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**Datasheet for the decision  
of 28 March 2012**

**Case Number:** T 2240/08 - 3.5.01

**Application Number:** 03766583.3

**Publication Number:** 1525541

**IPC:** G06F 17/30

**Language of the proceedings:** EN

**Title of invention:**

Data management architecture associating generic data items  
using references

**Applicant:**

Everett, Ron

**Headword:**

Data management architecture/EVERETT

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

EPC Art. 84

**Keyword:**

"Clarity (no)"



Case Number: T 2240/08 - 3.5.01

**D E C I S I O N**  
of the Technical Board of Appeal 3.5.01  
of 28 March 2012

**Appellant:** Everett, Ron  
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**Representative:** Fuchs  
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**Decision under appeal:** Decision of the Examining Division of the  
European Patent Office posted 9 July 2008  
refusing European patent application  
No. 03766583.3 pursuant to Article 97(2) EPC.

**Composition of the Board:**

**Chairman:** S. Wibergh  
**Members:** P. Scriven  
P. Schmitz

## Summary of Facts and Submissions

- I. The Examining Division refused European patent application 03766583.3, by decision posted on 9 July 2008, on the grounds of added subject-matter, Article 123(2) EPC. The appeal is against that decision.
- II. With the statement setting out his grounds of appeal, dated 19 November 2008, the appellant requested that the decision under appeal be set aside and that a patent be granted on the basis of claims 1 - 26 and an amended description (main request). Claim 1 read as follows.

*1. A data management system in a computing environment characterized by:*

- a. a data instance centric architecture wherein each database instance is at the center of its associations;*
- b. wherein each data instance is encapsulated in a common fundamental data structure forming the base structure being identical in form and function;*
- c. wherein said fundamental data structure also contains encapsulated references to all other associated separately encapsulated data instances;*
- d. wherein said common fundamental data structure is application independent and the same for all the data instances;*
- e. wherein said common fundamental data structure also encapsulates a reference which defines the location of said common fundamental data structure within a multi-*

*dimensional organization of said common fundamental data structures;*  
*f. wherein a first data instance is encapsulated with references to associated data instances;*  
*g. wherein each of said associated data instances are separately encapsulated with a reference to said first encapsulated data instance;*  
*h. wherein each of said encapsulated references is a logical index which uniquely identifies each of said associated encapsulated data instances and also encodes the location of each of said associated encapsulated data instances; and*  
*i. wherein said logical index is 'm' dimensional, and has 'n' bits per dimension.*

III. At the same time, as auxiliary request, the appellant requested that a patent be granted on the basis of an amended version of claim 1 of the main request, where the amendment consisted of the insertion of the following passage before the expression "characterized by": *comprising a computer with software operating on the data management system with inputs and outputs for the data and a storage medium storing the data.*

IV. The Board arranged for oral proceedings to be held on 28 March 2012, and sent a summons accordingly. In the accompanying communication, the Board raised questions regarding Article 123(2) EPC, and the following objections under Article 84 EPC 1973, which applied to claim 1 according to both the main and auxiliary requests.

- (a) The term "fundamental data structure" was unclear, because the skilled reader could not differentiate between those base structures which were fundamental, and those which were not.
- (b) The term "common fundamental data structure" was unclear for similar reasons: there was nothing to indicate what the structure was common to.
- (c) In feature a., it was unclear how a data (or database) instance could be at the center of its associations.
- (d) In feature d., the term "application independent" expressed a desired property, and the Board could not see what technical implications it had.
- (e) In feature d., the word "all" in "for all the data instances" could, for example, have referred to all instances encapsulated in one common fundamental data structure, to all data instances in the data base, or to all instances in any database.
- (f) In feature e., it was unclear what qualified as a multi-dimensional organization and what did not.
- (g) In feature i., it was unclear how the concept of dimension applied to a logical index.

V. The appellant informed the Board that he would not be represented at the oral proceedings. No amendments were filed, no new requests were made, and no counterarguments were given.

VI. Oral proceedings were held, as scheduled, on 28 March 2012.

### **Reasons for the Decision**

1. *Article 84 EPC 1973*

1.1 The Board, with the summons to attend oral proceedings, objected, as set out above at IV, that the versions of claim 1 according to both the main and the auxiliary requests were unclear.

1.2 The appellant filed no substantive reply, and the Board sees no reason to deviate from its provisional opinion that the main and auxiliary requests failed to comply with Article 84 EPC 1973.

1.3 Accordingly, the Board finds that neither the main nor the auxiliary request is allowable.

**Order**

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

The appeal is dismissed.

The Registrar

The Chairman

T. Buschek

S. Wibergh