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**Datasheet for the decision
of 10 February 2012**

Case Number: T 1741/09 - 3.5.03

Application Number: 02711084.0

Publication Number: 1360829

IPC: H04M 15/00, H04M 17/00,
H04Q 7/38

Language of the proceedings: EN

Title of invention:
Network selection in a mobile telecommunications system

Applicant:
Interoute Communications Limited

Opponent:
-

Headword:
Network selection/INTERROUTE

Relevant legal provisions:
EPC Art. 56

Relevant legal provisions (EPC 1973):
-

Keyword:
"Inventive step (no)"

Decisions cited:
-

Catchword:
-



Case Number: T 1741/09 - 3.5.03

D E C I S I O N
of the Technical Board of Appeal 3.5.03
of 10 February 2012

Appellant: Interoute Communications Limited
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Decision under appeal: Decision of the examining division of the
European Patent Office posted 10 March 2009
refusing European patent application
No. 02711084.0 pursuant to Article 97(2) EPC.

Composition of the Board:

Chairman: A. S. Clelland
Members: F. van der Voort
R. Moufang

Summary of Facts and Submissions

I. This appeal is against the decision of the examining division refusing European patent application No. 02711084.0 which was published as international application (PCT/GB02/00650) with publication number WO 02/067563 A.

The reason given for the refusal was that the subject-matter of each one of the independent claims lacked an inventive step (Articles 52(1) and 56 EPC).

II. The following documents which were referred to in the decision are relevant to the present decision:

D1: "The GSM System for Mobile Communications",
M. Mouly, M.-B. Pautet, 1992, pages 446 to 452;
and

D2: WO 00/41486 A.

III. In the notice of appeal the appellant requested that the decision under appeal be set aside. With the statement of grounds of appeal the appellant filed a new set of claims which replaced the claims on file and submitted arguments in support of the new claims.

IV. The appellant was summoned to oral proceedings. In a communication annexed to the summons the board raised, without prejudice to its final decision, objections against claim 1 under, *inter alia*, Article 52(1) EPC in combination with Article 56 EPC (lack of inventive step).

V. In response to the board's communication, the appellant requested a decision according to the state of the file. No substantive comments or amendments were submitted.

VI. Oral proceedings were held on 10 February 2012 in the absence of the appellant.

From the appellant's written submissions the board understood the appellant to be requesting that the decision under appeal be set aside and that a patent be granted on the basis of the set of claims as filed with the statement of grounds of appeal.

At the end of the oral proceedings, after deliberation, the board's decision was announced.

VII. Claim 1 as filed with the statement of grounds of appeal reads as follows:

"A method of operating a mobile telecommunications apparatus (1) in a telecommunications system wherein the apparatus comprises means (109) for making telephone calls via the system, the steps performed by the mobile telecommunications apparatus comprising;

detecting (60) a number of available networks (4, 16, 17, 18);

receiving (60) network identification information from the available networks wherein the network identification information for each network comprises a respective mobile country code and a mobile network code;

selecting one (61-63) of the available networks by comparing the network identification information with stored network information comprising at least one of a

preferred network table (19) and a barred network table (20);

registering (65) with the selected network;

determining (71) whether the stored information requires updating, and

outputting (72) to a control centre (14) other than a home network (7) of the apparatus a request message for receiving updating information for updating the stored network information if the stored network information is determined in said determining step to require updating;

wherein the determining step determines that the stored network information requires updating if the mobile country code of the registered network is different from a stored record of a mobile country code of a last network with which the apparatus was registered."

Reasons for the Decision

1. *Procedural matters*

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 implicitly informed the board that it would not attend 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 The present decision is based on an objection under Article 52(1) EPC in combination with Article 56 EPC

which had already been raised in the board's communication. The appellant had the opportunity to present its comments on these objections and filed a reply without discussing the issues raised in the communication. In deciding not to attend the oral proceedings the appellant chose not to make use of the opportunity to comment at the oral proceedings on any of the objections but, instead, chose to rely on the arguments as set out in the statement of grounds of appeal, which the board duly considered below.

1.3 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. *Inventive step - claim 1*

2.1 The examining division considered that D1 represents the most relevant prior art. The board agrees and notes that the appellant did not argue otherwise.

2.2 D1 is a part of a standard text book on GSM and discloses, using the language of claim 1, a method of operating a mobile telecommunications apparatus, i.e. a mobile telephone, including the steps of detecting a number of available networks (page 447, lines 15 to 18 ("PLMNs", i.e. public land mobile networks)), receiving network identification information from the available networks (page 448, line 2 ("PLMN identity")), selecting one of the available networks by comparing the network identification information with stored network information, in which the stored network information comprises a list of preferred PLMNs and a

list of forbidden PLMNs (page 449, last paragraph), and obtaining access to the selected network, i.e. registering with the selected PLMN.

2.3 In the board's view, the list of preferred PLMNs and the list of forbidden PLMNs as referred to in D1 read on "a preferred network table" and "a barred network table" as referred to in claim 1. Further, since D1 relates to the GSM standard, it is implicit that the Mobile Country Code (MCC) and the Mobile Network Code (MNC) uniquely identify a PLMN and that each PLMN broadcasts these codes as a network identifier. The board notes that the appellant did not argue otherwise.

2.4 D1 does not disclose the following steps of the method of claim 1:

i) determining that the stored network information requires updating if the MCC of the registered network is different from a stored record of an MCC of a last network with which the mobile telecommunications apparatus was registered; and

ii) outputting to a control centre other than a home network of the apparatus a request message for receiving updating information for updating the stored network information if the stored network information is determined in the determining step to require updating.

2.5 Step i) implies that, if the above-mentioned step of registering with the selected PLMN is carried out for the first time with a network in a foreign country and, consequently, the stored record of the MCC of the last

network and the MCC of the registered network are different, it is determined that an update of the stored network information is required. In that case, in accordance with step ii), a request for receiving the update is sent to a control centre.

In the board's view, the step of "determining whether the stored network information requires updating" in claim 1, sixth paragraph (see point VII above), is in itself not a technical feature, since it covers a situation in which a user simply determines that, since he is abroad, he wants to have an update of the network information stored in his mobile telephone. However, the last feature of claim 1 gives the above-mentioned determining step a technical character in that the determination is based on whether or not the MCC of the registered network is different from the MCC of the last network with which the mobile telephone was registered. This implies that a comparison of the MCCs is made and, hence, that technical means are used.

- 2.6 The technical problem starting out from D1 may therefore be seen in technically implementing (at least a part of) an update procedure, in which determining that an update is required after a registration with a new network in a foreign country, is automated.

The formulation of this problem does not involve an inventive step, since at the priority date it was a common aim to automatize manual procedures, particularly those, as in the present case, which are to be carried out repetitively.

2.7 Starting out from D1 and faced with the above technical problem, a person skilled in the art would consider D2, since D2 relates to updating network information which is stored in a mobile telephone.

More specifically, D2 discloses that when the mobile telephone (mobile station 1, Fig. 1) identifies and registers with a new service provider's network 8A, e.g. because it moves into the coverage area of that network (page 17, lines 17 to 22, and page 19, lines 11 to 17), preferred or least cost route information, which includes network information and which is stored in the SIM card of the mobile station 1, is updated on request by the mobile station via transmission of data from a remote control centre 7 via the cellular network (see the abstract, page 3, line 15, to page 4, line 1, page 11, line 10, to page 12, line 4, page 20, lines 16 to 27, page 27, lines 19 to 23, page 28, lines 6 to 8, and Figs 1 and 10).

D2 does not disclose how the mobile station identifies the new service provider's network. However, it was common general knowledge at the priority date that the MCC and the MNC together uniquely identify a PLMN and that each PLMN broadcasts these codes as a network identifier. The board notes that the appellant did not argue otherwise.

2.8 Hence, starting out from D1 and faced with the above-mentioned technical problem, a person skilled in the art would consider D2 and apply its teaching to the method disclosed in D1 by adding the steps of determining that the stored network information requires updating if the MCC of the registered network

is different from stored records of MCCs of networks known to the mobile telecommunications apparatus, including the last network with which the apparatus was registered, and, in response, outputting to a control centre, which is not part of a home network of the mobile apparatus, a request message for receiving updating information for updating the stored network information. The skilled person would thereby arrive at a method which includes all the features of claim 1 without exercising inventive skill.

- 2.9 The board notes that the appellant did not rebut the considerations which were set out in the board's communication and which correspond to the above considerations.
- 2.10 In view of the above the board concludes that the subject-matter of claim 1 does not involve an inventive step (Articles 52(1) and 56 EPC).
3. The sole request not being allowable, 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