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**Datasheet for the decision
of 23 October 2013**

Case Number: T 2115/09 - 3.5.06

Application Number: 05749829.7

Publication Number: 1761857

IPC: G06F 13/24

Language of the proceedings: EN

Title of invention:

Computer system and method for transmitting interrupt messages through a parallel communication bus

Applicant:

GENERAL ELECTRIC COMPANY

Headword:

Interrupts on a parallel communication bus/GENERAL ELECTRIC

Relevant legal provisions:

EPC R. 99(2), 101(1)

Keyword:

"Appeal sufficiently reasoned - no"

Decisions cited:

T 0145/88, T 0760/08

Catchword:

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Case Number: T 2115/09 - 3.5.06

D E C I S I O N
of the Technical Board of Appeal 3.5.06
of 23 October 2013

Appellant: GENERAL ELECTRIC COMPANY
(Applicant) 1 River Road
Schenectady, NY 12345 (US)

Representative: Bedford, Grant Richard
GPO Europe
GE International Inc.
The Ark
201 Talgarth Road
Hammersmith
London W6 8BJ (GB)

Decision under appeal: Decision of the Examining Division of the
European Patent Office posted on 15 May 2009
refusing European patent application
No. 05749829.7 pursuant to Article 97(2) EPC.

Composition of the Board:

Chairwoman: M.-B. Tardo-Dino
Members: M. Müller
G. Zucka

Summary of Facts and Submissions

- I. The appeal lies against the decision of the examining division, dated 15 May 2009, to refuse European patent application 05 749 829.7 for lack of novelty over D1 = US 5 956 516. For its reasons, the decision referred to a communication dated 8 January 2009, the applicant having requested a decision according to the state of the file.
- II. Notice of appeal was filed on 23 July 2009, the appeal fee being paid on the same day. With a statement of grounds of appeal, received on 24 September 2009, the appellant requested that the decision under appeal be set aside and a patent be granted based on an amended set of claims which was filed with the grounds of appeal in view of overcoming the objections of the examining division.
- III. With a communication accompanying the summons to oral proceedings the board informed the appellant of its preliminary opinion that the appeal had to be rejected as inadmissible, Rule 101(1) EPC, for lack of substantiation as required by Rule 99(2) EPC and Article 12(2) RPBA and that the amended set of claims might be found inadmissible under Article 12(4) RPBA.
- IV. In response to the summons the appellant submitted neither arguments nor amendments but, with letter dated 1 July 2013, only withdrew its request for oral proceedings and requested that a written decision be issued in accordance with the current state of the file.
- V. The board then cancelled the oral proceedings.

VI. The present decision is based on the applicant's statement of grounds and the board's communication in accordance with Article 12(1)(a) and (c) RPBA.

Reasons for the Decision

1. In the statement of grounds, the appellant declares that the claims were amended "for further clarity with respect to ... D1" and identifies the amendments and their basis in the application as originally filed (see 3rd paragraph of the grounds). The appellant further formulates an objective technical problem that "might be envisaged to exist with the prior art document D1", states that the computer system in accordance with the amended claims addresses this problem, and alleges that "the novel architecture of the second device, as now recited in the claims, is not disclosed or suggested by D1 or any of the other documents with a view of addressing the aforementioned problem" (see 4th-6th paragraphs of the grounds). The statement of grounds does not contain any further substantial statements that could support the appeal. In the statement of grounds, the appellant neither specifically addresses the reasons given in the decision under appeal nor the disclosure of D1 or of the other cited documents. It thus leaves to the board the task to find out to what extent the reasons given in the appealed decision no longer apply to the amended claims and especially why the appellant considers these amendments to render the subject-matter of claim 1 new over D1.

2. In its communication the board expressed its provisional view that these terse statements constituted in-

sufficient indication of the reasons for setting aside the decision impugned or the extent to which it was to be amended and the facts and evidence supporting the appeal and that, therefore and in line with established jurisprudence of the boards of appeal (see for instance T 145/88, OJ EPO 1991, 251; and T 760/08, not published), the requirement of Rule 99(2) EPC was not met.

3. Absent any counterargument by the appellant the board has no reason to deviate from the preliminary assessment given in its communication and therefore concludes that the appeal is to be rejected as inadmissible pursuant to Rule 101(1) EPC.

4. Given this finding, the question whether the amended claims and the appeal as a whole are inadmissible also under Articles 12(2) and (4) RPBA is not relevant any more.

Order

For these reasons it is decided that:

The appeal is rejected as inadmissible.

The Registrar:

The Chairwoman:

B. Atienza Vivancos

M.-B. Tardo-Dino