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**Datasheet for the decision
of 10 November 2025**

Case Number: T 0816/24 - 3.5.05

Application Number: 19211354.6

Publication Number: 3664408

IPC: H04W12/08, H04L29/06,
H04L12/28, H04W12/00,
H04W84/12, H04W12/30, H04W12/63

Language of the proceedings: EN

Title of invention:
Communication system and method for authorizing an appliance

Patent Proprietor:
Whirlpool Corporation

Opponent:
Henkel AG & Co. KGaA

Headword:
Authorising an appliance/WHIRLPOOL

Relevant legal provisions:
EPC Art. 123(2)

Keyword:
Added subject-matter - patent as maintained (yes)



Beschwerdekammern

Boards of Appeal

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Case Number: T 0816/24 - 3.5.05

D E C I S I O N
of Technical Board of Appeal 3.5.05
of 10 November 2025

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Decision under appeal: **Interlocutory decision of the Opposition
Division of the European Patent Office posted on
15 April 2024 concerning maintenance of the
European Patent No. 3664408 in amended form.**

Composition of the Board:

Chair K. Bengi-Akyürek
Members: P. Tabery
C. Heath

Summary of Facts and Submissions

- I. The appeal lies from the decision of the opposition division to maintain the opposed patent as amended according to an "**auxiliary request 3**".

The opposition division found that neither the opposed patent (**main request**), nor **auxiliary requests 1 and 2** complied with Article 56 EPC.

- II. The prior-art documents referred to by the opposition division included:

D6: US 9451462 B2.

- III. The requests of the parties were as follows:

The appellant-opponent ("the opponent") requested that the decision under appeal be set aside and that the patent be revoked.

The respondent-proprietor ("the proprietor") requested that the appeal be dismissed.

- IV. In a communication issued under Article 15(1) RPBA, the board gave its preliminary opinion on the appeal according to which the appeal was likely to succeed and the patent to be revoked.

- V. The proprietor then indicated that it would not be attending the arranged oral proceedings. It did not submit any comments on the substance of the board's communication.

- VI. The scheduled oral proceedings were then cancelled.

VII. Claim 1 of **auxiliary request 3** (patent as maintained) reads as follows (labelling based on that used in the decision under appeal):

1. "A method (100) for authorizing a first appliance (28) adapted to perform a cycle of operation on an article to communicate with a Local Area Network (LAN, 20), wherein the method (100) comprises the steps of:
 - 1.1 receiving (102), at a controller module (60) remote from the first appliance (28), identifying data (40) of the first appliance (28) and user data (68),
 - 1.1.1 wherein the controller module is included in a remote server (16), located remotely from the Local Area Network (20) and in communication with the Local Area Network (20) by way of the Internet (26);
 - 1.2 verifying (104), by the controller module (60) accessing a database (61), that the user data (68) is associated with a second appliance (30) authorized to communicate with the Local Area Network (LAN, 20) by way of authorization data (46);
 - 1.2.1 wherein the database (61) is included in the memory of the remote server (16), wherein the database (61) includes a list or a set of second appliances (30) that are in communication with the internet (26) by way of the Local Area Network (20),
 - 1.3 generating a set of instructions (106), by the controller module (60), adapted to instruct the second appliance (30) to communicate directly

- with the first appliance (28) and to transmit the authorization data (46) from the second appliance (30) to the first appliance (28),
- 1.3.1 wherein the set of instructions include the identifying data (40) of the first appliance (28), and
- 1.4 communicating, by the controller module (60), said set of instructions (106) to the second appliance (30),
- 1.4.1 the second appliance (30), upon receiving the set of instructions, executing the set of instructions,
- 1.4.2 thereby authorizing the first appliance (28) to communicate with the Local Area Network (LAN, 20) by way of the authorization data (46); and
- 1.5 receiving, at the controller module (60), a set of communications from the first appliance (28), wherein the set of communications arrives by way of authorized communications of the Local Area Network (LAN, 20)."

Reasons for the Decision

1. The opposed patent concerns connecting appliances to a secure wireless network, in particular providing a "wireless authorisation key" to an appliance. For instance, a user may communicate directly with the appliance, provide the wireless authorisation key directly to the appliance, and allow the appliance to connect to the wireless network.

2. Auxiliary request 3 (patent as maintained)
 - 2.1 Added subject-matter (Article 123(2) EPC)
 - 2.1.1 In the context of claim 1 as granted, the opposition division found that the combination of **features 1.4 and 1.4.2** was disclosed in claim 1 as filed. Notably, it was evident from the "generating" step of claim 1 as filed that the "authorisation data" was transmitted from the "controller module" via the "second appliance" to the "first appliance". As a consequence thereof, according to claim 1 as filed, "the first appliance communicates with the LAN by way of the authorisation data".
 - 2.1.2 The opponent submitted that the combination under scrutiny was not unambiguously derivable from claim 1 as filed and also not disclosed in paragraphs [0026] and [0038] of the original description, which had also been cited by the proprietor.
 - 2.1.3 The board concurs with the opponent that claim 1 as filed does not exclude that the first appliance may already have been authorised to communicate with the LAN beforehand, since claim 1 as filed is silent as to when - or if at all - the "first appliance" is authorised to communicate with the LAN. The board understands that claim 1 as filed refers to the mere communication of the "authorisation data" by the "first appliance" using the LAN. On the other hand, claim 1 as granted refers to authorising the first appliance to transmit any type of data over the LAN. Consequently, claim 1 as filed does not allow to unambiguously derive that, by merely receiving the "authorisation data", the first appliance is indeed authorised to communicate

with the LAN, as specified in features 1.4 and 1.4.2 of claim 1 according to auxiliary request 3.

2.1.4 Moreover, the board concurs with the opponent that paragraph [0038] - and more generally paragraphs [0037] to [0040] as filed - do not disclose the combination of the features in question. Rather, the board understands from paragraph [0039] that it is the "controller module" which establishes that "the first appliance is authorised to communicate with the LAN". This is however independent of the "first appliance" actually receiving the "authorisation data" and is thus a solution different from what is claimed in features 1.4 and 1.4.2 of claim 1 according to auxiliary request 3.

2.1.5 For these reasons, claim 1 contains subject-matter which extends beyond the content of the application as filed (Article 123(2) EPC).

2.2 In view of the above, **auxiliary request 3** is not allowable under Article 123(2) EPC.

3. With no allowable claim request on file, the patent must be revoked.

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:



B. Brückner

K. Bengi-Akyürek

Decision electronically authenticated