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**Datasheet for the decision  
of 4 September 2009**

**Case Number:** T 0696/07 - 3.2.08

**Application Number:** 01958755.9

**Publication Number:** 1309766

**IPC:** E05B 49/00

**Language of the proceedings:** EN

**Title of invention:**

Method and system for unlocking of objects

**Applicant:**

VOLVO TECHNOLOGY CORPORATION

**Headword:**

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**Relevant legal provisions:**

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

**Relevant legal provisions (EPC 1973):**

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**Keyword:**

"Added subject-matter (no) - after amendment"  
"Remittal to first instance"

**Decisions cited:**

-

**Catchword:**

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Case Number: T 0696/07 - 3.2.08

**D E C I S I O N**  
of the Technical Board of Appeal 3.2.08  
of 4 September 2009

**Appellant:** VOLVO TECHNOLOGY CORPORATION  
S-405 08 Göteborg (SE)

**Representative:** Fröhling, Werner Otto  
Volvo Technology Corporation  
Corporate Patents  
06820, M1.7  
S-405 08 Göteborg (SE)

**Decision under appeal:** Decision of the Examining Division of the  
European Patent Office posted 28 November 2006  
refusing European application No. 01958755.9  
pursuant to Article 97(1) EPC.

**Composition of the Board:**

**Chairman:** T. Kriner  
**Members:** P. Acton  
E. Dufrasne

## Summary of Facts and Submissions

- I. On 18 January 2007 the appellant (applicant) filed a notice of appeal against the examining division's decision posted on 28 November 2006 refusing the European patent application No. 01 958 755.9 (publication No. WO-A-02/12661) for contravention of Article 123(2) EPC. The appeal fee was paid simultaneously and the statement of grounds was received on 10 April 2007.
- II. The examining division held that the disclaimer relating to "devices other than the keypad at the object" contained in claims 1, 7 and 13 then on file had no basis in the application as filed, and was not based on the necessity of delimiting the claims against an "accidental anticipation" in the pre-published document US-A-6 072 402.
- III. The applicant requests that the decision under appeal be set aside and that a patent be granted on the basis of the following version of the application:

**Claims:** 1 to 14 filed with letter dated 28 July 2009;

**Description:** pages 1 and 2 filed with the statement of grounds  
pages 3-10 of WO-A-02/12661;

**Drawings:** sheets 1/3-3/3 of WO-A-02/12661.

Auxiliarily, the applicant requests oral proceedings.

IV. The independent claims read as follows:

"1. Method for unlocking an object for an authorized person, when a usual locking/unlocking means of the object is not available for the authorized person, comprising the following steps:

- identifying the person at a remote station by means of a personal identification code, transmitted by the person to the remote station, and, if the person has been identified by the personal identification code:
- instructing the person by the remote station about at least one device of the object which is to be actuated for verification of authorization; and
- transmitting an unlock signal and a device signal from the remote station to the object, said device signal designating the at least one device of the object, and storing both in an internal memory of the object;
- comparing the received device signal with the at least one device which is actuated by the person at the object, for verification of authorization of the person; and
- unlocking said object by means of the received unlock signal if the authorization of the person has been verified."

"7. System for conducting a method according to claim 1, comprising:

- a remote station (10) for transmitting an unlock signal and a device signal to the object (20, 24, 25), if the person has been identified by a personal identification code transmitted by the person to the remote station, said device signal

designating at least one device (110) of the object,

- at least one object (20, 24, 25) comprising a receiver unit (100) for receiving the unlock signal and the device signal, and a control unit (120) with an internal memory (125) for storing both signals, and for comparing the device signal with an actuation of the at least one device conducted by the person at the object (20, 24, 25), for verification of authorization of the person, and for unlocking the object (20, 24, 25) by means of the unlock signal if the authorization of the person has been verified."

"9. Object like a vehicle, airplane, plant, house or other facility, the operation and/or entry of which is restricted to authorized persons, adapted for use in a system according to claim 7, characterized in

- a receiver unit (100) for receiving an unlock signal and a device signal from the remote station, said device signal designating at least one device of the object (20, 24, 25), and
- a control unit (120) with an internal memory (125) for storing both signals, and for comparing the device signal with an actuation of the at least one device conducted by a person at the object (20, 24, 25), for verification of authorization of the person, and for unlocking a locking unit (130) at the object (20, 24, 25) by means of the unlock signal, if the authorization of the person has been verified."

"13. Computer program for use in a method according to one of claims 1 to 6."

"14. Computer program product comprising a program code for use in a method according to one of claims 1 to 6 on a computer."

## **Reasons for the Decision**

1. The appeal is admissible.
2. Amendments - claim 1

In the following the line numbering on the left hand side of the respective claim pages is used.

- 2.1 The present claim 1 differs from the originally filed claim 1 by the addition of the following features:
  - 2.1.1 The method "is applied when a usual locking/unlocking means of the object is not available for the authorized person" (see lines 3 and 4).

The basis for this feature is to be found on page 2, lines 17-18 and on page 5 of WO-A-02/126 61.

- 2.1.2 The method comprises the step of "identifying the person at a remote station by means of a personal identification code, transmitted by the person to the remote station" (see lines 6-7).

This step is disclosed on page 6, lines 7-11 of the original application.

- 2.1.3 "If the person has been identified by the personal identification code: instructing the person by the remote station about at least one device of the object which is to be actuated for verification of authorization" (see lines 7-10).

The basis for this step is to be found on page 6, lines 17-18 and line 27 - page 7, line 2.

- 2.1.4 "The device signal is designating the at least one device of the object" and "both" the unlock signal and the device signal are stored in an "internal memory of a control unit of the object" (see lines 12, 13).

The definition of the wording "device signal" can be found on page 7, lines 4-5 and on lines 21-22 of originally filed claim 3.

The storage of both signals on an "internal" memory is disclosed on page 7, lines 7-10.

- 2.1.5 The "received" device signal is compared with the at least one device actuated by the person (see line 14) and the object is unlocked by means of the "received" unlock signal (see line 16).

The addition of the term "received" is seen as simple clarification of the wording of the claim. Moreover, on page 7, lines 7-8 it is disclosed that the object receives the device signal and the unlock signal by means of the receiver unit.

- 2.2 Furthermore, the present claim 1 differs from the originally filed claim 1 by the replacement of the

wording "comparing the received device signal with an input conducted by a person at the object" by "comparing the device signal with the at least one device which is actuated by the person at the object" (see lines 14-15).

Thereby it has been specified that the "input" is an actuation of the device. This is basically consistent with the other amendments introduced in the claims and is disclosed in the originally filed claim 3 (see lines 22-23).

3. Amendments - claims 2-5

Claims 2-5 correspond to the originally filed claims 3-6 respectively, with the following amendments:

3.1 Present claims 3-5 refer back only to claim 1. Since the originally filed claims 4-6 all refer back to any one of the preceding claims, their wording comprised already the dependency from claim 1 only and from claim 3, part of which having been incorporated in claim 1.

3.2 Claim 2 contains only the last feature of originally filed claim 3 wherein the wording "sensor means" has been replaced by "sensor".

The first two features of the claim have been removed, since they are already present in amended claim 1 (see lines 12 and 14-15).

The word sensor is disclosed in this context on page 4, line 8.



3.3 In Claims 3-5 the word "input" has been replaced by "actuation". This is in line with the replacement in claim 1 of the more generic term "input" with the more specific "actuation" which is based on lines 22-23 of the originally filed claim 3 (see also point 2.2 above).

3.4 Claim 6 does not have any correspondence in the originally filed set of claims. However, its features can be found in the description on page 7, line 25 to page 8, line 13.

#### 4. Amendments - claim 7

4.1 The present claim 7, which corresponds to the originally filed claim 8, differs from this claim by the addition of the following features:

4.1.1 The system is "for conducting a method according to claim 1" (see line 9).

It is clear from the description that the method described in the flow-chart of fig. 3 is carried out on the system shown in figs. 2a and 2b. Therefore, the system is suitable to carry out the method of claim 1.

4.1.2 The remote station transmits the unlock and device signals to the object "if the person has been identified by a personal identification code transmitted by the person to the remote station" (see lines 11-12).

This feature is disclosed on page 6, lines 7-11.

- 4.1.3 "The device signal designates at least one device (110) of the object" (see lines 12-13).

The definition of the meaning of wording "device signal" can be found on page 7, lines 4-5 and on lines 21-22 of the originally filed claim 3.

- 4.1.4 The receiver unit is "comprised in at least one object" (see line 14).

Fig. 2a shows the different elements of the "object" which comprise amongst other a receiver (100).

- 4.1.5 The receiver unit is "for receiving the unlock signal and the receiving signal" (see lines 14-15).

This feature is disclosed on page 7, lines 7-8.

- 4.1.6 The control unit comprises "an internal memory (125) for storing both signals" (the unlock and the device signal) (see lines 15-16).

The presence of an "internal memory" in the control unit for the storage of both signals is disclosed on page 7, lines 7-10. This amendment is also in line with the amendment of claim 1 dealt with under point 2.1.4 above.

- 4.2 The present claim 7 differs from the originally filed claim 8 by the replacement of the wording "comparing the device signal with an input conducted by a person at the object" by "comparing the device signal with an actuation of the at least one device conducted by the person at the object" (see line 16-17).

The fact that the control unit is able to carry out this comparison is disclosed in lines 8-10 of originally filed claim 1 in combination with lines 22-23 of originally filed claim 3, where it is specified that the "input" is an actuation of the device (see also point 2.2 above).

5. Amendments - claim 8

Claim 8 does not have any correspondence in an originally filed claim. However, its features can be found in the description on page 7, line 25 to page 8, line 13.

6. Amendments - claim 9

6.1 The present claim 9, which corresponds to the originally filed claim 14, differs from this claim by the addition of the following features:

6.1.1 The object is "adapted for use in a system according to claim 7" (see lines 30-31).

The system of claim 7 is made of an "object" and of a "central station", as shown in figs 2a and 2b when taken in combination. Therefore, in the original application, the "object" of claim 9 is obviously adapted to be used in the system of claim 7.

6.1.2 The receiver unit is suitable also for receiving "an unlock signal" (see line 1).

This feature is disclosed on page 7, lines 7-8.

- 6.1.3 "The device signal is designating at least one device of the object" (see line 2).

This feature is disclosed on page 7, lines 4-5 and on lines 21-22 of the originally filed claim 3.

- 6.2 Moreover, it is specified that the control unit also comprises an "internal memory for storing the unlock and the device signal".

The presence of an "internal memory" in the control unit for the storage of both signals is disclosed on page 7, lines 7-10. This amendment is also in line with the amendment of claim 1 dealt with under point 2.1.4 above.

- 6.3 Furthermore, the present claim 9 differs from the originally filed claim 14 by the replacement of the wording "comparing the device signal with an input conducted by a person at the object" by "comparing the device signal with an actuation of the at least one device conducted by a person at the object" (see lines 5-6).

Thereby it has been specified that the "input" is an actuation of the device. This has already been claimed on lines 22-23 of the originally filed claim 3 (see also point 2.5 above) and is basically consistent with the other amendments introduced in the claims.

7. Amendments - claims 10-12

The present claims 10-12, which correspond to the originally filed claims 9-11, differ from these claims as follows:

- 7.1 While the originally filed claims 9-11 relate to a "system comprising ... an object" the present claims do now relate to an "object" per se.

Since the features of originally filed claims 9-11 describe only specific embodiments of the "object", the features of claims 10-12 as amended are already known in combination with the "object" in the originally filed claims 9-11.

- 7.2 Moreover, in claim 10 the wording "sensor means" has been replaced by "sensor".

The word sensor is disclosed in this context on page 4, line 8.

8. The disclaimer introduced in claims 1, 7 and 13 filed with letter of 4 May 2006 is no longer contained in the claims on file.

9. Amendments - Description

- 9.1 In the paragraph bridging the replaced pages 1 and 2 the prior art document US-PS-4,721,954 is acknowledged and its content described shortly. There is no objection under Article 123(2) EPC to the introduction of further information regarding relevant prior art in accordance with Rule 42(1)(b) EPC.

- 9.2 On page 2 on the last but one line, the reference to the claim has been changed from 8 to 7, in order to comply with the renumbered set of claims.
10. For the reasons set out under points 2-9 above, there are no objections to the amendments of the claims and the description under Article 123(2) EPC.
11. Due to these circumstances, oral proceedings are not necessary.
12. Since the present application was refused exclusively for contravention of Article 123(2) EPC, and since the present claims comply with Article 123(2) EPC, it is appropriate to remit the case to the examining division (Article 111(1) EPC) for examination of the other 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 first instance for further prosecution on the basis of the following version of the application:

**Claims:** 1 to 14 filed with letter dated 28 July 2009;

**Description:** pages 1 and 2 filed with the statement of grounds  
pages 3-10 of WO-A-02/12661

**Drawings:** sheets 1/3-3/3 of WO-A-02/12661

The Registrar:

The Chairman:

V. Commare

T. Kriner