed as a form of push communication, because it is sent by the transmitter without an individual request from each receiver.

2.5 The opponent submitted, with respect to feature M1.9 and paragraph [0048] of the opposed patent, that "*push technology*" in the sense of the patent encompassed any communication in which the sender, i.e. the collection unit, initiated the request for communication. This would also include a reverse inquiry communication such as that disclosed in D9. D9, page 78, lines 9 to 11, discloses that a remote cell node RCN, which the opponent equates with a collection unit, could asynchronously send a packet on the RIQ link, comparable to HDLC's unbalanced asynchronous response mode (ARM), requesting that the remote cell node be polled. Accordingly, the opponent argued that "*push technology*" in the claim also covered "*polling on demand*" as disclosed in D9 (statement of grounds of appeal, point 2, page 7, third paragraph to page 11, third paragraph).

2.6 The patent proprietor argued (reply dated 19 December 2024, section 4) that the expression "*push*

technology" did not encompass a poll on demand as disclosed in D9. In the patent proprietor's view, the established understanding of push technology required that a data packet itself be sent to the recipient without the need for a preceding retrieval action by the recipient (central unit). Moreover, according to D9, if at all, only alarm messages were sent using push communication. The opponent had not demonstrated how the alarm message protocol disclosed in D9 mapped onto the remaining features of the claim (*ibid.*, paragraphs 4.1.9 to 4.1.12).

Moreover, the patent proprietor argued (letter dated 13 April 2026) that feature M1.9 had to be read as an integral feature of feature M1.8 due to the indentation and use of semicolons and colons. It followed that it could only be understood to refer to the step of communication between the collection units and the central unit.

During the oral proceedings before the board, the patent proprietor presented arguments in support of novelty in view of D9. However, these arguments were all based on the premise that feature M1.9 had to be construed as restricting the communication link between the collection units and the central units to the use of push technology.

- 2.7 In the board's view, even if the somewhat vague expression "*push technology*" ("*push*" is not itself a technology but merely a mode of communication over a network), is interpreted as proposed by the patent proprietor as excluding "*triggered poll*" or "*poll on demand*" communication, the subject-matter of claim 1 is still not new.

Feature M1.9 specifies only that the data packet transmission utilises push technology. This neither limits the claim to the effect that each communication link must employ push communication nor to the effect that the link between the collection unit and the central unit must utilise push technology. Rather, the feature is anticipated if at least one of the links uses push technology. This is disclosed in D9 for the communication link between the detection unit (referred to as the network service module in D9) and the collection unit (referred to as the remote cell node).

While punctuation and formatting may be taken into account when construing a claim, they are necessarily subordinate to the wording of the claim itself. Thus, where the claim wording is broad, it cannot be read in a more limited manner merely on the basis of indentation or, as in the present case, the use of a comma rather than a semicolon.

This view is further confirmed when taking into account the description and other parts of the application or patent. Contrary to what the patent proprietor argued in point 2.1.4 of the reply to the appeal dated 19 December 2024, the first paragraph on page 10 of the application as filed (identical to paragraph [0048] of the description of the patent as granted), as well as claim 7 as filed (identical to granted claim 5) disclose that the transmission *from the collection unit* utilises push technology. However, this limitation is not present in feature M1.9. In the present case, the description and claims corroborate that the wording of feature M1.9 is not limited to the link between the collection unit and the central unit. Punctuation and formatting remain subordinate to this finding.

2.8 The board therefore concludes that the subject-matter of claim 1 of the main request lacks novelty in view of D9.

3. Auxiliary request 1 - admittance

3.1 In accordance with Article 13(2) RPBA, the board considered that exceptional circumstances existed which justified taking into account auxiliary request 1, the claims of which were filed with letter dated 13 April 2026, i.e. after notification of the communication under Article 15(1) RPBA. In essence, the board was persuaded by the patent proprietor's submission that the opponent had not argued that feature M1.9 did not limit the communication in the second communication link to "*utilizing PUSH technology*". Therefore, this line of argument had been introduced by the board in its communication under Article 15(1) RPBA. This constitutes exceptional circumstances within the meaning of Article 13(2) RPBA. Since the request is ultimately not allowable, its admittance does not disadvantage the opponent. No further detailed reasoning on its admittance is therefore relevant for the decision to be taken.

4. Auxiliary request 1 - novelty in view of D9

4.1 The subject-matter of claim 7 of auxiliary request 1 is not new within the meaning of Article 54 EPC.

4.2 Claim 7 of auxiliary request 1 is an independent device claim that corresponds to the independent method claim 1. In particular, it includes the features (underlining added by the board)

- "a detection unit (111, 211, 212, 213, 214, 312, 411) adapted to [...] transmit a data package comprising a plurality of measurement signals in a broadcast transmission;"
- "a plurality of collection units (131, 231, 232, 233, 331, 332, 431), each configured [...] to transmit the data package to a central unit (150, 250, 350, 450)",
- "wherein the data package transmission utilizes *PUSH technology*"

4.3 The reasoning concerning claim 1 of the main request applies also to the corresponding device claim. The wording of the feature according to which "*the data package transmission utilizes PUSH technology*" does not specify whether it refers to the data packet transmission between the detection and collection units or to the transmission between the collection unit and the central unit. Push communication implies that the sender initiates transmission of the data packet. The first link between the detection unit and the collection units uses broadcast transmission, meaning that the sender initiates transmission of the data packet to all recipients within range. It therefore uses "*PUSH technology*".

4.4 The patent proprietor argued that since claim 7 was a system claim, defining physical units, the feature in question had to be understood as specifying only properties of the collection units. The interpretation of the method claim adopted by the board was not possible in a system claim.

4.5 The board does not find this argument persuasive, but, in agreement with the opponent finds that nothing in

claim 7 expressed that the feature concerning data transmission utilising push technology was a definition of the configuration of the collection units.

5. Auxiliary request 1a - admittance

5.1 The board did not take auxiliary request 1a, the claims of which had been filed during the oral proceedings before the board, into account under Article 13(2) RPBA.

5.2 The patent proprietor argued that there were exceptional circumstances. The patent proprietor was informed of the board's interpretation of system claim 7 for the first time at the oral proceedings. The communication under Article 15(1) RPBA setting out the preliminary opinion of the board was silent on claim 7. A system claim had to be construed differently than a method claim. Claim 7 provided a definition of the collection units, thereby providing a very different construction from a method claim where the division between the features was based on the actions. The novelty objection against claim 1 was not applicable to claim 7.

5.3 The board is not persuaded by this argument but, as submitted by the opponent, takes the view that claims 1 and 7 are almost identical. The subject-matter of both of these claims had been objected to by the opponent for lack of novelty in view of D9 with the same line of argument in its statement of grounds of appeal. Therefore, the patent proprietor should have expected that the board's considerations on claim interpretation and novelty relating to claim 1 might also apply to claim 7, even though the board only addressed claim 1

of the main request in its communication under Article 15(1) RPBA. Thus, as for claim 1, the patent proprietor could and should have presented, a corresponding fallback position for claim 7 in response to the board's communication under Article 15(1) RPBA. While exceptional circumstances were acknowledged by the board to be present in relation to auxiliary request 1 as filed on 13 April 2026, no such exceptional circumstances could be seen for auxiliary request 1a filed at the oral proceedings. The board's confirmation that its considerations indeed also applied to claim 7 cannot have come as a surprise in the circumstances of the current case.

Moreover, the board considers that the distinction the patent proprietor attempts to draw between method and device claims cannot support the conclusion that the feature concerning transmission of data packets was a definition of the configuration of the collection units. Nothing in the wording of that feature supports this assertion. The context of a device claim does not change this fact. This should have been apparent to the patent proprietor.

Taking auxiliary request 1a into account would amount to giving one party repeated opportunity to remedy deficiencies, which that party could have been expected to remedy all at the same time.

6. Auxiliary request 2 - novelty in view of D9

6.1 The claims of auxiliary request 2, filed as auxiliary request 1 with the reply to the appeal dated 19 December 2024, was first filed on appeal and its admittance is governed by Article 12(4) RPBA. The board

decided on the merits of this request and, thereby, admitted it into the proceedings for considerations of procedural economy.

The subject-matter of claim 1 of auxiliary request 2 is not new within the meaning of Article 54 EPC.

- 6.2 Claim 1 of auxiliary request 2 contains features M1.1 to M1.8 of claim 1 of the main request but instead of feature M1.9 an amended feature M1.9' at the end of the claim, according to which

"wherein the data package transmission utilizes PUSH technology to push the data package to the central unit"

- 6.3 In the board's view, this feature still leaves open whether each of the links (from the detection unit to the collection unit and from the collection unit to the central unit) must use push communication.

- 6.4 The patent proprietor argued that the board's understanding was only justified if the feature read *"...to push the data package toward the central unit"* (emphasis added by the board).

- 6.5 The board is not convinced by the patent proprietor's argument. The expression "to push the data package to the central unit" merely identifies the final destination of the data package. It is true that the preposition "towards" would express this meaning even more clearly. However, the use of the preposition "to" does not mean that the feature defines the central unit as the immediate recipient in the communication link using push technology.

6.6 It follows that the amendment cannot establish novelty over D9.

7. Auxiliary requests 3 to 7 - admittance

7.1 The claims of auxiliary requests 3 to 7, filed as auxiliary requests 2 to 6 with the reply to the appeal dated 19 December 2024, are identical to those of auxiliary requests 1 to 5 filed with the reply to the notice of opposition. They were therefore admissibly raised (Rule 79(1) EPC) and also maintained in the opposition proceedings (minutes of the oral proceedings held before the opposition division, point 12.3) within the meaning of Article 12(4), first sentence, RPBA. They are thus to be taken into account in the appeal proceedings under this provision.

8. Auxiliary request 3

8.1 Claim 1 of auxiliary request 3, filed as auxiliary request 2 with the reply to the appeal dated 19 December 2024, is not clear within the meaning of Article 84 EPC.

8.2 Claim 1 of auxiliary request 3 includes features M1.1 to M1.5 and M1.7 to M1.8 and in addition the feature

M1.6' *"the plurality of collection units being all collection units available to the detection unit",*

between features M1.5 and M1.7.

8.3 The board informed the parties in point 8.1 of its communication under Article 15(1) RPBA, that it agreed with the opponent's submission that the expression "available" was vague (statement setting out the grounds of appeal, point 4.1). The board also informed the parties that it considered Article 84 EPC to be the correct legal basis for this objection, since this amendment introduced a non-compliance with Article 84 EPC. Indeed, the expression "available" does not have a recognised technical meaning. It could refer to collection units that are in range for broadcast transmission or that are programmed to receive data packets from a particular detection unit or that are in operation at the time of the transmission.

8.4 At the oral proceedings before the board, the patent proprietor referred to its written submissions on this point. The patent proprietor's written submissions, in particular points 5.1.4 to 5.1.11 of the reply to the appeal dated 19 December 2024, do not contain any comment on the above objection.

8.5 The board therefore concludes that claim 1 of auxiliary request 3 is not clear.

9. Auxiliary request 4

9.1 Claim 1 of auxiliary request 4, filed as auxiliary request 3 with the reply to the appeal dated 19 December 2024, comprises the features of claim 1 as granted (i.e. M1.1 to M1.8) and, in addition, the features

*"wherein the method further comprises:
initiating, at the detection unit, a transmission*

of an alarm data package signal, the alarm data package signal being indicative of a performed measurement by the sensor which triggered an alarm, and wherein the transmission from the detection unit is a broadcast transmission; receiving, in the plurality of collection units, the alarm data package signal; and initiating, at each of the plurality of collection units, a transmission of the alarm data package signal to the central unit."

- 9.2 The opponent argued (statement of grounds of appeal, point 4.2, last paragraph on page 27) that D9 anticipated the added features. In particular, the opponent is correct in arguing that according to D9, page 6, lines 22 to 37 alarm messages are transmitted on a real-time channel of the frame and that the remote cell nodes transmit the alarm data to the intermediate data terminals which transmit the data to the central data terminal. This implies necessarily that alarm data transmission is initiated at each of the plurality of collection units to the central unit.
- 9.3 The patent proprietor disputed in the context of the main request that the alarm transmission constituted a broadcast transmission (reply dated 19 December 2024, point 4.1.11). In favour of the patent proprietor, this submission is understood to apply to the present claim request.
- 9.4 The patent proprietor argued that D9 did not disclose a broadcast transmission as required by feature M1.5 in the context of transmitting alarm messages.
- 9.5 The board is not persuaded. The passage of D9 on page 32, lines 17 to 20, states that

"[...] communication from the meter reading unit is carried out by radio transmission from the microprocessor 220 through a modulation device 250 which connects to the antenna 322".

This amounts to a disclosure of broadcast transmission. Since no means of sending data other than an antenna is disclosed, alarm messages are also sent via the antenna, which means they are broadcast.

Furthermore, page 33, lines 5 to 10, consistently discloses that each remote cell node receives data from all remote service modules within range. This likewise implies that the remote service modules broadcast their transmissions.

Moreover, D9 discloses on page 116, lines 12 to 18 that

"[t]he existence of multiple paths from one network service module to several remote cell nodes markedly enhances the chance that any particular NSM message will be heard by at least one remote cell node, but at the expense of increased traffic arising from relaying multiple copies of the same message when several remote cell nodes successfully receive it."

This is also disclosure of a broadcast transmission.

- 9.6 Furthermore, D9 clearly teaches redundancy of messages as a fundamental feature of the invention and merely limits the number of redundant messages when they would otherwise overburden the network. Claim 1 contains no limitation as to the number of collection units and in particular also covers the case of two collection

units. At such a low number, the fundamental feature of redundancy requires that each collection unit forwards the data.

- 9.7 The patent proprietor argued in point 7.1.3 of the reply to the appeal dated 19 December 2024, that none of the cited prior art disclosed that an alarm data package signal was transmitted from a detection unit via all available collection units to a central unit. This argument was submitted in support of then auxiliary request 4, now auxiliary request 5. In the patent proprietor's favour, it is assumed to apply to the present claim request.
- 9.8 The board is not persuaded by this argument. While the passage on page 6 of D9 uses the singular to refer to the components of the network, it becomes apparent from other passages referred to above that each of the remote cell nodes transmits a received alarm message. The network service modules (the detection units of D9) broadcast alarm messages. They are received by all remote cell nodes (the collection units of D9). They initiate transmission of the alarm message. There is no communication among the remote cell nodes and no decision instance that could lead to any of the remote cell nodes not passing on the message.
- 9.9 Therefore, the subject-matter of claim 1 of auxiliary request 4 lacks novelty within the meaning of Article 54 EPC in view of D9.
10. Auxiliary request 5
- 10.1 Claim 1 of auxiliary request 5, filed as auxiliary request 4 with the reply to the appeal dated

19 December 2024, combines the amendments of auxiliary requests 3 and 4 (first filed as auxiliary requests 2 and 3).

10.2 The opponent correctly argued (statement of grounds of appeal, point 4.3) that this combination does not render the claim allowable. The patent proprietor has only referred to the arguments submitted in favour of the higher ranking requests.

10.3 Therefore, claim 1 of the present request is at least not clear within the meaning of Article 84 EPC for the same reasons as auxiliary request 3.

11. Auxiliary request 6

11.1 Claim 1 of auxiliary request 6, filed as auxiliary request 5 with the reply to the appeal dated 19 December 2024, comprises the features of claim 1 as granted (i.e. M1.1 to M1.8) and, in addition, the features

*"wherein the method further comprises:
initiating, at the detection unit, a transmission of an alarm data package signal to the plurality of collection units, the alarm data package signal being indicative of a performed measurement by the sensor which triggered an alarm;
prioritizing, in each of the plurality of collection units, the received alarm data package signal, wherein said prioritizing comprises sidestepping a potential queue in each of the plurality of collection units; initiating, at each of the plurality of collection units, a*

transmission of the alarm data package signal to the central unit."

11.2 This claim is unclear due to the technically vague and informal expression "*sidestepping a potential queue*".

11.3 The patent proprietor was informed of this in the board's communication under Article 15(1) RPBA in point 11.2. At the oral proceedings before the board it referred to its written submissions, which do not address this issue.

Therefore, claim 1 of the present request is not clear within the meaning of Article 84 EPC.

12. Auxiliary request 7

12.1 Claim 1 of auxiliary request 7, filed as auxiliary request 6 with the reply to the appeal dated 19 December 2024, comprises the features M1.1 to M1.8 of claim 1 as granted and, in addition, the features

*"wherein the method further comprises:
initiating, at the detection unit, a transmission of an alarm data package signal to the plurality of collection units, the alarm data package signal being indicative of a performed measurement by the sensor which triggered an alarm, wherein the transmission is a broadcast transmission;
initiating, at each of the plurality of collection units, a transmission of an alarm notification signal to the central unit;
receiving, at the central unit, the alarm notification signal;*

sending, by the central unit and in response to receiving the alarm notification signal, a request to each of the plurality of collection units for the alarm data package signal; initiating, at each of the plurality of collection units and in response to receiving said request, a transmission of the alarm data package signal to the central unit."

- 12.2 This subject-matter defines that the central unit first receives an alarm notification and subsequently polls each of the collection units for additional alarm data.
- 12.3 The added features are also the distinguishing features.
- 12.4 The opponent referred to D9, page 6, lines 34 to 37 (statement setting out the grounds of appeal, point 4.5). However, this passage merely discloses that the central data terminal processes the alarm condition and responds with an appropriate command signal back to the network service module. It does not disclose that the central unit polls each collection unit.
- 12.5 In point 9.1.10 of the reply to the appeal dated 19 December 2024, the patent proprietor argued, with reference to page 14, lines 458 to 460 of the application as filed, that the added features increased the efficiency of the transmission of the alarm signal.
- 12.6 The board is not persuaded by this argument. The application merely makes a vague assertion of an additional benefit. From a technical point of view it is rather meaningless to say that the transmission of the alarm signal was more "*efficient*", since this qualifier has no accepted meaning. Moreover, it appears

less "*efficient*" to notify the central unit which then has to poll a large number of collection units for redundant alarm data before a countermeasure can be initiated. There is also no persuasive explanation as to why it would be faster overall to send a short, or less demanding, notification, as the patent proprietor puts it, only to have a longer message transmitted after a poll. The central unit still needs time to receive the longer message before it can act and, in addition, time to receive the notification and poll the collection units.

12.7 Therefore, the distinguishing features do not produce a surprising or beneficial technical effect. The technical problem is therefore the provision of an alternative.

12.8 In the board's view, the claimed subject-matter merely defines an obvious alternative.

12.9 Consequently, the subject-matter of this claim does not involve an inventive step within the meaning of Article 56 EPC.

13. Auxiliary requests 8 to 17 - admittance

13.1 The sets of claims of auxiliary requests 8 to 17 were filed as auxiliary requests 7 to 16 for the first time with the reply to the appeal dated 19 December 2024.

13.2 The decision under appeal was therefore not based on these claim requests within the meaning of Article 12(2) RPBA. Their admittance was thus at the discretion of the board pursuant to Article 12(4), first sentence, RPBA.

- 13.3 In substance, auxiliary requests 8 to 12 correspond to auxiliary requests 3 to 7, with the added feature that *"the data package transmission utilizes PUSH technology"* from the main request.

Since the board does not consider this feature to be a distinguishing feature over document D9, these requests are not suitable to overcome the deficiencies of auxiliary requests 3 to 7.

- 13.4 In substance, auxiliary requests 13 to 17 correspond to auxiliary requests 8 to 12, with the added feature that the data package transmission utilises PUSH technology *"to push the data package to the central unit"*, which is also present in claim 1 of auxiliary request 2.

For the reasons set out in point 6. above, the board considers this feature not to establish novelty over D9.

- 13.5 The board therefore did not admit any of these requests taking into account the criteria set out in Article 12(4), fifth sentence, RPBA.

14. In conclusion, there was no allowable claim request.

Order

For these reasons it is decided that:

1. The decision under appeal is set aside.
2. The patent is revoked.

The Registrar:

The Chairman:



L. Gabor

R. Bekkering

Decision electronically authenticated