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Datasheet for the decision of 31 August 2017

Case Number: T 1667/12 - 3.2.06

Application Number: 99111922.3

Publication Number: 0970911

IPC: B66B1/46

Language of the proceedings: EN

Title of invention:
Individual elevator call changing device

Patent Proprietor:
Otis Elevator Company

Opponent:
INVENTIO AG

Headword:

Relevant legal provisions:
EPC 1973 Art. 56

Keyword:
Inventive step - (no)

Decisions cited:

Catchword:

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Chambres de recours

European Patent Office
D-80298 MUNICH
GERMANY
Tel. +49 (0) 89 2399-0
Fax +49 (0) 89 2399-4465

Case Number: T 1667/12 - 3.2.06

D E C I S I O N
of Technical Board of Appeal 3.2.06
of 31 August 2017

Appellant: (Opponent)	INVENTIO AG Seestrasse 55 6052 Hergiswil (CH)
Respondent: (Patent Proprietor)	Otis Elevator Company One Carrier Place Farmington CT 06032 (US)
Representative:	Hughes, Andrea Michelle Dehns St Bride's House 10 Salisbury Square London EC4Y 8JD (GB)
Decision under appeal:	**Decision of the Opposition Division of the European Patent Office posted on 4 June 2012 rejecting the opposition filed against European patent No. 0970911 pursuant to Article 101(2) EPC.**

Composition of the Board:

Chairman	M. Harrison
Members:	M. Hannam
	E. Kossonakou

Summary of Facts and Submissions

I. An appeal was filed by the appellant (opponent) against the decision of the opposition division rejecting the opposition to European patent No. 0 970 911. It requested that the decision be set aside and the patent be revoked.

II. In its letter of response, the respondent (patent proprietor) requested that the appeal be dismissed.

III. The following documents, referred to by the appellant in its grounds of appeal, are relevant to the present decision:

D1 English translation of JP-A-05 278962
D2 US-A-4 979 594

IV. The Board issued a summons to oral proceedings and a subsequent communication containing its provisional opinion, in which it indicated *inter alia* that the subject-matter of claim 1 appeared not to involve an inventive step.

V. Oral proceedings were held before the Board on 31 August 2017, during which the opponent filed

JP-A-05 278962

which is the Japanese language original of D1 including the abstract in English and all figures 1 to 3.

The final requests of the parties were as follows:

The appellant requested that the decision under appeal be set aside and European patent No. 0 970 911 be

revoked.

The respondent requested that the appeal be dismissed.

VI. Claim 1 of the sole request (patent as granted) reads as follows (with paragraph annotation as used by the opposition division in its decision):

"a) An elevator system, comprising:

b) a plurality of elevators (1 - 4) each having a car moveable within a related hoistway for transporting passengers vertically between floors of a building;

c) a controller ((82, 88)

d) for receiving service messages initiated by passengers requesting elevator service from an origin floor to a destination floor,

e) for providing hall call commands to said elevators to cause a selected elevator to provide service in response to related ones of said service messages,

f) and for providing car call commands to said elevators to cause each said selected elevator to stop at a corresponding destination floor;

g) a plurality of remote control devices (100) to be borne and used by passengers requesting elevator service,

h) each said remote control device having a transmitter for transmitting electromagnetic call messages for requesting elevator service at the origin floor to a receiver for transfer to said controller, wherein

i) each call message transmitted by said device includes a component identifying the particular device that transmitted the message;

j) and said remote control devices each has a passenger activated means for initiating transmission of a call cancellation message;

k) said receiver (39 - 41) for receiving the electromagnetic messages transmitted in proximity therewith and for providing said call messages to said controller;

l) said call cancellation message including a component identifying the particular device that transmitted the cancellation message; and

m) said call messages including a component identifying the destination floor designated by said passenger activated means."

VII. The appellant's arguments may be summarised as follows:

The subject-matter of claim 1 did not involve an inventive step when starting from D2 and combining this with the teaching of D1 in light of the objective technical problem to be solved, which was to increase the efficiency of the multi-elevator system. D1 addressed the efficiency of an elevator system in paragraph [0024], indicating this could be improved through call cancellation. This functionality would be added to the portable transmitter units of D2 without exercising an inventive step, as these already included the identifying component of the portable transmitter in all sent control transmissions.

VIII. The respondent's arguments may be summarised as follows:

The subject-matter of claim 1 involved an inventive step. D1 concerned a single elevator system and so could not provide a hint as to how to modify a system comprising a plurality of elevators. There was also no identifier included with the call cancellation, particularly due to the controller essentially substituting the typical hallway and elevator buttons of an elevator system. Since D1 disclosed clearing calls, it was possible that the remote controller of D1 allowed cancellation of a call only prior to the command being sent, such that no identification data was necessary. Furthermore, cancelling a previously made call in D1 would cancel every call made from the landing from which the cancelling was initiated. The focus of D2 was on increased security and privacy for users through a bi-directional communication with a controller; the remote of D1 lacked this and so could not be combined with the transmitter unit of D2 in an obvious manner.

Reasons for the Decision

Main request

1. Article 56 EPC 1973

D2 in combination with the teaching of D1

1.1 The Board finds, and the parties both concur, that D2 fails to disclose solely the following features of claim 1:

j) said remote control devices each has a passenger activated means for initiating transmission of a call cancellation message; and

l) said call cancellation message including a component identifying the particular device that transmitted the cancellation message.

1.2 Based on these differentiating features, there is also agreement between the parties of the objective technical problem formulated by the Board, which can be seen as how to improve the efficiency of the elevator system of D2 which has a plurality of elevators.

1.3 When trying to solve this technical problem the skilled person would turn to D1 which, in paragraph [0024], indicates that 'because car call registration can be cancelled by operating clear button (17), wasteful operation caused by incorrect car call operation will be eliminated and elevator operating efficiency and service can be improved'. D1 thus explicitly addresses exactly the sought-for improvement when starting from D2, namely that of improving the efficiency of the elevator system. The skilled person would thus regard D1 as a promising source for indicating how to solve the objective technical problem. It is noted that in its decision, the opposition division did not mention paragraph [0024] of D1 at all which, as indicated above, provides the link in D1 to the solution of the objective technical problem.

1.4 D1 discloses the improved elevator operation efficiency being achieved by the operation of a 'clear button (17)' which cancels the previously made elevator call. The skilled person would thus incorporate this call

cancellation functionality into each of the portable transmitter units known from D2 in order to solve the objective technical problem and thus reach the subject-matter of claim 1 without requiring an inventive step.

1.5 It is noted that D1 discloses a single elevator system rather than the claimed system with a plurality of elevators. Although the respondent argued that this would lead the skilled person away from applying its teaching to the multi-elevator system of D2, the Board finds that this is not the case. D2 discloses a plurality of control commands (SS_1 ... SS_n) which are received by the elevator controller 43 and are all processed in the same manner. The most logical route for a skilled person when adding a further command (call cancellation from D1) to the system would thus be to treat this as all other commands, irrespective of how many lifts were involved. Merely because D1 concerns a single lift system gives no motivation for the skilled person to incorporate the call cancelling of D1 any differently into the control system of D2. As a consequence, the call cancelling in the single elevator system of D1 provides the hint for modifying D2 to include a call cancelling functionality in its multiple elevator system.

1.6 As regards the respondent's contention that no identifier would be associated with the call cancellation functionality when incorporated into the portable transmitter units of D2, this is not accepted. D2 explicitly discloses control commands (SS_1 ... SS_n) which include a portion for identifying the user (see col. 8, lines 34 to 43), i.e. for identifying the portable unit from which the signal was sent. With each signal transmitted by the portable transmitter units including the user identifying portion, it would be

self-evident for the skilled person to also incorporate the call cancelling functionality from D1 into this control command system of D2, such that a user identifying portion would also be included in the adopted call-cancelling signal. Furthermore even if, as alleged by the respondent, the remote controller of D1 allowed cancellation of a call only prior to the command being sent, this does not limit the applicability to modifying D2 as it is solely the functionality on a remote controller of call cancelling which is required to modify D2 and solve the objective problem. The skilled person would thus, guided by the objective problem to be solved, adopt the call-cancelling functionality of D1 into the portable transmitter units of the elevator system of D2, thereby reaching the subject-matter of claim 1.

1.7 The respondent's contention that cancelling a previously made call in D1 would cancel every call made from the landing from which the cancelling was initiated does not change the above conclusion. Albeit that D1 does not detail the way in which efficiency is increased, call cancellation is explicitly indicated in paragraph [0024] to increase operating efficiency. If this involved the cancelling of every call made from the landing, it is unlikely and indeed not plausible that it could be considered as an efficiency enhancing feature as it would oblige every other user to start all over again. Thus, contrary to the respondent's view, the call cancelling functionality of D1, in whatever form it takes, when transferred to D2 would evidently also improve the elevator system efficiency.

1.8 Regarding the respondent's argument, submitted only in writing, that the focus of D2 was on bi-directional communication between the portable remote and the

controller and that this would not obviously be combined with the remote of D1 which solely had single direction signalling, this does not alter the foregoing conclusion. Indeed, when starting from D2 and wishing to solve the objective technical problem, the skilled person would see the functionality of call cancelling on a remote controller in D1 and would simply apply this functionality to the portable transmitter units of D2. The fact that the remote controller of D1 lacks bi-directional communication would not hinder the skilled person as seeing the call cancelling functionality in the D1 remote controllers as providing the hint as to how to modify D2 in order to reach the subject-matter of claim 1 whilst solving the objective problem.

1.9 The subject-matter of claim 1 thus does not involve an inventive step (Article 56 EPC 1973) when starting from D2 as the closest prior art and combining this with the teaching of D1 in light of the technical problem to be solved.

1.10 In view of the above, the findings of the Board with respect to the other inventive step attacks raised in writing by the respondent and discussed at the oral proceedings are superfluous to the present decision, these not changing the above conclusion.

1.11 The sole request is therefore not allowable.

Order

For these reasons it is decided that:

1. The decision under appeal is set aside.

2. The patent is revoked.

The Registrar: The Chairman:

M. H. A. Patin M. Harrison

Decision electronically authenticated