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Datasheet for the decision of 5 July 2011

Case Number: T 0265/10 - 3.4.03

Application Number: 01940841.8

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IPC: G07C 9/00

Language of the proceedings: EN

Title of invention:
Building management system for monitoring site events at buildings

Patentee:
Godwin, Adrian Michael

Opponent:
-

Headword:
-

Relevant legal provisions:
-

Relevant legal provisions (EPC 1973):
EPC Art. 54(1)(2), 56

Keyword:
"Novelty, inventive step (yes) - after amendment"

Decisions cited:
T 0645/06

Catchword:
-

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Case Number: T 0265/10 - 3.4.03

D E C I S I O N
of the Technical Board of Appeal 3.4.03
of 5 July 2011

Appellant: Godwin, Adrian Michael
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Decision under appeal: **Decision of the Examining Division of the European Patent Office posted 25 September 2009 refusing European patent application No. 01940841.8 pursuant to Article 97(2) EPC.**

Composition of the Board:

Chairman: G. Eliasson
Members: R. Q. Bekkering
T. Bokor

Summary of Facts and Submissions

I. This is an appeal against the refusal of application 01 940 841 for lack of an inventive step, Article 56 EPC 1973.

II. In an earlier decision of the examining division the application was refused for lack of novelty (Article 54(1) and (2) EPC 1973) over document D1: DE 198 57 702 A.

III. An appeal was filed against this decision (cf T 645/06 of 1 August 2007). In this prior appeal, it was decided by this board of appeal (in a different composition) that the subject-matter of claim 1 as amended was new over D1. Moreover, since document D1 was not concerned with building management, the board doubted whether it would qualify as "*closest prior art*" for the assessment of inventive step. As document D1 was the only prior art document cited in the decision under appeal, the board found it appropriate to remit the case back to the examining division for further prosecution.

IV. At oral proceedings before the board in the present appeal, the appellant applicant requested that the decision under appeal be set aside and that a patent be granted on the basis of the main request filed during the oral proceedings.

V. Claim 1 of the main request reads as follows:

"*A building management system for monitoring site events at a plurality of buildings, wherein a site event is an event relating to the status of a building,*

a building's visitor or a building's equipment as reported by a user, the system comprising
a database accessible via the internet;
a plurality of uniquely identified site terminals adapted to access the database by means of web browser software, each terminal having means for enabling a user with access rights to view and enter data online relating to a site event into the database in an interaction;
each site terminal having a pre-loaded unique internet address and being physically secured at the respective building, thereby providing a time/date stamp of said interaction and a site stamp of said user's location, to identify the building at which the interaction took place, via said unique internet address, such that the database provides current status information including entry records and times and associated information relating to site events for each building."

VI. Reference is made to the following further prior art document:

D7: WO 00/30297 A.

VII. The appellant in substance provided the following arguments:

The subject-matter of claim 1 provided a building management system for monitoring site events at a plurality of buildings, the novelty of which lay in the use of a web browser not just simply to provide internet access to a database but by the time/date stamping of that interaction and the site stamping of the user's location via the unique internet address

programmed into each site terminal. In this manner, it was possible for the database - i.e. for the operator of the database - to confirm securely and unambiguously the event, the building the event related to and the nature of the event given that the site terminal was securely fixed to the building in question. This was not known from or rendered obvious by the available prior art. Accordingly, the subject-matter of claim 1 was new and involved an inventive step.

Reasons for the Decision

1. The appeal is admissible.

2. *Amendments*

Claim 1 as amended is based on claim 1 as originally filed and the description (cf paragraph bridging pages 3 and 4; page 4, third paragraph; page 7, second paragraph).

Claim 2 corresponds to claim 2 as originally filed.

Accordingly, the amendments comply with Article 123(2) EPC.

3. *Novelty*

3.1 *Document D1*

According to the above prior appeal decision, the subject-matter of claim 1 then on file was new over document D1. In particular, D1 was not concerned with

building management. As claim 1 presently under consideration contains further limitations, it is new over document D1 as well.

3.2 *Document D7*

Document D7 is concerned with a building management system. In particular, it comprises a first computer connected to the facilities management system in a building and to a communication network, such as the internet or an intranet. The first computer executes a web server program on the first computer to exchange messages over the communication network utilizing a Transport Control Protocol/Internet Protocol (TCP/IP). A second computer is connected to the communication network at a location that is remote from the building. A standard, commercially available web browser program is executed on the second computer to exchange messages over the communication network utilizing the TCP/IP. A request for information about the facilities management system is sent from the second computer to the first computer, which responds by obtaining operational information from the facilities management system. The first computer executes an active server pages program to select predefined items of the operational information and create a web page that contains the predefined items. The web page is transmitted to the second computer where it is displayed to the person who requested information about the facilities management system (page 3, lines 7 to 28).

Insofar as the first computers in D7 correspond to the site terminals as defined in claim 1 of the application under consideration, the first computers in D7 are not

adapted to access a database accessible via the internet. In D7, the operational information of each building is in fact rather stored in the first computers. Moreover, and more fundamentally, D7 is not concerned with user's reported site events, with the need to provide a date/time stamp of the interaction between the user and the database and a site stamp of the user's location.

Accordingly, the subject-matter of claim 1 is new over document D7 (Article 54(1) and (2) EPC 1973).

4. *Inventive step*

4.1 According to the decision under appeal, the subject-matter of claim 1 then on file lacked an inventive step, Article 56 EPC 1973. In substance it was argued that claim 1 involved a number of non-technical features being administrative steps (decision under appeal, reasons 2.2.c)). These administrative steps were taken as starting point for the technically qualified professional to undertake the technical implementation by way of technical means.

The technical character of the claim was considered to reside in that software was running on terminals, data was held in a database, web browser software was running on terminals, and the terminals and database were connected over the internet.

A general purpose networked computer system with these functionalities was so well known before the priority date of the application as considered not to require documentary evidence (cf reasons 2.2.e) and g)).

Or, in other words, any technical character lay in the fact that the administrative steps were automated on a notoriously known computer network, where the terminals communicated according to standard protocols like the internet and web browsers and where the data was organised and held in a database (cf reasons 2.2.e)).

Moreover, it was in substance argued that assigning a unique address to each of the terminals and fixing the terminals to the building was obvious (cf reasons 2.2.e), 2.2.m) and 3.1 to 3.4).

4.2 However, insofar as the subject-matter of claim 1 presently on file, for the purposes of assessing inventive step, may be viewed as providing a technical implementation of what could be held a non-technical administrative procedure of monitoring site events reported by a user, it goes beyond what may be reasonably considered a straightforward technical implementation, obvious to the skilled person in the light of his common general knowledge (or the available prior art for that matter).

Arguably, it would be obvious to a person skilled in the art to implement technically the underlying administrative procedure of monitoring site events reported by a user, by providing site terminals connected via the internet to a central database. As argued by the appellant, however, a particular problem relating to user reported events, as opposed to events reported by automated control systems located in the building, is the credibility of the data provided. In particular, it is perceived to be a problem that eg contractors may pretend to have been present at a

particular building at a particular time. The mere technical implementation by providing an internet-based system would in fact open up a number of possibilities of entering data into the system from locations other than those intended, as the true geographical location of the input terminal of the user is generally not considered a relevant factor in the internet.

The application sets out to solve this specific problem and provides a technical solution to it. In particular, by giving each site terminal a pre-loaded unique internet address and physically securing it at a respective building, a time/date stamp of the interaction between the user reporting an event and the database, and a site stamp of the user's location is provided. This permits identifying the building at which the interaction took place, via said unique internet address, and determining the time/date of the interaction. These measures are not considered part of the straightforward technical implementation of the above non-technical administrative procedure. Accordingly, considered from this perspective, the subject-matter of claim 1 is not obvious to a person skilled in the art.

4.3 Furthermore, a conventional assessment of inventive step, without any consideration whether features contribute to the technical character of the claimed subject-matter, does not lead to a different conclusion on the issue of inventive step. In fact, what is considered above to be a non-technical administrative procedure, may equally well be considered common general knowledge.

As indicated in the application, one type of site event, the tracking of visitors to buildings, has in the past generally been by utilising log books and security sign-in forms etc to verify attendance at a building by parties such as maintenance contractors, insurance surveyors, consultants and others (page 1, lines 16 to 19).

Moreover, typically, also before the priority date of the present application (June 2000), facility managers were dealing with multiple buildings (eg multiple (smaller) buildings on a single site, where the provision of a facility manager for each building is not appropriate). Generally in such cases events are detected locally at the building (eg building (equipment) failure and status information, building security information (including entry) etc.) and centrally logged and dealt with. The above conventional manual facility management (administrative) procedure may be considered to be part of the common general knowledge of the person skilled in the art, not requiring any documentary evidence.

The objective technical problem to be solved may thus be considered to automate/computerise the known manual procedure.

Analogously to the above, it may arguably be considered obvious to a person skilled in the art to provide site terminals connected via the internet to a central database. However, essentially as argued above, giving each site terminal a pre-loaded unique internet address and physically securing it at a respective building is not considered to be part of the straightforward

automation/computerisation of the known manual procedure. Accordingly, the subject-matter of claim 1 is not obvious to a person skilled in the art from this perspective either.

4.4 Finally, starting from document D7 as closest prior art does not result in a different conclusion on the issue of inventive step either.

Document D7 is relevant to the extent that it relates specifically to a building management system as discussed above. Moreover, it explicitly deals with a plurality of building systems networked together in an integrated system. When the building is part of a larger commercial or educational campus, the systems and networks for each building can be connected to a wide area communication network, which enables control from a central campus facility management office. Some companies may have a number of buildings located at different geographical locations in a metropolitan area or throughout a state or several contiguous states. In this situation, the owner or manager of these scattered buildings may desire to monitor and control the operation of each building from a central management office. This can be accomplished with standard telecommunication links between each building and the central management office. However, using conventional telecommunication carriers to provide links to each building becomes expensive and complex, especially where it is desirable to allow access to each building from several other buildings in a large geographical area. According to D7, an obvious solution to this problem would be to provide internet access to the facility management systems in each building with the

appropriate password access protection (page 1, line 19 to page 2, line 14).

In document D7, however, the building data is stored locally in each building rather than in a database accessible via the internet. Moreover, D7 is not concerned with data entered by users on site and with the credibility of such entries as discussed above. There is nothing in D7 or in any of the other available prior art suggesting to modify the system of D7 so as to arrive at a system as defined in claim 1.

Accordingly, having regard to D7 and the remaining available prior art, the subject-matter of claim 1 is not obvious to a person skilled in the art either.

4.5 Accordingly, the subject-matter of claim 1 involves an inventive step (Article 56 EPC 1973).

4.6 Claim 2 is dependent on claim 1, providing further limitations. The subject-matter of this claim, therefore, also involves an inventive step.

5. The patent application as amended also meets the remaining requirements of the EPC, so that a patent can be granted on the basis of these documents.

Order

For these reasons it is decided that:

1. The decision under appeal is set aside.

2. The case is remitted to the department of first instance with the order to grant a patent with the following documents:

Description: Pages 2 and 3 as filed during the oral proceedings;
Pages 1 and 4 to 8 as originally filed;

Claim: Claims 1 and 2 as filed during the oral proceedings (labelled as main request);

Drawings: Figure 1 as originally filed.

Registrar: Chair:

S. Sánchez Chiquero G. Eliasson