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D E C I S I O N
of 8 May 2003

Case Number: T 0213/01 - 3.5.2

Application Number: 95932457.5

Publication Number: 0780013

IPC: G08B 13/00

Language of the proceedings: EN

Title of invention:
Portable alarm system

Applicant:
Hess, Brian K.

Opponent:
-

Headword:
-

Relevant legal provisions:
EPC Art. 56

Keyword:
"Inventive step (yes)"

Decisions cited:
-

Catchword:
-

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Case Number: T 0213/01 - 3.5.2

D E C I S I O N
of the Technical Board of Appeal 3.5.2
of 8 May 2003

Appellant: Hess, Brian K.
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Representative: Kurig, Thomas, Dr. Dipl.-Phys.
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Decision under appeal: **Decision of the Examining Division of the European Patent Office posted 17 August 2000 refusing European patent application No. 95 932 457.5 pursuant to Article 97(1) EPC.**

Composition of the Board:

Chairman: W. J. L. Wheeler
Members: R. G. O'Connell
B. J. Schachenmann

Summary of Facts and Submissions

I. The appellant contests the decision of the examining division to refuse application No. 95 932 457.5. The reason given for the refusal was that the subject-matter of claim 1 filed with the letter dated 8 May 2000 did not involve an inventive step, having regard to the prior art known from

D1: CA-A-2 036 560

and common general knowledge in the art relating to the so-called tip and ring function.

II. Substantially amended claims were filed with the statement of grounds of appeal.

III. With the summons to oral proceedings, the Board drew attention to

D2: US-A-5 117 223

which is listed in the international search report and had been cited by the examining division in the communication posted on 7 April 1999.

IV. Oral proceedings were held on 8 May 2003. After discussion of the case, the appellant filed amended claims 1 to 11 and pages 1, 2, 2a, 3 and 8 of the description.

V. The appellant requested that the decision under appeal be set aside and that a patent be granted in the following version:

- Claims 1 to 11 filed in oral proceedings on 8 May 2003;

- Description: pages 1, 2, 2a, 3 and 8 filed in oral proceedings on 8 May 2003; pages 4 to 7 of the published application (WO 96/07995); and

- Drawings: sheets 1/6 to 6/6 of the published application.

VI. Claim 1 is now worded as follows:

"An alarm device, comprising:

an enclosure (10);

an interface control panel secured within said enclosure (10) and accessible through an opening in said enclosure;

a microprocessor board (22) installed within said enclosure, said board (22) being in communication with said interface control panel;

a signal receiver (24) installed within said enclosure (10), said receiver (24) being in communication with said microprocessor board (22), said receiver (24) being capable of receiving signals from at least one zone within a structure being monitored;

a communication circuit secured within said enclosure (10), and independent of any hard wired telephone lines connected to said structure, for initiating a telephone call to a location apart from said structure; and

an audio siren (14) connected to said microprocessor board (22),

characterized by

a built-in strobe light (26) secured in said enclosure (10) and electrically connected to said microprocessor board (22); and by

a built-in motion detector (16) secured in said enclosure (10), electrically connected to said microprocessor board (22) and adapted to monitor the environment of the location of said alarm device;

wherein said audio siren (14) and said strobe light (26) are adapted to be activated when said zone of said structure has been breached or said motion detector (16) has been activated."

Claims 2 to 11 are dependent on Claim 1.

VII. The appellant's arguments concerning the present request may be summarized as follows.

The subject-matter of Claim 1 differed from the alarm device according to D1, which was the closest prior art, by the features recited in the characterizing part of the claim. Neither D1 nor D2 disclosed a built-in strobe light or a built-in a motion detector. D1 did not disclose a stand-alone device. The sealed housing in D1 consisted of three independent compartments so that the various built-in components were not all housed in a single chamber enclosure. The device disclosed in D2 had to be assembled by the user and the built-in components were not all housed in a single

enclosure. It was a complicated device which could be easily damaged. There was no easy way to combine features from D1 and D2 to arrive at the claimed device, which had full integration of all components, was not as easily destroyed as the prior art devices, and did not require assembly by the user.

Reasons for the Decision

1. The appeal is admissible.

2. The features recited in the present claims are all disclosed in the application as originally filed, see WO 96/07995: claims 11 to 14, pages 4 to 8 and the drawings.

   The description has been adapted to the amended claims and to mention the prior art known from D1 and D2.

   The amendments do not infringe Article 123(2) EPC.

3. The closest prior art among the documents cited by the examining division is D1, which discloses an alarm device according to the precharacterising portion of claim 1, it being noted that the claim does not clearly exclude the possibility of the "enclosure" being divided into compartments.

4. D1 does not disclose a strobe light or a built-in motion detector. The alarm device disclosed in D1 has up to four remote motion detectors having built-in transmitters tuned to respective channels of a receiver mounted within the housing of the alarm device. The D1 alarm has built-in temperature sensors and can serve as

a stand-alone fire alarm, but it has no built-in intrusion detectors of any kind and cannot serve as a stand-alone intrusion alarm.

5. The subject-matter of claim 1 differs from the alarm device known from D1 in that the claimed alarm device comprises a built-in strobe light secured in the enclosure and electrically connected to the microprocessor board and a built-in motion detector secured in the enclosure, electrically connected to the microprocessor board and adapted to monitor the environment of the location of the alarm device, and the audio siren and strobe light are adapted to be activated when said zone of said structure has been breached or the motion detector has been activated.

6. Thanks to the built-in motion detector, the claimed alarm device can serve as a stand-alone intrusion alarm, which can better monitor the environment of the location of the alarm device, cf object of the invention as stated in the third paragraph on page 2a of the description.

7. D2 discloses a portable stand-alone alarm device which has, *inter alia*, a spot light and a motion detector built in an alarm unit which, in use, is mounted at the top of a stanchion erected by the user. A control box for the alarm is installed within a safe at the bottom of the stanchion. This device is designed for use on building sites which are usually rather poorly demarcated.

8. In the judgement of the Board, given that the alarm device of D1 already has up to four remote motion detectors, a person skilled in the art who wanted the

alarm device to be able to monitor the environment of the location of the alarm device would simply arrange for this to be done by one of the remote detectors. The teaching of D2 would not render it obvious to him to provide the D1 device with a built-in motion detector in addition to the signal receiver for receiving signals from the remote motion detectors. Nor would it be obvious to introduce a strobe light and arrange for it and the audio siren to be activated when a zone of a monitored structure has been breached or the built-in motion detector has been activated.

9. The Board therefore concludes that the subject-matter of claim 1 shall be considered as involving an inventive step in accordance with Article 56 EPC.

10. The Board finds that the application meets the requirements of the EPC.

Order

For these reasons it is decided that:

1. The decision under appeal is set aside.

2. The case is remitted to the department of first instance with the order to grant a patent in the following version:

- Claims 1 to 11 filed in oral proceedings on 8 May 2003;

- Description: pages 1, 2, 2a, 3 and 8 filed in oral proceedings on 8 May 2003; pages 4 to 7 of the

published application (WO 96/07995); and

- Drawings: sheets 1/6 to 6/6 of the published application.

The Registrar: The Chairman:

D. Sauter W. J. L. Wheeler