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**Datasheet for the decision
of 24 October 2006**

Case Number: T 0545/04 - 3.5.03

Application Number: 95926062.1

Publication Number: 0770296

IPC: H04L 12/46

Language of the proceedings: EN

Title of invention:

Device for connection of ATM terminals and/or LAN terminals to an ATM-based network

Applicant:

TELIA AB

Opponent:

-

Headword:

ATM-based network/TELIA

Relevant legal provisions:

EPC Art. 56

Keyword:

"Inventive step - no"

Decisions cited:

-

Catchword:

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Case Number: T 0545/04 - 3.5.03

D E C I S I O N
of the Technical Board of Appeal 3.5.03
of 24 October 2006

Appellant: TELIA AB
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Decision under appeal: Decision of the Examining Division of the
European Patent Office posted 17 November 2003
refusing European application No. 95926062.1
pursuant to Article 97(1) EPC.

Composition of the Board:

Chairman: A. S. Clelland
Members: A. J. Madenach
M.-B. Tardo-Dino

Summary of Facts and Submissions

- I. The present appeal is against the decision of the examining division, dated 17 November 2003, to refuse application No. 95926062.1 which is based on the international application PCT/SE95/00763, on the ground that the subject-matter of claim 1 lacked an inventive step (Article 56 EPC).
- II. In the notice of appeal of 7 January 2004 received on 9 January 2004 which also set out the grounds of appeal, the appellant requested that the decision be set aside and a patent be granted on the basis of claims 1 to 9 as submitted with the notice of appeal.
- III. The following documents were cited in the decision of the examining division:
- D1: EP 473066 A
D2: US 5280476 A
D3: Ellis Horwood, Volume 2, 1993, Martin De Prycker, "Asynchronous Transfer Mode: Solution for Broadband ISDN", ISBN 0130535133, pages 252-255
D4: WO 9326107 A
- IV. In a communication of 2 May 2006 the board summoned the appellant to oral proceedings and gave its preliminary opinion on the case under appeal. In response, the appellant filed amended claims 1 to 9 with a letter of 7 June 2006.
- V. In a letter of 5 September 2006 the appellant announced that it would not take part in the scheduled oral proceedings. It requested a decision based on the

written submissions, especially on the claims enclosed with the letter of 7 June 2006.

- VI. Oral proceedings took place in the absence of the appellant on 24 October 2006.

After deliberation the chairman announced the board's decision.

- VII. Independent claim 1 as submitted with letter of 7 June 2006 reads as follows:

"An ATM-network to which both ATM-terminals and/or LAN-terminals are connectable, wherein the ATM-terminals are arranged to establish connection with each other over the ATM-network, and the information transmission between the LAN-terminals in the LAN-network is receivable at a plurality of the LAN terminals, and wherein an adaption [sic] equipment, placed in the ATM-network, is arranged to receive information from, respective [sic] transmit information to, the terminals, comprising establishing information exchange on one hand between ATM-terminals, on the other hand between LAN-terminals, characterized in that said adaption [sic] equipment is arranged to establish information exchange between ATM- and LAN-terminals as well, and in that the adaption [sic] equipment is arranged to process control information from ATM/LAN terminals."

Reasons for the Decision

1. *Procedural questions*

The appellant announced that it would not take part in the scheduled oral proceedings. According to Article 116(1) EPC, oral proceedings shall take place either at the instance of the European Patent Office if it considers this to be expedient or at the request of any party to the proceedings. Oral proceedings are an effective way to discuss cases mature for decision, since the appellant is given the opportunity to present its concluding comments on the outstanding issues (Article 113(1) EPC), and a decision can be made at the end of the oral proceedings (Rule 68(1) EPC).

The board considers that, despite the appellant's announced intention not to attend, the twin requirements of fairness and procedural economy were still best served by holding the oral proceedings as scheduled.

2. *Inventive step (Article 56 EPC)*

2.1 D3 shows at Figure 6.2 an ATM network to which both ATM terminals (e.g. the multimedia workstations) and/or LAN terminals (the terminals in the token ring or Ethernet) are connectable. The ATM terminals are arranged to establish connection with each other over the ATM network, as can be seen from their interconnection by way of ATM switches. Information exchange between LAN terminals in the LAN network is implicit in traditional token ring or Ethernet networks. D3 states at page 255, penultimate paragraph, that "...vendors have products (routers, hubs, bridges) with an ATM interface, providing connectivity amongst installed LANs, high speed ATM terminals and the ATM public network". The

reference to an interface is understood as being, in the language of the present claims, "adaption equipment, placed in the ATM network, ... to receive information from, respective transmit information to, the terminals". In the network shown in Fig. 6.2 information can be exchanged between ATM terminals and between LAN terminals, the ATM router and the ATM switch connected to it in Fig. 6.2 evidently being arranged to enable an information exchange. The board takes the view that any device connecting a LAN terminal to an ATM network must of necessity be arranged to process control information from ATM and LAN terminals, given that both the ATM and LAN terminals are connected to the ATM network and different data and address formats are used in LAN and ATM networks. The skilled person might be expected to consider this feature implicit in the network shown in Figure 6.2 of D3, in which case the claim would lack novelty, but even if this were not the case it is apparent from the cited prior art that the requirements for connection of a LAN terminal to an ATM network were at the claimed priority date common general knowledge; reference is directed to D1 (see column 3, lines 9 to 50), D2 (column 3, lines 35 to 43) and D4 (the ATM-Ethernet Portal shown in Figure 3 and the corresponding description).

2.2 The subject-matter of claim 1 is thus rendered obvious by D3 in combination with the knowledge of the skilled person as exemplified by any one of D1, D2 or D4.

2.3 The appellant's central argument was that D3 did not address the problem of communication between legacy LAN terminals and ATM terminals in an ATM network. This was

not at all a trivial problem since LANs and ATM networks were of different type and used different addressing principles. Information had to be converted to be interpretable for the different terminals.

The board recognises that there is indeed no explicit discussion on information exchange between the two types of terminals in Fig. 6.2 of D3. The interconnection between them, however, implies such an information exchange, as is indeed acknowledged by the appellant at page 2 of the letter of 7 June 2006 ("Some information exchange certainly takes place between the terminals in figure 6.2 of document D3, ...").

The applicant furthermore argued that the lack of explicit disclosure for an information exchange taking place had as a consequence that no processing of control information from the different kinds of terminals was implied by D3.

As already argued under point 2.1 above, any information exchange between terminals of the different kinds inevitably requires processing of control information in order to allow adaptation to the different protocols.

3. Since the request is not allowable for the reasons given above it has not been necessary to examine possible further objections.

Order

For these reasons it is decided that:

The appeal is dismissed.

The Registrar

The Chairman

D. Magliano

A. S. Clelland