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**Datasheet for the decision  
of 2 June 2016**

**Case Number:** T 0521/12 - 3.5.07

**Application Number:** 03075856.9

**Publication Number:** 1351164

**IPC:** G06F17/30

**Language of the proceedings:** EN

**Title of invention:**

Integrated management system for technical information

**Patent Proprietor:**

The Boeing Company

**Opponent:**

Airbus et al.

**Headword:**

Graphical interface for information retrieval and simulation/  
BOEING

**Relevant legal provisions:**

EPC Art. 83

**Keyword:**

Sufficiency of disclosure - (yes)

**Decisions cited:**

**Catchword:**



**Beschwerdekammern**  
**Boards of Appeal**  
**Chambres de recours**

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Case Number: T 0521/12 - 3.5.07

**D E C I S I O N**  
**of Technical Board of Appeal 3.5.07**  
**of 2 June 2016**

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**Decision under appeal:**      **Decision of the Opposition Division of the  
European Patent Office posted on 13 January 2012  
revoking European patent No. 1351164 pursuant to  
Article 101(3) (b) EPC.**

**Composition of the Board:**

**Chairman**                    R. Moufang  
**Members:**                    M. Rognoni  
                                  P. San-Bento Furtado  
                                  R. de Man  
                                  C. Heath

## Summary of Facts and Submissions

- I. The patent proprietor (appellant) appealed against the decision of the Opposition Division to revoke the European patent no. 1 351 164.
- II. Notice of opposition had been filed within the opposition period on behalf of five specified companies, all belonging to the Airbus group of companies, as joint opponents on the ground that the claimed subject-matter did not involve an inventive step (Articles 100(a) and 56 EPC).
- III. With letter dated 6 January 2010, the patent proprietor requested, *inter alia*, that the opposition be deemed inadmissible under Rule 77(1) EPC since there were no legal entities with the names indicated as opponents in the notice of opposition.
- IV. In a communication dated 14 January 2011, accompanying the summons to oral proceedings, the Opposition Division expressed the provisional opinion that the opposition was admissible because at least one of the opponents had been correctly designated and the other requirements of Articles 99(1) and 100 EPC and Rules 76 and 77(1) and (2) EPC had been met. If the deficiencies concerning the other opponents were not remedied, the opposition would be restricted to the opponent that had been correctly identified.

Furthermore, the Opposition Division considered that Article 100(b) and (c) EPC prejudiced the maintenance of the opposed patent, whereas Article 100(a) EPC did not. Hence, the Opposition Division announced its intention to discuss Article 100(b) and (c) EPC prior to Article 100(a) EPC at oral proceedings.

V. At the oral proceedings held on 15 November 2011 before the Opposition Division, enlarged by a legal member pursuant to Article 19(2) EPC, the patent proprietor withdrew its request that the opposition be deemed inadmissible (see minutes, point 3). As indicated in the minutes, the Opposition Division found that the joint opponents had been sufficiently identified and that the opposition was admissible.

VI. In the contested decision, the Opposition Division came essentially to the conclusion that the invention according to claim 1 as granted (main request) and according to the first auxiliary request, filed with letter dated 15 September 2011, was not disclosed in a manner sufficiently clear and complete for it to be carried out by a person skilled in the art (Articles 100(b) and 83 EPC). As to the second auxiliary request filed during the oral proceedings, the Opposition Division held that claim 1 did not comply with Article 123(3) EPC because it had been amended in such a way as to extend the protection it conferred.

Finally, the Opposition Division noted that the opponents, aware of the Opposition Division's opinion regarding Articles 100(b) and 123(3) EPC, had refrained from further pursuing the opposition ground of lack of inventive step (Articles 100(a) and 56 EPC). For reasons of procedural efficiency, the Opposition Division then did not carry out a detailed examination of the opposition ground of added subject-matter (Articles 100(c) and 123(2) EPC).

VII. With the statement of grounds of appeal, the appellant specified that it maintained the three requests considered by the Opposition Division, resubmitted the

claims of the first and second auxiliary requests and filed a new set of claims by way of a third auxiliary request.

- VIII. With letter dated 10 December 2015, the parties were summoned to oral proceedings.
- IX. On 2 June 2016, oral proceedings were held as scheduled before the Board. At the end of the proceedings, the Chairman pronounced the Board's decision.
- X. The appellant requested that the decision under appeal be set aside and that the case be remitted to the department of first instance for further prosecution on the basis of the main request, *i.e.* that the patent be maintained unamended, or, alternatively, on the basis of one of the first to third auxiliary requests, all requests having been submitted with the grounds of appeal.

The joint respondents (joint opponents) requested that the appeal be dismissed.

- XI. Claim 1 of the patent as granted (main request) reads as follows:

"A method of accessing electronic information, wherein at least a portion of the electronic information is contained within at least one collection of electronic documents indexed according to at least one predetermined indexing pattern, said method comprising:

interactively selecting (30) an electronic portal document (18) comprising a plurality of graphical elements (20), wherein the selected portal document comprises at least one schematic diagram of at

least one operational system and the plurality of graphical elements represent operational elements of the at least one operational system, and wherein at least a portion of the electronic information is related to respective operational elements of the at least one operational system, wherein at least one of the graphical elements is associated with at least one pointer (24) that is associated with and identifies at least a portion of the electronic information, wherein each pointer that is associated with electronic information that is contained within a respective collection of electronic documents identifies the electronic information according to the predetermined indexing pattern of the respective collection;

interactively selecting (32) at least one graphical element to thereby access at least one associated pointer and thereafter interactively select (36) at least one accessed associated pointer to thereby select at least a portion of the electronic information;

automatically locating (38) the selected portion of the electronic information based upon the selected at least one pointer and, for the electronic information contained within a respective collection of electronic documents, further based upon the predetermined indexing pattern of the respective collection; and

automatically retrieving (40) the selected portion of electronic information to thereby access the selected portion of electronic information;

the method being **characterised in that** the at least one graphical element includes at least one model graphical element, **in that** interactively selecting at least one graphical element comprises selecting (42) at least one model graphical element, and **in**



**that** the method further comprises automatically modifying (44) at least one graphical element on the selected portal document in response to selecting the at least one model graphical element, the modification being based upon the portion of electronic information that is selected, retrieved and accessed, to simulate the operation of the at least one operational system."

The granted patent further comprises an independent claim directed to a system for accessing information (claim 7) and an independent claim directed to a computer program (claim 15).

The appellant's first to third auxiliary requests are not relevant to the Board's decision.

XII. The appellant's arguments may be summarised as follows.

According to the Opposition Division the broad wording used in the independent claims of the contested patent covered, for example, selecting, retrieving and accessing a scanned image of a maintenance manual via a graphical element of a schematic diagram, and using the scanned image to modify a graphical element, where the modified graphical element might be different from the graphical element whose selection caused the access and retrieval of the scanned image. The Opposition Division stated that no enabling disclosure of making such modification based on a scanned image was provided and, for this reason, the requirements of Article 83 EPC were not met.

The application as originally filed disclosed various types of data, namely "electronic information" in general and a subset of electronic information referred

to as "operational electronic information". The former could include, for instance, text documents, scanned documents and simulation information for an operational system. The latter, which was accessed upon the user selecting a model graphical element, was for modifying at least one graphical element to thereby simulate an operation of at least one of the operational elements of the operational system.

The application provided examples of how the operation of at least one of the operational elements of an operational system could be simulated through modification of one or more corresponding graphical elements. Furthermore, the skilled person, reading the independent claims of the opposed patent, would appreciate that the type of electronic information linked to (and therefore selected, accessed and retrieved) by selecting a model graphical element was "operational electronic information".

In fact, the independent claims imposed a limitation on the type of electronic information that could be accessed and retrieved upon selection of a model graphical element. This limitation was achieved by reciting in claim 1 that this information was to be used to apply the modification that simulated the operation of an operational system. This information was described in an enabling manner in the description.

In view of the principle that claims should be read so as to make sense of them, the skilled person would never give claim 1 the broad interpretation suggested by the Opposition Division. In particular, the skilled person would understand that one could not use a scanned image as the basis for a modification of a

graphical element, as this would not be in line with trying to make technical sense of the independent claims.

The skilled person would also understand from the independent claim that the electronic information which was accessed and retrieved by selecting a model graphical element had to be of the kind upon which simulation could be based. Moreover, even if the type of electronic information requested for the modification was not considered to be explicitly recited in claim 1, when read in isolation, the modification made by selecting a model graphical element was clearly identified in the description as being based on "operational electronic information" and this should be understood as a limitation of claim 1 of the opposed patent.

The absence of an explicit limitation of the electronic information accessed and retrieved upon selecting a model graphical element did not imply that the patent did not disclose the claimed invention in a manner sufficiently clear and complete for it to be carried out by a skilled person. In fact, the skilled person could have put the invention into practice simply by applying a principle disclosed in the description, namely that, in order to be able to perform a simulation, the type of electronic information accessed and retrieved upon selection of a model graphical element was "operational electronic information".

Hence, the contested patent met the requirements of Article 83 EPC.

XIII. Apart from endorsing the reasons given by Opposition Division in the contested decision, the respondents

countered the appellant's arguments essentially as follows:

As acknowledged by the appellant, it was not possible to base a modification of a model graphical element on any kind of electronic information. The appellant had tried to show that the electronic information referred to in claim 1 was at least implicitly operational electronic information which was used, according to the description, to modify a graphical element and simulate the operation of an operational system.

However, the interpretation of the term "electronic information" in claim 1 as relating to "operational electronic information" was contrary to what the description of the opposed patent disclosed. Moreover, the claims defined the scope of protection and, since the claim wording was clear, there was no reason to rely on the description to give the claims a more restrictive interpretation.

Both the description and claim 1 referred to electronic information which a user accessed and retrieved by selecting a graphical element and a pointer. Although the description mentioned operational electronic information, this information was never accessed by selecting a pointer. Thus, it was clear from the description and the claims that the information accessed by selecting a pointer was not operational electronic information, but could be any kind of electronic information and, in particular, a scanned document, as correctly found by the Opposition Division.

There was no justification for giving the wording of claims 1 and 7 of the contested patent a limiting

interpretation which would not be consistent with the original disclosure.

As the application did not teach how a modification of a graphical element could be based on "electronic information" such as a scanned image of a manual page, the claimed subject-matter was not sufficiently disclosed and the patent did not fulfil the requirements of Article 83 EPC.

## **Reasons for the Decision**

### Admissibility of the appeal and of the opposition

1. The appeal complies with the provisions referred to in Rule 101 EPC and is thus admissible.
  - 1.1 As pointed out above (see sections III. to V.), the patent proprietor withdrew during the opposition proceedings its initial objection against the admissibility of the opposition and the Opposition Division held that the opposition was admissible, as the joint opponents had been sufficiently identified.

The Board sees no reason to question the Opposition Division's decision as to the admissibility of the opposition or to further investigate this issue.

### The invention

2. A system according to the present invention comprises electronic databases 12, a processing element 16 and a graphical user interface (GUI) (see Figure 1 of the contested patent). The aim of this system is to allow a

user to locate relevant information stored in the databases "*efficiently and inexpensively*" (*ibid.* column 1, lines 46 to 49).

2.1 As shown in Figures 1 and 2A and explained in the description (column 6, line 55 to column 7, line 4), the GUI displays an electronic portal document 18 which includes graphical elements 20 and optionally a simulation element 22. In a described embodiment, the graphical elements collectively make up the operational system schematic diagram of an aircraft (*ibid.* column 7, lines 11 to 29).

2.2 The graphical elements 20 are associated with pointers which identify corresponding portions of the electronic information stored in the databases (*ibid.* paragraph [0027]).

2.3 Figures 3 and 4 show how electronic information is accessed starting with the selection and display of an electronic portal document. Information may be accessed by selecting a graphical element 20, a simulation element 22 or a model graphical element.

Upon selection of a graphical element, the GUI displays one or more corresponding pointers, which, as shown in Figure 2B, may be contained in an element electronic document 26. The pointers are used by the processing element 16 to locate electronic information in the databases (*ibid.* paragraph [0032]).

2.4 According to an embodiment of the invention shown in Figure 3, the portal document 18 represents a schematic diagram of an operational system and the graphical elements 20 correspond to operational elements of the operational system (*ibid.* paragraph [0035]).

Operational electronic information is accessed by selecting a model graphical element and used by a processing element to modify graphical elements of the portal document. As the graphical elements represent operational elements, a modification of the graphical elements in response to operational electronic information results in a simulation of the operation of the operational system.

2.5 The embodiment of Figure 4 differs from the embodiment of Figure 3 essentially in that the portal document includes a simulation element 22. The GUI may also display an electronic simulation document which is associated with operational electronic information and comprises simulation graphical elements. The processing element responds to the selection of a simulation graphical element by modifying graphical elements on the portal document (cf. paragraph [0037] of the patent specification).

2.6 In summary, the gist of the invention consists essentially in providing a GUI for retrieving from databases electronic information relating to an operational system and for simulating the operations of the operational system.

Main request

3. Claim 1 of the opposed patent relates to "*[a] method of accessing electronic information, wherein at least a portion of the electronic information is contained within at least one collection of electronic documents indexed according to at least one predetermined indexing pattern*". The claimed method comprises the following steps itemised by the Board:

- (a) interactively selecting an electronic portal document comprising a plurality of graphical elements,
  - (i) wherein the selected portal document comprises at least one schematic diagram of at least one operational system and
  - (ii) the plurality of graphical elements represent operational elements of the at least one operational system, and
  - (iii) wherein at least a portion of the electronic information is related to respective operational elements of the at least one operational system,
  - (iv) wherein at least one of the graphical elements is associated with at least one pointer that is associated with and identifies at least a portion of the electronic information,
  - (v) wherein each pointer that is associated with electronic information that is contained within a respective collection of electronic documents identifies the electronic information according to the predetermined indexing pattern of the respective collection;
  
- (b) interactively selecting at least one graphical element to thereby access at least one associated pointer and thereafter interactively select at least one accessed associated pointer to thereby



select at least a portion of the electronic information;

- (c) automatically locating the selected portion of the electronic information based upon the selected at least one pointer and, for the electronic information contained within a respective collection of electronic documents, further based upon the predetermined indexing pattern of the respective collection; and
- (d) automatically retrieving the selected portion of electronic information to thereby access the selected portion of electronic information;

the method being characterised in that:

- (e) the at least one graphical element includes at least one model graphical element,
- (f) interactively selecting at least one graphical element comprises selecting at least one model graphical element, and

in that the method further comprises:

- (g) automatically modifying at least one graphical element on the selected portal document in response to selecting the at least one model graphical element,
  - (i) the modification being based upon the portion of electronic information that is selected, retrieved and accessed,

- (ii) to simulate the operation of the at least one operational system.

Decision of the Opposition Division

4. According to paragraph 3.1.1 of the contested decision, the Opposition Division found that the person skilled in the art would not know how to simulate the operation of the at least one operational system by automatically modifying a graphical element of a portal document based on a portion of electronic information selected, retrieved and accessed according to the preamble of claim 1.

4.1 In particular, the Opposition Division noted that the modification of a graphical element, directed to simulating the operation of the operational system (see feature (g)(ii) of the Board's itemisation), was based on the "*portion of electronic information that is selected, retrieved or accessed*" (see feature (g)(i)).

As the only "portion of electronic information selected, retrieved and accessed" in claim 1 was the portion of electronic information referred to in the preamble of the claim (see features (c) and (d) of the Board's itemisation), according to the Opposition Division feature (g)(i) could only refer to the portion of electronic information which was selected, retrieved and accessed by interactively selecting a pointer associated with an interactively selected graphical element (see feature (a)(iv) and (a)(v)).

4.2 Observing that a "*portion of electronic information*" selected as specified in the claim preamble could also be a "scanned image" [as specified in the example given in column 13, lines 3 to 8, and Figure 10 of the patent

specification], the Opposition Division concluded that the wording of claim 1 covered an embodiment in which a "scanned image" was selected, retrieved and accessed by interactively selecting a pointer associated with a selected graphical element, and in which the selected graphical element (or possibly a different graphical element) was modified on the basis of the "scanned image" in order to simulate the operation of the operational system.

- 4.3 As there was no enabling disclosure in the application for modifying a graphical element, *i.e.* an operational element of an operational system, on the basis of a scanned image of a technical manual in order to simulate the operation of an operational system, the Opposition Division concluded that the subject-matter of claim 1 of the granted patent did not fulfil the requirements of Article 83 EPC.

Article 83 EPC

5. According to paragraph [0011] (column 2, line 56 to column 3, line 6) of the patent specification, "*[a]t least one of the graphical elements is associated with at least one pointer that is associated with and identifies at least a portion of the electronic information. In another embodiment, at least one of the graphical elements is associated with at least one displayable element electronic document that includes the pointers. According to the invention, at least one of the graphical elements comprises at least one model graphical element" (underlining added).*
- 5.1 As specified in paragraph [0013] (column 3, lines 30 to 37), in embodiments including the model graphical element, "*[t]he processing element is responsive to a*

selection of the model graphical element to thereby select at least a portion of the electronic information. In these embodiments, the processing element is further capable of modifying at least one graphical element of the portal document displayed by the GUI based upon the portion of electronic information that is selected, retrieved and accessed" (underlining added).

Paragraph [0017] (column 4, lines 28 to 34) further points out that "[t]he graphical elements include at least one model graphical element. After a model graphical element has been selected and the selected portion of electronic information has been accessed, the processing element modifies at least one graphical element on the portal document based upon the selected portion of electronic information" (underlining added).

5.2 A detailed description of an embodiment of the invention is given in paragraphs [0035] and [0036] (column 10, lines 9 to 35) and shown in Figures 3, 5A and 5B:

" [...] in a preferred embodiment the portal documents 18 represent schematic diagrams of operational systems with the graphical elements 20 representing operational elements of the operational systems. As such, operational electronic information respecting the graphical elements of the portal document can be accessed and thereafter used by the processing element 16 to modify at least one of the graphical elements on the portal document to thereby simulate an operation of at least one of the operational elements of the operational systems.  
To access the operational electronic information, at least one of the graphical elements 20 comprises a

*model graphical element, which is selected. (Block 42). Once the model graphical element has been selected, the processing element can retrieve the desired operational electronic information associated with the selected model graphical element to thereby access and utilize the desired operational electronic information. From the operational electronic information, the processing element can modify at least one of the graphical elements to thereby simulate the operation. (Block 44). For example, the processing element 16 can modify a graphical element by rotating the display of one graphical element, as shown in FIG. 5B. Modifying the graphical elements allows the system to simulate an operation of the operational system" (underlining added).*

5.3 In summary, the description of the original application establishes a direct and clear link between model graphical elements and operational electronic information which a processing element requires to modify graphical elements and simulate the operation of an operational system.

5.4 The application also contains a detailed description of a method of accessing information in the general case of an electronic portal document comprising a plurality of graphical elements associated with pointers, and explains, in particular, that electronic information is retrieved by selecting first a graphical element and then one of the associated pointers (see patent specification [0032] and [0034]).

As noted by the Opposition Division, a scanned image is mentioned in the description as an example of electronic information selected, addressed and retrieved by selecting a graphical element and a

pointer (see patent specification, column 13, lines 3 to 8).

- 5.5 In view of the fact that the application does not explicitly disclose that operational electronic information is accessed by means of "pointers", the respondents have argued that the "portion of electronic information" recited in the characterising part of claim 1 was not operational electronic information, but generic electronic information which was selected, accessed and retrieved as specified in the preamble of the claim. As the application did not explain how simulation of an operational system could be carried out on the basis of electronic information accessed by pointers, such as text or graphic information, the claimed method was not sufficiently disclosed.
6. It appears that claim 1 of the contested patent may be given different interpretations, in particular, with respect to the relationship between the features of the claim preamble and the features recited in the characterising part.
- 6.1 In particular, features (a) to (d) of the claim preamble may be interpreted as describing the general procedure for accessing a portion of electronic information by selecting a graphical element, with the characterising part of the claim specifying the additional step performed (features (g) and (g)(i)) and the result achieved (feature (g)(ii)) when the selected graphical element is a model graphical element (features (e) and (f)).
- 6.2 On the other hand, claim 1 could also be interpreted as relating to a method comprising two different paths for accessing electronic information, as illustrated in

Figure 3. According to this interpretation, the preamble of claim 1 would then relate to the right-hand path of the flow diagram of Figure 3 and recite the steps for selecting generic electronic information via a graphical user interface. The characterising part of the claim would be directed to a further functionality, *i.e.* the simulation of an operational system according to the left-hand path of Figure 3, which is available when the selected graphical element is a model graphical element (cf. paragraphs [0038] and [0039] of the patent specification).

7. However, as the only issue to be considered in the present appeal is sufficiency of disclosure, an interpretation of the claim wording is required only as far as it is relevant for deciding whether Article 83 EPC is complied with. In this respect, the Board considers that the question of sufficiency of disclosure hinges essentially on the interpretation of feature (g) (i), *i.e.* *"the modification being based upon the portion of electronic information that is selected, retrieved and accessed"*.

7.1 In view of the function to be performed (*"automatically modifying at least one graphical element"*) and the result to be achieved (*"to simulate the operation of the at least one operational system"*), there can be no doubt for the skilled person that the information referred to in feature (g) (i) has to relate to the operations of the operational system and therefore corresponds to the *"operational electronic information"* referred to in the description (see points 5. to 5.3).

In particular, the skilled reader of the application will realise that a *"scanned image"* (see patent specification, column 13, lines 3 to 8) is not

electronic information which a processing element can generally process and use for simulating an operation of the operational system. In fact, there is no suggestion in the application that a scanned image might be used for purposes other than displaying information to a user (*ibid.* column 13, lines 8 to 11).

8. As to the respondents' objection that the original disclosure did not explicitly relate operational electronic information to "pointers", the appellant referred to paragraph [0016] which explained how portions of information associated with a graphical element could be selected via corresponding pointers. As the following paragraph [0017] specified that the graphical elements included at least one model graphical element associated with electronic information used to modify at least one graphical element on the portal document, it was implicitly disclosed, in the appellant's view, that all electronic information, in particular operational electronic information, was related to pointers.
- 8.1 Furthermore, it could be argued that, as all electronic information is stored in databases, there must be links (*i.e.* "pointers") associating both model graphical elements and graphical elements with corresponding retrievable portions of information.

Thus, interpreting electronic information in the characterising portion of claim 1 as operational electronic information would not conflict with the general teaching of the application concerning the retrieval of information via the selection of graphical elements and "pointers".



8.2 On the other hand, the absence of an explicit reference to the selection of a pointer in connection with a model graphical element could imply that there is no need for "selecting" a pointer if the model graphical element is only used for simulation purposes and thus is only linked to corresponding operational electronic information.

8.3 It would also not be inconsistent with the teaching of the patent in suit to associate a model graphical element not only with operational electronic information, but with different kinds of electronic information. After selecting a (model) graphical element, a user could then select information to be displayed or retrieve the operational electronic information required to perform a simulation of the operational system.

For example, a (model) graphical element representing a valve could be associated with pointers identifying different kinds of technical information, such as diagrams, specifications, maintenance schedules, and with a pointer associated with the electronic information required by the processor for simulation. The user could select a pointer for accessing technical information or retrieve the operational electronic information required for simulating the operation of the operational element "valve".

8.4 In any case, the Board considers that the different possible interpretations of claim 1 do not put into question the fact that the skilled reader will regard only operational electronic information as information suitable to be associated with model graphical elements for the purpose of simulation.

9. In summary, the Board comes to the conclusion that the skilled reader of the application will understand that simulation of the operation of an operational system, which according to the invention is performed automatically by a processing element, is only possible if suitable information, *i.e.* information relevant to the operation of the operational system and which the processor can "understand", is retrieved from the database. It is therefore implicit, in the Board's view, that the expression "portion of electronic information" in feature (g) (i) cannot cover any possible type and format of electronically stored data, but is to be given a meaningful interpretation determined by the function it is expected to perform in the context of the claimed subject-matter. The skilled person wishing to implement the claimed invention will therefore exclude as meaningless and not consistent with the teaching of the application any type of "electronic information" which because of its content and/or format is irrelevant to, or unsuitable for the simulation of an operational system and for processing by a processing element.

9.1 In view of the intrinsic limitation that a technically sensible reading of the independent claims imposes on the type of electronic information selected, accessed and retrieved for simulation of an operational system, the Board considers that the skilled person will be able to carry out the claimed invention.

10. Hence, the Board finds that the contested patent complies with Article 83 EPC. Therefore the Opposition Division was not correct in revoking the patent on the basis of the opposition ground under Article 100(b) EPC.

10.1 Under these circumstances, there is no need to consider the auxiliary requests.

10.2 Since the Opposition Division did not decide on the other opposition grounds invoked by the respondents or raised by the Division itself (see above Sections II, IV and VI), the Board, in the exercise of its discretion under Article 111(1), second sentence, EPC, considers it appropriate to remit the case to the department of first instance for further prosecution.

### 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 for further prosecution on the basis of the main request.

The Registrar:

The Chairman:



I. Aperribay

R. Moufang

Decision electronically authenticated