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**Datasheet for the decision
of 18 December 2025**

Case Number: T 1315/24 - 3.5.07

Application Number: 20737931.4

Publication Number: 3908937

IPC: G06F16/13, G06F16/174,
G06F16/22, H03M7/30

Language of the proceedings: EN

Title of invention:

Method and system for content agnostic file indexing

Applicant:

LogNovations Holdings, LLC
McElveen, Christopher

Headword:

Content-agnostic file indexing/LOGNOVATIONS

Relevant legal provisions:

EPC Art. 84
RPBA 2020 Art. 12(4), 12(6)

Keyword:

Amendment to case - main request and first auxiliary request
(not admitted)
Claims - clarity - second and third auxiliary requests (no)

Decisions cited:

T 0003/90



Beschwerdekammern

Boards of Appeal

Chambres de recours

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Case Number: T 1315/24 - 3.5.07

D E C I S I O N
of Technical Board of Appeal 3.5.07
of 18 December 2025

Appellant: LogNovations Holdings, LLC
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Appellant: McElveen, Christopher
(Applicant 2) 810 S. Sterling Avenue
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Representative: Barker Brettell LLP
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Decision under appeal: **Decision of the Examining Division of the
European Patent Office posted on 20 June 2024
refusing European patent application
No. 20737931.4 pursuant to Article 97(2) EPC**

Composition of the Board:

Chair M. Jaedicke
Members: R. de Man
E. Mille

Summary of Facts and Submissions

- I. The applicants appealed against the decision of the examining division refusing European patent application No. 20737931.4.
- II. The examining division decided that the subject-matter of claim 1 of each of the main request and the auxiliary request lacked an inventive step over the following document:

D3: US 5 594 435 A, 14 January 1997.
- III. With their statement of grounds of appeal, the appellants filed a new main request and a new first auxiliary request and maintained the main request and the auxiliary request considered in the decision under appeal as their second and third auxiliary requests.
- IV. In a communication accompanying the summons to oral proceedings, the board raised the question whether the main request and the first auxiliary request should be admitted into the appeal proceedings and expressed the preliminary view that none of the requests complied with Articles 56 and 84 EPC.
- V. In reaction to the board's communication, the appellants informed the board that they would not be attending the oral proceedings and requested that a decision be issued on the file as it stands. They did not comment in substance on the board's communication.
- VI. The board cancelled the oral proceedings.

- VII. The appellants request that the decision under appeal be set aside and that a patent be granted on the basis of the claims of the main request or, in the alternative, of one the first to third auxiliary requests.
- VIII. In view of the outcome of the decision, the text of the main request and the first auxiliary request need not be reproduced here.
- IX. Claim 1 of the second auxiliary request reads as follows (itemisation added by the board):
- (a) "A computer-implemented method for content-agnostic referencing of a binary data file, the method comprising:
 - (b) pregenerating (106, 302) a table using an input seed wherein the table comprises all permutations of bits of a predetermined length;
 - (c) determining (104) a length of the binary data file, the length comprising the number of bits of the binary data file;
 - (d) chunking (308) the binary data file into binary substrings wherein each binary substring is of a length equal to or smaller than the predetermined length of bits used in the pregenerated table;
 - (e) for each chunk of the binary data file, determining (306, 310) if the chunk is in the pregenerated table, wherein if the chunk is in the pregenerated table, associating (312) the chunk with an index of the location of the chunk in the pregenerated table and a chunk level, and wherein if the chunk is not in the pregenerated table, further chunking the chunked binary data into smaller binary substrings and incrementing the chunk level for each of the smaller binary substrings;

- (f) padding each chunk whose length is smaller than the predetermined length of bits used in the pregenerated table until the respective chunk length is equal to the predetermined length of bits used in the pregenerated table; and
- (g) using the number of chunks and associated indices of the chunks to generate a tuple for respective chunks of the binary data file, wherein each tuple includes the chunk level for the respective chunk indicating a number of times the chunk was chunked into smaller binary substrings and the respective index of the respective chunk in the pregenerated table, thereby enabling the chunk to be returned to its original binary data, using the pregenerated table and the chunk level for the respective chunk."

- X. Claim 1 of the third auxiliary request differs from claim 1 of the second auxiliary request in that the word "and" has been deleted at the end of item (f) and in that the text ", thereby enabling the chunk to be returned to its original binary data" in item (g) has been replaced with "; and returning the chunk to its original binary data".

Reasons for the Decision

- 1. It is well established in the case law of the boards of appeal that the appellants' statement that they would not take part in the oral proceedings is to be understood as a withdrawal of their request for oral proceedings in the absence of any indication to the contrary (see decision T 3/90, OJ EPO 1992, 737, Reasons 1, and Case Law of the Boards of Appeal, 11th

edition, 2025, III.C.5.3.2). This decision can therefore be taken without holding oral proceedings.

Main request and first auxiliary request

2. *Admittance into the appeal proceedings*

2.1 The main request and the first auxiliary request were filed for the first time with the statement of grounds of appeal. Their admittance into the appeal proceedings is therefore at the board's discretion (Article 12(4), second sentence, RPBA).

2.2 Contrary to Article 12(4), third sentence, RPBA, in its statement of grounds of appeal the appellants did not argue why the new main request and first auxiliary request should be admitted. In particular, they did not provide reasons why these requests could not have been expected to be filed in the first-instance proceedings or why the circumstances of the appeal anyway justified their admittance (Article 12(6) RPBA).

In this respect, the board notes that the contested decision referred for its reasons to the examining division's communication dated 3 May 2024, which upheld the objection of lack of inventive step over document D3 raised in the annex to a summons to oral proceedings before the examining division. It is therefore not apparent what new element of the decision, if any, could have prompted the amendments made in the main request and the first auxiliary request.

2.3 The board therefore decides not to admit the main request and the first auxiliary request into the appeal proceedings (Articles 12(4) and (6) RPBA).

Second auxiliary request

3. *Clarity and support - Article 84 EPC*

3.1 In item (a) of claim 1, it is unclear what is meant by a "method for ... referencing of a binary data file" and how this feature is intended to limit the claimed method. The board fails to see in what sense the overall effect of the steps of the method constitutes "referencing" of a data file.

3.2 In item (b) of claim 1, it is not clear what role the "input seed" plays in pregenerating the table. The board notes that it cannot be the "predetermined" length.

Moreover, the feature "pregenerating a table using an input seed" of item (b) is not supported by the description, which makes no mention of any "input seed".

3.3 In item (b) of claim 1, it is unclear what is meant by "all permutations of bits of a predetermined length". Although it can be understood from paragraph [057] of the description that what is meant is all 2^n bit sequences of a predetermined length n , these bit sequences are not "all permutations of bits of length n " according to the normal meaning of the word "permutation". To list the permutations of a sequence of bits, one first has to know what are the bits in the sequence being permuted. If the bits are (0,0), then the only permutation is (0,0). If the bits are (0,1), then the permutations are (0,1) and (1,0).

- 3.4 In item (g), it is unclear how the "number of chunks" is to be used to generate the chunk tuples, whose values are not based on the number of chunks.
- 3.5 In the feature "thereby enabling the chunk to be returned to its original binary data, using the pregenerated table and the chunk level for the respective chunk" of item (g), it is unclear what role the "chunk level" plays in converting a tuple corresponding to a chunk back to the original binary data of the chunk.
- 3.5.1 In their statement of grounds of appeal, on page 2, first full paragraph, the appellants argued that chunk levels are necessary for reconstructing the original binary data if padding takes place. The appellants gave an example in which the input binary data file (011001110001) is chunked in three steps into eight chunks (01 10 00 10 11 00 00 10), where each chunk has chunk level 3 and four of the eight chunks have been padded to reach a "predetermined length" of 2.

However, if the same three-level chunking method is applied to the input binary data file (0110001011000010), this results in the same eight chunks (01 10 00 10 11 00 00 10) as in the appellants' example, where each chunk again has chunk level 3 and none of the eight chunks has been padded. This shows that chunk levels give no information on whether padding has taken place.

- 3.5.2 The chunk levels play no role, either, for converting a chunk tuple back to the (potentially padded) binary string that makes up the chunk, since the "index" into the pregenerated table already fully determines this string.

3.6 In view of the above, the second auxiliary request does not comply with Article 84 EPC.

Third auxiliary request

4. Since the feature amended in claim 1 of the third auxiliary request (see point X.) does not affect the objections under Article 84 EPC raised in points 3.1 to 3.4 above and does not overcome the objection raised in point 3.5, the third auxiliary request likewise does not comply with Article 84 EPC.

5. Since none of the requests admitted into the appeal proceedings is allowable, the appeal is to be dismissed.

Order

For these reasons it is decided that:

The appeal is dismissed.

The Registrar:

The Chair:



B. Brückner

M. Jaedicke

Decision electronically authenticated