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

**Case Number:** T 0363/25 - 3.5.05

**Application Number:** 19711092.7

**Publication Number:** 3766255

**IPC:** H04Q9/00

**Language of the proceedings:** EN

**Title of invention:**

Method for obtaining information about a luminaire

**Patent Proprietor:**

Schröder S.A.

**Opponent:**

Zumtobel Lighting GmbH

**Headword:**

Retrieving luminaire data/SCHRÉDER

**Relevant legal provisions:**

RPBA 2020 Art. 13(2)

**Keywords:**

Admittance of claim requests filed after Art. 15(1) RPBA  
communication - auxiliary requests (no): no "exceptional  
circumstances" + not *prima facie* allowable

**Decisions cited:**

T 0764/16, T 0010/22, T 0026/22, T 2027/23



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Case Number: T 0363/25 - 3.5.05

**D E C I S I O N**  
**of Technical Board of Appeal 3.5.05**  
**of 12 May 2026**

**Respondent:** Schröder S.A.  
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**Appellant:** Zumtobel Lighting GmbH  
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**Decision under appeal:** **Interlocutory decision of the Opposition  
Division of the European Patent Office  
posted/electronically transmitted on 23 January  
2025 concerning maintenance of the European  
Patent No. 3766255 in amended form.**

**Composition of the Board:**

**Chair** K. Bengi-Akyürek  
**Members:** P. Tabery  
J. Hoppe

## Summary of Facts and Submissions

- I. The opponent's appeal is directed against the opposition division's decision to maintain the European patent as amended according to the then pending "**auxiliary request 1**".

The opposition division found that the claims as granted contained subject-matter extending beyond the content of the application as filed (Article 100(c) EPC).

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

**D1:** US 2010/0161658 A1.

- III. The board issued a communication pursuant to Article 15(1) RPBA on 5 November 2025.

- IV. Oral proceedings before the board were held on 12 May 2026. During those oral proceedings, the respondent withdrew its initially filed appeal and several claim requests. The final substantive requests of the parties were as follows:

- The appellant (opponent) requested that the decision under appeal be set aside and that the European patent be revoked.
- The respondent (patent proprietor) requested that the patent be maintained in amended form based on either of **auxiliary requests 20b and 20db**, filed with letter of 12 March 2026.

At the end of the oral proceedings, the board's decision was announced.

V. Claim 1 of **auxiliary request 20b** reads as follows (board's feature labelling):

- F1.1 "A method for obtaining information about a luminaire (100) of a plurality of luminaires, using a mobile device (200) with a display (210), a camera (230), a localization unit (220) and a wireless communication means (250), said method comprising the following steps performed by the mobile device:
- F1.2 capturing an image (I) of the luminaire using the camera and displaying said image of the luminaire on the display (1001);
- F1.3 obtaining localization information of the mobile device using the localization unit (1002);
- F1.4 transmitting the localization information to a remote device (300) storing information of the plurality of luminaires (1003);
- F1.5 receiving from said remote device information related to one or more luminaires selected by the remote device based on the localization information (1007);
- F1.6 displaying on the display of the mobile device luminaire data of the luminaire in the captured image based on the received information (1008);  
**characterized by** further comprising at the mobile device:
- F1.7 determining, based on the received information related to one or more

luminaires, and based on the captured image, which luminaire of the one or more luminaires corresponds to the luminaire in the captured image, and wherein the displaying comprises displaying luminaire data of the determined luminaire."

Claim 1 of **auxiliary request 20db** differs from claim 1 of auxiliary requests 20b in that it further comprises the following clause (board's feature labelling):

F1.8 "wherein the information of one or more luminaires comprises for each luminaire thereof: an identification, an operating time, a type, a number and/or type of light emitting elements in the luminaire, a driver type used in the luminaire, a dimmer type, failure information, a dimming profile in function of time, lumen data, localization coordinates, an optical element type, such as a lens type used in the luminaire, a light distribution of the luminaire, diagnostics and/or operating status data with respect to a component of the luminaire, data sensed by a sensor of the luminaire, a time stamp associated with any one or more of the above-mentioned information."

### **Reasons for the Decision**

1. The opposed patent concerns using a mobile device to obtain information about a luminaire, e.g. an outdoor luminaire such as a street light.

2. Admittance (Article 13(2) RPBA)
  - 2.1 **Auxiliary requests 20b and 20db** were filed *after* notification of the board's communication under Article 15(1) RPBA. The admittance of these claim requests is thus subject to the provision of Article 13(2) RPBA.
  - 2.2 The proprietor argued that these claim requests were filed in response to the board's view on the issue of sufficiency of disclosure expressed in its preliminary opinion, which (allegedly) diverged from the opponent's line of reasoning. This constituted "exceptional circumstances" within the meaning of Article 13(2) RPBA justifying admittance of the late-filed claim requests. Moreover, the claimed subject-matter was *prima facie* allowable and the amendments were straightforward deletions which did not affect procedural efficiency.
  - 2.3 The opponent noted that the objections as to sufficiency of disclosure mentioned in the board's preliminary opinion were in fact identical to those raised by the opponent from the very beginning of the opposition proceedings. Moreover, also the deletion of dependent claims as such constituted a late-filed amendment.
  - 2.4 The board concurs with the opponent that the amendments made in auxiliary requests 20b and 20db are to be regarded as an "amendment" of the proprietor's appeal case pursuant to Article 13 RPBA.
    - 2.4.1 As to **auxiliary request 20b**, the alternative method step relating to "*determining a moving direction and/or an orientation of the mobile device*" has been deleted in present claims 1 and 3. In **auxiliary request 20db**,

the same amendment was made and the features of granted claim 10 were incorporated into claims 1 and 3.

2.4.2 Regarding those amendments, the board considers that the deletion of a claim or of an alternative in a claim as well as the combination of a dependent claim with the subject-matter of an independent claim is to be regarded as an "amendment" within the meaning of Article 13(2) RPBA (see e.g. **T 26/22**, Reasons 3.2).

2.4.3 Moreover, those amendments are not justified by "exceptional circumstances" within the meaning of Article 13(2) RPBA. In particular, they are not to be regarded as a legitimate reaction to the board's preliminary opinion. In that regard, the board holds that its preliminary view on the issue of sufficiency of disclosure expressed in point 5.3.3 of the board's communication was a mere confirmation of the opponent's line of argumentation (see the opponent's statement of grounds of appeal, page 11, lines 1-10). In other words, the board did not provide any new line of argumentation which could have triggered the newly filed amendments made by the proprietor. In addition, the board's deviation from the opposition division's conclusions on the matter of sufficiency of disclosure cannot constitute "exceptional circumstances" either (see e.g. **T 764/16**, Reasons 3.3.2). Therefore, there are no "cogent reasons" which could justify the presence of "exceptional circumstances" in the present case.

2.5 In the absence of such "cogent reasons", the board decided not to admit **auxiliary requests 20b and 20db** into the appeal proceedings.

2.6 However, in the proprietor's favour and as discussed in the oral proceedings before the board, the board nevertheless also investigated whether the amendments presented with the late-filed claim requests rendered those requests *prima facie* allowable (i.e. a criterion explicitly mentioned in Article 13(1) RPBA).

2.6.1 As a first aspect of the *prima facie* assessment, it was considered whether the amendments made in **auxiliary request 20b** overcame the opponent's objection as to lack of novelty of the subject-matter of claim 1 as granted (Article 54 EPC), as confirmed in the board's preliminary opinion. However, contrary to the proprietor's view, the board holds that the claimed "*information about a luminaire of a plurality of luminaires*" is indeed anticipated by the information about a shop/restaurant disclosed in document D1. Although it is evident from the description that said "*information about a luminaire*" may relate to technical details of the luminaire, no such limitation is mentioned in present claim 1. It is established case law that features which are only mentioned in the description and the drawings cannot be read into claim 1 of auxiliary request 20b to limit its subject-matter (see e.g. **T 2027/23**, Reasons 3.5.6). Moreover, in line with decision **T 10/22**, Reasons 2.3, the "*mind willing to understand*" cannot fill the gaps left by an overly broad claim in a way to arrive at the result favourable to the proprietor. Therefore, the specifics of the "*information about a luminaire*" cannot be used to distinguish **features F1.1, F1.4, F1.5 and F1.6** from the disclosure of prior-art document D1.

Second, **feature F1.7** defines that the "*determining [...] which of the luminaire of the one or more luminaires corresponds to the captured image*" is "*based*

on the received information related to one or more luminaires". Fig. 2 of document D1, however, already shows several stores/restaurants having "luminaires" in a single picture, where the received data is arranged at a particular store/restaurant in that picture. Thus, the board concurs with the opponent that this implies determining the correspondence between icons and individual shops/restaurants (implied to have "luminaires"), i.e. what is specified in feature F1.7 of claim 1. Therefore, contrary to the proprietor's pleadings, it is *prima facie* apparent that also **feature F1.7** of claim 1 is anticipated by the disclosure of document D1.

In view of the above, it is apparent, on a *prima facie* basis, that the subject-matter of claim 1 of auxiliary request 20b lacks novelty. Hence, auxiliary request 20b is not *prima facie* allowable under Article 54 EPC.

- 2.6.2 As opposed to claim 1 of auxiliary request 20b, claim 1 of **auxiliary request 20db** comprises a definition of the "*information of one or more luminaires*" mentioned in **feature F1.8** which was newly introduced with this claim request. As document D1 does not disclose feature F1.8 of claim 1, this feature renders the subject-matter of claim 1 novel over document D1, but cannot contribute to an inventive step (Article 56 EPC). Contrary to the proprietor's view, document D1 cannot be disregarded as a suitable starting point for assessing inventive step for the mere reason that it did not explicitly disclose a "luminaire". In fact, Article 56 EPC stipulates that the subject-matter of a claim needs to be inventive over any piece of prior art. Furthermore, the board understands that document D1 implies "luminaires" and that it was commonly known that such luminaires may require maintenance and that the technical

specifications of a luminaire were needed therefore. Hence, the board concurs with the opponent that the method of document D1 may be used for any stationary object (see paragraph [0057] of D1). Moreover, according to paragraph [0041] of D1, the method may be used to display further information ("*descriptive text*"). In order to solve the technical problem of providing necessary technical information to the mobile device of D1, the skilled person would have modified the system according to document D1 to include all necessary parameters, eventually arriving at those specified in feature F1.8 of claim 1. In other words, the technical details specified in feature F1.8 constitute commonly known specifications of typical outdoor luminaires.

In view of the above, it is apparent, on a *prima facie* basis, that the subject-matter of claim 1 of auxiliary request 20db lacks an inventive step. Consequently, auxiliary request 20db is not *prima facie* allowable under Article 56 EPC.

3. As none of the pending auxiliary requests was admitted into the proceedings, the patent has to 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:



T. Buschek

K. Bengi-Akyürek

Decision electronically authenticated