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**Datasheet for the decision
of 8 May 2017**

Case Number: T 1380/13 - 3.5.03

Application Number: 07025054.3

Publication Number: 2073597

IPC: H04W88/06

Language of the proceedings: EN

Title of invention:

Technique for providing network access via multiple mobile platforms

Applicant:

Telefonaktiebolaget LM Ericsson (publ)

Headword:

Mobile platforms/ERICSSON

Relevant legal provisions:

EPC Art. 84

Keyword:

Claims - clarity (no)



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Case Number: T 1380/13 - 3.5.03

D E C I S I O N
of Technical Board of Appeal 3.5.03
of 8 May 2017

Appellant: Telefonaktiebolaget LM Ericsson (publ)
(Applicant) 164 83 Stockholm (SE)

Representative: Boco IP Oy Ab
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Decision under appeal: **Decision of the Examining Division of the European Patent Office posted on 20 December 2012 refusing European patent application No. 07025054.3 pursuant to Article 97(2) EPC.**

Composition of the Board:

Chairman F. van der Voort
Members: B. Noll
S. Fernández de Córdoba

Summary of Facts and Submissions

- I. This appeal is against the decision of the examining division refusing European patent application No. 07025054.3. The refusal was based on the ground that the subject-matter of claims 1 of a main request and auxiliary requests 1 to 3 lacked inventive step (Articles 52(1) and 56 EPC).
- II. With the statement of grounds of appeal, the appellant filed sets of claims of a main request and auxiliary requests I to IV.
- III. In a communication accompanying a summons to oral proceedings, the board gave a preliminary opinion and raised, *inter alia*, various clarity issues under Article 84 EPC relevant to both the independent apparatus claim and the independent method claim of each of the requests.

Further, a clarity objection was specifically raised against the independent method claims of each of the requests, namely that characterising portions appeared to specify solely structural features, and it was not clear to what extent these features, which did not appear to be suitable to characterise steps of a method, contributed to defining features of the claimed method.
- IV. The appellant did not respond to the board's communication other than to inform the board with a letter dated 5 May 2017 that it would not be attending the oral proceedings.
- V. Oral proceedings were held on 8 May 2017 in the absence of the appellant.

The board understood the appellant to be requesting in writing that the decision under appeal be set aside and that a patent be granted on the basis of the claims of a main request or, in the alternative, one of four auxiliary requests I to IV, all requests as filed with the statement of grounds of appeal.

After deliberation, the chairman announced the board's decision.

VI. Independent method claim 13 of the main request reads as follows:

"A method of providing network access to an external device (102), wherein the device (102) is external with respect to an apparatus (100) providing the network access, the method comprising:

- providing a first mobile platform module (104) adapted to support network access via a first radio access technology (RAT) and comprising a first data interface (112) towards the external device (102);
- providing at least one second mobile platform module (106) adapted to support network access via at least one second RAT and comprising a second data interface (114) towards the external device (102)
- selectively routing network traffic to and/or from the external device via one of the first data interface and the second data interface;

characterized in that

- the first mobile platform module (104) further

comprises a first network address management component (150) adapted to perform Internet Protocol, IP, address-related operations; and

- the second mobile platform module (106) further comprises a second network address management component (152) adapted to perform IP address-related operations, wherein the first and second network address management components (150, 152) are adapted to communicate with each other to perform IP address synchronisation among the two mobile platform modules (104, 106)."

VII. Claim 13 of auxiliary request I differs from claim 13 of the main request in that, in both the first and the second paragraph of the characterising portion, after "address-related operations", the feature

"and comprising an IP layer"

has been inserted, and in that at the end of the claim the following feature has been added:

", wherein the synchronisation includes transfer of an IP address, that has been allocated by the network, between the IP layers".

VIII. Claim 13 of auxiliary request II differs from claim 13 of auxiliary request I essentially in that the following feature has been added at the end of the claim:

", and wherein the network address management components (150, 152) are configured for processing IP packets according to one of the Address Resolution Protocol, ARP, the Dynamic Host Configuration Protocol,

DHCP, and the Domain Name System, DNS".

- IX. Claim 13 of auxiliary request III differs from claim 13 of the main request in that the characterising portion reads as follows:

"characterized in that

- the first mobile platform module (104) is configured to present itself as a first USB Ethernet Network Access Point (NAP) to the external device (102) and further comprises a first network address management component (150) adapted to perform Internet Protocol, IP, address-related operations and comprising an IP layer; and

- the second mobile platform module (106) is configured to present itself as a second USB Ethernet NAP to the external device and further comprises a second network address management component (152) adapted to perform IP address-related operations and comprising an IP layer, wherein the first and second network address management components (150, 152) are adapted to communicate with each other to perform IP address synchronisation among the two mobile platform modules (104, 106), wherein the synchronisation includes transfer of an IP address, that has been allocated by the network, between the IP layers."

- X. Independent method claim 11 of auxiliary request IV reads as follows:

"A method of providing network access to an external device (102), wherein the device (102) is external with respect to an apparatus (100) providing the network

access, the method comprising:

- providing a first mobile platform module (104) adapted to support network access via a first radio access technology (RAT) and comprising a first data interface (112) towards the external device (102), wherein the first mobile platform module (104) further comprises a first network interface (154) and a first communication path between the first network interface (154) and the first data interface (112);
- providing at least one second mobile platform module (106) adapted to support network access via at least one second RAT and comprising a second data interface (114) towards the external device (102), wherein the second mobile platform module (106) further comprises a second network interface (156) and a second communication path between the second network interface (156) and the second data interface (114);
- selectively routing network traffic to and/or from the external device via one of the first data interface and the second data interface;

characterized in that

- the first mobile platform module (104) further comprises a first network address management component (150) adapted to perform Internet Protocol, IP, address-related operations and comprising an IP layer; and
- the second mobile platform module (106) further comprises a second network address management component (152) adapted to perform IP address-related operations and comprising an IP layer, wherein the first and

second network address management components (150, 152) are adapted to communicate with each other to perform IP address synchronisation among the two mobile platform modules (104, 106), wherein the synchronisation includes transfer of an IP address, that has been allocated by the network, between the IP layers, and wherein the first and second communication paths are adapted to selectively bypass the first and second network address management components (150, 152), respectively, for IP packets containing user data."

Reasons for the Decision

1. *Article 84 EPC*

1.1 In the communication accompanying the summons to oral proceedings, the board raised a clarity objection under Article 84 EPC against the independent method claim of each of the requests, indicating that the lack of clarity was due to the fact that the characterising portion of each of these claims specified solely structural features (cf. point III above).

1.2 More specifically, the characterising portion of claim 13 of each of the main request and auxiliary requests I, II and III and claim 11 of auxiliary request IV includes the following structural features (see points VI to X above):

"the first mobile platform module ... comprises a ... component ... adapted to ...";

"the second mobile platform ... comprises a ... component ... adapted to ..."; and

"wherein the ... components ... are adapted to ...".

The characterising portion of claim 13 of auxiliary request II further includes the structural feature:

"wherein the ... components ... are configured for ...".

The characterising portion of claim 13 of auxiliary request III further includes the structural features:

"the first mobile platform module ... is configured to ..."; and

"the second mobile platform module ... is configured to ...".

Lastly, the characterising portion of claim 11 of auxiliary request IV further includes the structural feature:

"wherein the ... paths are adapted to ...".

It is not clear to what extent these structural features contribute to defining features of the methods for which protection is sought. Nor did the appellant argue otherwise.

1.3 The board therefore sees no reason to change its preliminary opinion.

Hence, claim 13 of each of the main request and auxiliary requests I to III and claim 11 of auxiliary request IV do not meet the requirements of Article 84 EPC.

2. Since there is no allowable request, the appeal is to be dismissed.

Order

For these reasons it is decided that:

The appeal is dismissed.

The Registrar:

The Chairman:



G. Rauh

F. van der Voort

Decision electronically authenticated