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**Datasheet for the decision
of 2 August 2011**

Case Number: T 2095/08 - 3.5.03

Application Number: 01955107.6

Publication Number: 1279074

IPC: G05B 19/418

Language of the proceedings: EN

Title of invention:

An industrial plant asset management system

Applicant:

Bently Nevada Corporation

Opponent:

-

Headword:

Industrial plant asset management system/BENTLY NEVADA CORP.

Relevant legal provisions:

EPC Art. 56, 123(2)

Relevant legal provisions (EPC 1973):

-

Keyword:

"added subject-matter (sole request)- yes"
"inventive step (sole request) - no"

Decisions cited:

-

Catchword:

-



Case Number: T 2095/08 - 3.5.03

D E C I S I O N
of the Technical Board of Appeal 3.5.03
of 2 August 2011

Appellant: Bently Nevada Corporation
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Decision under appeal: Decision of the Examining Division of the
European Patent Office posted 14 March 2008
refusing European application No. 01955107.6
pursuant to Article 97(2) 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 to refuse application No. 01955107.6 on the ground that the application did not fulfil the requirement of novelty (Articles 52(1), 54(1) and 54(2) EPC) in the light of the disclosure of

D1: US 5 631 825 A.

II. The appellant filed an appeal on 21 May 2008 and the corresponding statement of grounds on 22 July 2008. He requested in essence that the decision of the examining division be set aside and a patent be granted on the basis of an amended set of claims 1-6 (in fact claims 1-7) filed with the grounds of appeal.

III. The board summoned the appellant to oral proceedings. In the communication accompanying the summons, objections under Articles 123(2) and 56 EPC were raised in respect of claim 1 of the sole request.

IV. With a letter of 8 July 2011, the appellant informed the board that it would not attend the oral proceedings.

V. The oral proceedings took place on 2 August 2011 in the absence of the appellant. At their end, the chairman announced the decision of the board.

VI. Independent claim 1 of the sole request reads as follows:

"A plant asset management system (10), comprising in combination:

a processing device,
a display device (100) coupled to said processing device for providing a graphical user interface (102) to a user in response to receipt of signals from said processing device,
a selection device (104) coupled to said processing device for navigating about said graphical user interface and making selections, said graphical user interface including a first view in a first window and a second view in a second window simultaneously displayed on said display device (100) ; characterized in that there is provided

means for linking said first view in said first window with said second view in said second window for synchronizing said two views together to simultaneously display a hierarchical view of plant asset locations in said first view and a corresponding two or three dimensional view modeling at least one of said plant asset locations in said second view,

means for graphically navigating through said plant asset locations in either one of said two views by making a selection by with (*sic*) said selection device of at least one of said plant asset locations in either one of said two views;

means for synchronously changing said two views in response to making said selection in either one or said two views for simultaneously displaying both a hierarchical view of plant asset locations including said selected plant asset location in said first view and a corresponding two or three dimensional view modeling at least said selected plant asset location in said second view such that said two views, synchronously navigate together in response to making

said selection in either one of said two views for managing plant assets."

Reasons for the decision:

1. *Procedural questions:*

1.1 The board considered it to be expedient to hold oral proceedings for reasons of procedural economy (Article 116(1) EPC). The appellant, which was duly summoned, had informed the board that it did not intend to take part in the oral proceedings and, indeed, was absent. The oral proceedings were therefore held in the absence of the appellant (Rule 115(2) EPC, Article 15(3) RPBA).

1.2 In the communication accompanying the summons, objections under Article 56 and 123(2) EPC were raised in respect of claim 1 of the sole request. The appellant was thereby informed that at the oral proceedings it would be necessary to discuss these objections. In deciding not to attend the oral proceedings the appellant chose not to make use of the opportunity to comment but, instead, chose to rely on the arguments as set out in the written submissions, which the board duly considered.

In view of the above and for the reasons set out below, the board was in a position to give at the oral proceedings a decision which complied with the requirements of Article 113(1) EPC.

2. *Amendments (Article 123(2) EPC):*

2.1 Present claim 1 replaces the features related to "means for linking said first view in said first window with said second view in said second window" of original claim 1 by means for linking said first view in said first window with said second view in said second window "for synchronizing said two views together to simultaneously display a hierarchical view of plant asset locations in said first view and a corresponding two or three dimensional view modeling at least one of said plant asset locations in said second view,

means for graphically navigating through said plant asset locations in either one of said two views by making a selection by with said selection device of at least one of said plant asset locations in either one of said two views;

means for synchronously changing said two views in response to making said selection in either one or said two views for simultaneously displaying both a hierarchical view of plant asset locations including said selected plant asset location in said first view and a corresponding two or three dimensional view modeling at least said selected plant asset location in said second view such that said two views, synchronously navigate together in response to making said selection in either one of said two views for managing plant assets".

As basis in the original application for this amendment the appellant refers to page 18, line 34 - page 19, line 20.

In particular, according to the appellant "graphical navigation means" is supported by "graphically selecting" (page 19, line 3), "synchronizing two views" by "if the user clicks through the enterprise tree 152, the graphical enterprise or asset view 160 follows" (page 19, lines 7-8), and "means for synchronously changing" by "these windows views are linked to follow each other's navigation" (page 19, lines 16-17).

- 2.2 In the board's view, the cited passages of the original application do not give an unambiguous basis for the amendments as required by Article 123(2) EPC.

With respect to the feature "means for synchronously changing ... for managing plant assets", the board does not see that the original "these windows are linked to follow each other's navigation" could serve as a basis for "means for synchronously changing said two views in response to making said selection in either one or said two views ... for managing plant assets". In particular, the quoted passage does not disclose or imply that the windows follow each other's navigation synchronously; nor is it evident how the fact that two windows are linked necessarily leads to a **change** in one of the windows as the consequence of a selection in the other. Linking could also mean that, as result of a selection, functions displayed in the other window are blocked without any change in what is shown in the window.

The board notes that on page 38, lines 17-22 of the published application, reference is made to a synchronous change of display. However, this passage relates to a specific embodiment. Its generalisation to

the feature as claimed constitutes an intermediate generalisation which has no original basis in the application as originally filed. Specifically, this passage relates to the synchronous change of display of an associated virtual object in one of the views. It is silent about what would happen to the display of objects in the two views which are not associated virtual objects.

2.3 As consequence, the amendments in claim 1 are such that the application contains subject-matter which extends beyond the content of the application as filed, contrary to the requirements of Article 123(2) EPC.

2.4 The deficiency under Article 123(2) EPC which the board raised in its communication accompanying the summons and which the appellant did not try to overcome by amendment or argument is sufficient to dismiss the appeal.

The board has nevertheless for the sake of argument also considered the question of inventive step on the basis of claim 1 as filed with the grounds of appeal. These objections were also already raised in the board's communication accompanying the summons.

3. *Inventive step (Article 56 EPC):*

3.1 The invention underlying the application in suit relates to an industrial plant asset management system with a synchronised multiple view graphical user interface (see abstract). In particular, the graphical user interface of the system claimed in claim 1 is such that it provides synchronised multiple views of machine

and instrument assets (see e.g. page 3, lines 11-12 of the published application).

The board considers D1, which relates to an operator station for a manufacturing process control system involving the simultaneous display of several windows (see Abstract in combination with Figure 3), as the closest prior art.

More specifically, D1 relates to a manufacturing process control system in particular for monitoring and controlling sections of a manufacturing process (see abstract). In the board's view, these sections of a manufacturing process correspond to the assets of a plant in the sense of claim 1. D1 relates thus to a plant asset management system, comprising in combination a processing device (column 5, lines 42-46: process control computer), a display device (column 5, lines 46-49) coupled to said processing device for providing a graphical user interface to a user in response to receipt of signals from said processing device, and a selection device (column 5, lines 52-53 and column 11, lines 8-13) coupled to said processing device for navigating about said graphical user interface and making selections.

Said graphical user interface includes a first view in a first window (Figure 3, SECTIONS Overview Window 36 and SEQUENCES Overview Window 38) and a second view in a second window (Figure 3, Plant Overview Flowsheet Window 40) simultaneously displayed on said display device (column 6, lines 21-29).

The first view includes a symbolic representation of all of the SECTIONS in the plant assigned to an operator (column 23, lines 1-4). The board understands this to mean that the first view displays plant asset locations. The second view corresponds to a two dimensional view modelling at least one of said plant asset locations (reference is made to Figure 17 and the corresponding description in column 32, lines 33-64).

According to D1, the Plant Overview Flowsheet Window interacts with the SEQUENCES overview and SECTIONS Overview applications. Clicking on the Overview Button in a SEQUENCE or SECTION Window results in the display in the Plant Overview Flowsheet Window of the Master Flowsheet associated with that particular SECTION or SEQUENCE (column 13, lines 61-67), and selecting a new flowsheet in the Plant Overview Flowsheet Window updates the SEQUENCES and SECTIONS Overview Windows to highlight the related SEQUENCES and SECTIONS (column 13, line 67 - column 14, line 4).

From this follows implicitly a means for linking the first view (the SECTION or SEQUENCE) in the first window with the second view (the Plant Overview Flowsheet Window) in the second window for synchronizing said two views together.

D1 also discloses means for graphically navigating through the plant asset locations in either one of the two views by making a selection with the selection device of at least one of the plant asset locations in either one of the two views (see e.g. column 23, lines 27-36).

Furthermore, according to D1 the SECTIONS Overview Graphic Sheet 108 (Figure 5), which is part of the SECTIONS Overview Window 36 and corresponds to the first view, provides the function of displaying the Master SECTIONS Flowsheet in the Plant Overview Flowsheet Window 40, which correspond to the second view, when clicking on it. One of the SECTIONS in the Master SECTIONS Flowsheet may be highlighted (column 23, lines 1-36).

The board interprets this passage as implying a synchronous change of the two views in response to making a selection in one of two views, *i.e.* by clicking on the SECTIONS Overview Graphic Sheet 108, thus simultaneously displaying both a view of plant asset locations (SECTIONS Overview) including said selected plant asset location in the first view and a corresponding two or three dimensional view modelling at least said selected plant asset location (Plant Overview Flowsheet) in said second view.

- 3.2 The claimed system differs from the system known from D1 at most in the simultaneous display of a **hierarchical** view of plant asset locations including the selected plant asset location in the first view and a corresponding two or three dimensional view modelling at least the selected plant asset location in the second view, such that the two views synchronously navigate together in response to making the selection in either one of the two views for managing plant assets.

With respect to the first part of this feature, *i.e.* the simultaneous display of the **hierarchical** view of

plant asset locations including the selected plant asset location in the first view and a corresponding two or three dimensional view modelling at least the selected plant asset location in the second view, the board notes that D1 suggests displaying a **hierarchical** view of a multitude of SEQUENCE flowsheets (column 34, lines 36-45) which correspond to the first view. Hence, it would have been obvious to the skilled person to employ a hierarchical view for the SECTIONS Overview instead of the sequential view shown in Figure 5.

The second part of this feature, *i.e.* the synchronous changes to the two views being such that the two views synchronously navigate together in response to making the selection in either one of the two views for managing plant assets, is a straightforward consequence of the obvious selection of a hierarchical view for the SECTIONS Overview.

- 3.3 The appellant essentially argued in the grounds of appeal that D1 did not show the feature related to the synchronous change in the two views. This feature is, however, also present in D1 as has been pointed out under point 3.1 above. In particular, the board notes that highlighting a SECTION in the Master SECTIONS Flowsheet (the second view) selects that SECTION as the current primary set of displayed information (the first view) (column 23, lines 31-35). This is, however, how the board interprets the claimed synchronisation of the two views and corresponds to the synchronisation as described at page 19, lines 7-8 of the published application (where reference is made to clicking through the enterprise tree with a consequential display in the asset view).

3.4 As a result, the subject-matter of claim 1 is obvious to the skilled person in the light of the disclosure of D1. The request therefore does not meet the requirement of Articles 52(1) and 56 EPC.

4. Since the sole request does not meet the requirements of Articles 123(2) and 52(1) EPC, the appeal is to be dismissed.

Order

For these reasons it is decided that:

The appeal is dismissed.

The Registrar

The Chairman

G. Rauh

A. S. Clelland