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**Datasheet for the decision  
of 10 February 2011**

**Case Number:** T 1494/07 - 3.5.03

**Application Number:** 02255576.7

**Publication Number:** 1286235

**IPC:** G05B 19/042

**Language of the proceedings:** EN

**Title of invention:**

Service-portal enabled automation control module (ACM)

**Applicant:**

GENERAL ELECTRIC COMPANY

**Opponent:**

-

**Headword:**

Automation control module/GENERAL ELECTRIC

**Relevant legal provisions:**

EPC Art. 56

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

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**Keyword:**

"Inventive step (main and auxiliary request) - no"

**Decisions cited:**

-

**Catchword:**

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Case Number: T 1494/07 - 3.5.03

**D E C I S I O N**  
of the Technical Board of Appeal 3.5.03  
of 10 February 2011

**Appellant:** GENERAL ELECTRIC COMPANY  
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**Representative:** Illingworth-Law, William  
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**Decision under appeal:** Decision of the Examining Division of the  
European Patent Office posted 10 April 2007  
refusing European patent application  
No. 02255576.7 pursuant to Article 97(1) EPC  
1973.

**Composition of the Board:**

**Chairman:** A. S. Clelland  
**Members:** T. Snell  
M.-B. Tardo-Dino

## Summary of Facts and Submissions

- I. This appeal is against the decision of the examining division refusing European patent application No. 02255576.7, with publication number EP-A-1286235.

The refusal was based on the ground that the subject-matter of claim 1 did not meet the requirement of inventive step pursuant to Article 52(1) EPC in combination with Article 56 EPC. In the reasons for the decision, the examining division referred, *inter alia*, to the following document relevant to the board's decision:

D2: WO-A-01/12374

- II. The appellant filed a notice of appeal against the above decision and requested "that the Decision be set aside, and that a patent be granted on the basis of the present claims [ie those refused by the examining division], or on the basis of amended claims which may be submitted in the course of the proceedings". A replacement set of claims 1 to 10 were subsequently filed together with a statement of grounds of appeal.

Oral proceedings were conditionally requested.

- III. In a communication accompanying a summons to oral proceedings the board gave a preliminary opinion in which, *inter alia*, a reasoned objection under Article 52(1) in combination with Article 56 EPC (inventive step) was raised against claims 1 and 10 in the light of the disclosure of document D2.

- IV. In response to the board's communication, the appellant filed new claims of a main request and an auxiliary request to replace the existing request.
- V. Oral proceedings were held on 10 February 2011. The appellant requested that the decision under appeal be set aside and that a patent be granted on the basis of the set of claims of the main request (claims 1-10) or alternatively of the auxiliary request (claims 1-10), both filed with the letter dated 7 January 2011. After due deliberation, the board announced its decision at the end of the oral proceedings.
- VI. Claim 1 of the **main request** reads as follows:

"A service-portal enabled automation control module (ACM) (104) for accessing service-portal data including useful information for a user to control the automation of an activity, said ACM comprising:  
a first central processing unit (CPU) (118) configured for processing automation control signals;  
a first memory (120) operably connected to said first CPU (118);  
a second CPU (126) operably connected to said first CPU (118);  
a second memory operably connected to said second CPU (126) for storing a service-portal database (124) containing a first set of service-portal data including useful information for a user of the ACM and one or more links to a second set of service-portal data including useful information for a user of the ACM stored in a remote network server (110) wherein the second CPU (126) is arranged to **automatically** receive user-specific data frequently requested by the user

from the remote network server (110) based on a configuration file, independently of a user request; a first network interface (128) operably connected to said second CPU (126) and to a gateway (106) configured for enabling said second CPU (126) to communicate with said remote network server (110); and said second CPU (126) arranged to be operably connected to a user interface (114) and configured for enabling the user to request said first set of service-portal data (302) from said second memory and said second set of service-portal data (302) from said remote network server (110) and to display the requested data" (board's emphasis).

Claim 10 of the **main request** reads as follows:

"A method for displaying service-portal data (302) relevant to a user's ACM (104) according to any one of the preceding claims for controlling the automation of an activity in a Web browser (402), the method comprising the steps of:  
opening said Web browser (402) in a computer;  
requesting service-portal data (404) relevant to a user of the ACM;  
determining whether said requested service-portal data (406) is stored in a service-portal database (124) stored in a memory operably connected to said ACM; if so:  
retrieving said requested service-portal data (406) including useful information for a user of the ACM from said service-portal database (124); or, if not:  
retrieving at least one link to said requested service-portal data (404) from said service-portal database (124);

retrieving said requested service-portal data (404) including useful information for a user of the ACM from an ACM-manufacturer network server (110); **automatically** receiving user-specific data frequently requested by the user from the network server (110) based on a configuration file, independently of a user request; and displaying said requested service-portal data (404) obtained from either said service-portal database (124) or from an ACM-manufacturer network server (110) on said Web browser (402)" (board's emphasis).

- VII. Claims 1 and 10 of the **auxiliary request** are the same as those of the main request except for the deletion of the word "automatically" (cf. the board's emphasis above).

## **Reasons for the decision**

1. *Inventive step (main request)*
  - 1.1 The board refers in the following analysis to the description and drawings of the present application as published (EP-A-1286235).
  - 1.2 The present application relates to an automation control module (ACM), ie a module for controlling an automation system. The ACM comprises a first CPU configured for processing automation control signals and a second CPU connected to a memory which stores a service-portal database. The service-portal database stores information useful for an ACM customer/user (*inter alia*, firmware downloads, cf. col. 4, line 37 of

the description). A web browser enables the user to access the information held in the service-portal database. The ACM is also connected to an external network to enable the user, via one or more links on the service-portal database, to request information held on a remote network server. In addition to the above features, claim 1 requires that the second CPU is arranged "to automatically receive user-specific data frequently requested by the user from the remote network server ... based on a configuration file, independently of a user request". This feature will be referred to as the "automatic data receiving feature".

- 1.3 The board regards document D2 as representing the closest prior art.

D2 discloses a control system for automatic control of a welding device. This system, which can be considered as an ACM within the meaning of claim 1, comprises a first processing unit ("Steuer und/oder Auswertevorrichtung 4"; cf. page 12, lines 33-34) configured for processing automation control signals and a second processing unit ("HTTP-Server 24"; cf. page 8, lines 6-9 and 23-24). Although there is no explicit mention of a CPU in each processing unit, the skilled person would regard this as implicit. The system further comprises a memory which stores a database ("Speichervorrichtung 53"; cf. page 13, lines 5-11 and 23-26), which the board considers to be a "service-portal database" within the meaning of claim 1. The service-portal database stores information useful for an ACM customer/user (*inter alia*, software modules and process data, cf. page 13, lines 9-11). A user interface ("Ein und/oder Ausgabevorrichtung"),

which is implicitly a web browser (cf. page 15, line 35 - page 16, line 5), enables the user to access the information administered by the "Steuer- und/oder Auswertevorrichtung" (cf. claim 17). This data implicitly concerns data stored in the service-portal database. The ACM is also connected to an external network (eg the Internet or an Intranet, cf. page 8, lines 32-34) to enable the user to request information held on a remote network server, eg a welding technology database ("Wissensdatenbank 59"; cf. page 16, lines 7-11). Although there is no explicit mention of links in the service-portal database of the ACM, the skilled person would be aware that this is the standard way of connecting to remote sites on the Internet using a browser. From the above, leaving aside the "automatic data receiving feature", it follows that D2 discloses a very similar arrangement to that of the present invention and that any differences concern minor design variations relating to the structure or organisation of the two processors and memory which do not contribute to inventive step; nor has the appellant argued otherwise.

- 1.4 The only feature argued by the appellant at the oral proceedings as being of significance to inventive step is the "automatic data receiving feature" of claim 1, ie the feature that "the second CPU is arranged to automatically receive user-specific data frequently requested by the user, from the remote network server ... based on a configuration file, independently of a user request".



1.5 However, in the board's view there is no aspect of this feature that could contribute to inventive step either. It is stated in D2 that software modules to be run by the ACM can be replaced by new ones (cf. page 13, lines 15-17). Such software updates can be downloaded from the manufacturer of the welding device (cf. page 13, line 32 - page 14, line 2). These updates are received by the HTTP server, ie the second processor (cf. page 8, lines 6-15). In the board's view, these software updates fall within the scope of the term "user-specific data frequently requested by the user". This is corroborated by the description of the present application, which, as noted at point 1.2 above includes "firmware downloads" in the list of useful information which may be present in the service-portal database. It is further stated in D2 that data can be updated via the network, activated from a remote site (cf. page 13, lines 28-30). Since the updates are activated from a remote site, it follows that they are received "independently of a user request", and, seen from the perspective of the user of the welding device, "automatically". With regard to the feature "based on a configuration file", the skilled person would realise that in order to correctly locate and update the stored software modules in the welding device, it would be necessary to know the memory configuration. Hence the board considers this feature to be obvious based on the skilled person's common general knowledge.

1.6 The appellant argued at the oral proceedings that due to the "automatic data receiving feature", the ACM of the invention was able to independently and automatically request information from the remote network server. For example, a fault situation could be

corrected by an automatic data update without user intervention. In the appellant's view, D2 required user intervention on the network side to transfer software updates to the welding device. Hence, the software updates were not "automatic" and "independent of a user request" as required by claim 1. However, the board notes that claim 1 only requires that the second CPU is arranged to automatically receive data from the remote network server, rather than request data from it, which is clearly also the case in D2. The board also considers that the updates are at least automatic and independent of a user request seen from the perspective of the user of the welding device. It is also noted that no limitation to rectifying a fault situation is included in claim 1 and no such example is described in the description.

- 1.7 However, even if for the sake of argument claim 1 were interpreted narrowly to concern automatically requesting data from a remote network server, its subject-matter would still not involve an inventive step. Given that there are several references in D2 to automatic data transfer across the network without any apparent user intervention (cf. page 3, lines 21-24; page 14, lines 19-34; page 15, lines 5-10), and that it appears to be one of the aims of D2 to automate procedures as far as possible (cf. page 2, lines 12-14), in the board's view it would not require inventive skill to consider automatically requesting a software update by the processor of the ACM itself.

The board therefore finds the appellant's arguments unconvincing.

1.8 The board concludes that the subject-matter of claim 1 does not involve an inventive step in the light of the disclosure of D2 and common general knowledge (Articles 52(1) and 56 EPC).

1.9 These comments apply, *mutatis mutandis*, to independent claim 10.

2. *Inventive step (auxiliary request)*

Since claims 1 and 10 of the auxiliary request differ from those of the main request only in the deletion of the term "automatically", their scope is broader than the corresponding claims of the main request. Hence, the above objection of lack of inventive step applies, *mutatis mutandis*, to these claims as well (Articles 52(1) and 56 EPC).

3. *Conclusion*

In view of the above, neither the main request nor the auxiliary request is allowable. Since there is no allowable request, it follows that the appeal must be dismissed.

**Order**

**For these reasons it is decided that:**

The appeal is dismissed.

The Registrar:

The Chairman:

G. Rauh

A. S. Clelland