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**Datasheet for the decision
of 22 June 2007**

Case Number: T 0645/06 - 3.4.03

Application Number: 01940841.8

Publication Number: 1266361

IPC: G07C 9/00

Language of the proceedings: EN

Title of invention:

Building management system for monitoring site events at buildings

Patentee:

Godwin, Adrian Michael

Opponent:

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Headword:

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Relevant legal provisions:

EPC Art. 54, 111(1), 123(2)

Keyword:

"Novelty (yes)"

Decisions cited:

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Catchword:

-



Case Number: T 0645/06 - 3.4.03

D E C I S I O N
of the Technical Board of Appeal 3.4.03
of 22 June 2007

Appellant: Godwin, Adrian Michael
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Representative: Fennel, Gareth Charles
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Decision under appeal: Decision of the Examining Division of the
European Patent Office posted 14 December 2005
refusing European application No. 01940841.8
pursuant to Article 97(1) EPC.

Composition of the Board:

Chairman: V. L. P. Frank
Members: G. Eliasson
T. Bokor

Summary of Facts and Submissions

I. This is an appeal against the decision of the examining division refusing European patent application No. 01 940 841.8 for lack of novelty with respect to the prior art document

D1: DE 198 57 702 A.

II. In response to a summons to oral proceedings, the appellant applicant filed claim requests with the letter dated 13 June 2007 forming a main request and first and second auxiliary requests.

III. At oral proceedings before the board, the appellant applicant was informed that the objection of lack of novelty was no longer raised against the latest sets of claims, whereupon the appellant applicant requested that the decision under appeal be set aside and that the case be remitted to the department of first instance for a decision on the outstanding issues (inventive step).

IV. Claim 1 of the main request reads as follows (board's emphasis indicating amendments with respect to claim 1 as filed):

"1. A **building management** system for monitoring site events at a plurality of buildings, **wherein a site event is an event relating to the status of a building, a building's visitor or a building's equipment**, the system comprising a database accessible via the internet;

a plurality of uniquely identified site terminals adapted to access the database by means of web browser software, each terminal having means for enabling a user with access rights to view and enter data on line into the database;

at least one site terminal **having a unique internet address and** being physically secured at each said building, **wherein the unique internet address is used to identify the building at which the site terminal is physically secured,** such that the database provides current status information including entry records and times and associated information relating to site events for each building."

Reasons for the Decision

1. The appeal is admissible.
2. *Amendments*

With respect to claim 1 as filed, claim 1 of the main request further specifies that (a) the system is a building management system for monitoring site events, where "site event" is defined to be an event relating to the status of a building, a building's visitor or a building's equipment; (b) the at least one terminal has a unique internet address; and (c) the unique internet address is used to identify the building at which the site terminal is physically secured. These features are disclosed on page 1, lines 2 and 10 to 14, page 3,

line 25, and page 7, lines 3 to 8, respectively, of the application as filed.

Therefore, in the board's judgement, claim 1 of the main request complies with Article 123(2) EPC.

3. *Novelty*

3.1 Document D1 was the only document cited in the decision under appeal and discloses a network system for input, processing and output of data (see abstract; column 1, lines 1 to 12). The system is in particular designed for enabling citizens to carry out actions on-line in their dealings with public authorities, such as registration of residence and car ownership. The network system comprises main frame computers that are connected with various networks, such as the Internet (Figures 1 and 2 with accompanying description). Users are able to access the network system through a browser installed on terminal equipment, such as home computers, public terminals, telephones, etc., using personal identification data.

In addition, the network system of document D1 includes further terminal equipment, such as "CopernIQuS Pro", designed to be used in theatres, movie theatres, congress halls and in the gastronomy for transmitting and processing multimedia (see column 4, lines 58 to 60; column 9, lines 9 to 20).

3.2 In contrast to the claimed building management system, document D1 does not describe a system for monitoring site events for the purpose of building management, where the site event is an event relating to the status

of a building, a building's visitor or a building's equipment.

Therefore, in the board's judgement, the subject matter of claim 1 of the main request is new within the meaning of Article 54 EPC.

4. Since document D1 is not concerned with building management, the board doubts whether it would qualify as "closest prior art" for the assessment of inventive step. Document D1 was the only prior art document cited in the decision under appeal. Under these circumstances, the board finds it appropriate to remit the case back to the examining division for further prosecution (Article 111(1) EPC), in particular for examining whether the application meets the requirement of inventive step in view of the other available prior art.

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 for further prosecution.

Registrar:

Chair:

S. Sánchez Chiquero

V. L. P. Frank