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**Datasheet for the decision
of 19 June 2015**

Case Number: T 1872/13 - 3.5.02

Application Number: 11164143.7

Publication Number: 2365638

IPC: H03M13/05, H03M13/11

Language of the proceedings: EN

Title of invention:

Structured LDPC design with vector row grouping

Applicant:

Motorola Mobility LLC

Relevant legal provisions:

EPC Art. 76(1)

Keyword:

Divisional application - added subject-matter (yes)



**Beschwerdekammern
Boards of Appeal
Chambres de recours**

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Case Number: T 1872/13 - 3.5.02

D E C I S I O N
of Technical Board of Appeal 3.5.02
of 19 June 2015

Appellant: Motorola Mobility LLC
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Libertyville, IL 60048 (US)

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Decision under appeal: **Decision of the Examining Division of the European Patent Office posted on 28 March 2013 refusing European patent application No. 11164143.7 pursuant to Article 97(2) EPC.**

Composition of the Board:

Chairman M. Ruggiu
Members: R. Lord
R. Cramer

Summary of Facts and Submissions

I. This is an appeal of the applicant against the decision of the examining division to refuse European patent application No. 11 164 143.7. This application is a divisional application of European patent application number 05 778 539.6, referred to in the following as the parent application, which was originally filed as an international application and published as WO 2006/065286 A1. The reason given for the refusal was that the subject-matter of the independent claims lacked novelty (Article 54 EPC).

II. In a communication accompanying a summons to oral proceedings dated 20 March 2015 the board informed the appellant *inter alia* that the independent claims defined subject-matter extending beyond the content of the parent application as originally filed, and thus contravened Article 76(1) EPC.

The appellant did not reply in substance to the communication of 20 March 2015.

Oral proceedings before the board took place on 19 June 2015, at which, as indicated in the letter dated 5 May 2014 (which was actually sent and received on 5 May 2015), the appellant was not represented.

The appellant requested in writing that the decision under appeal be set aside and further implicitly requested that a patent be granted on the basis of the application documents as originally filed.

III. Claim 1 according to the appellant's sole request reads as follows:

"A method for operating a transmitter that generates parity-check bits $\mathbf{p}=(p_0, \dots, p_{m-1})$ based on a current symbol set $\mathbf{s}=(s_0, \dots, s_{k-1})$, the method comprising the steps of:

- receiving the current symbol set $\mathbf{s}=(s_0, \dots, s_{k-1})$;
- using a matrix \mathbf{H} to determine the parity-check bits; and
- transmitting the parity-check bits along with the current symbol set;

wherein \mathbf{H} is an expansion of a base matrix \mathbf{H}_b via a model matrix \mathbf{H}_{bm} ,

wherein \mathbf{H}_b comprises m_b rows, a section \mathbf{H}_{b1} and a section \mathbf{H}_{b2} , and \mathbf{H}_{b2} comprises column \mathbf{h}_b having weight $w_h \geq 3$;

wherein 1's of \mathbf{h}_b and \mathbf{H}_{b1} are arranged such that one or more groups of the rows of \mathbf{H}_{bm} can be formed so that rows of \mathbf{H}_{bm} within each group do not intersect; and wherein the rows of base matrix \mathbf{H}_b can be permuted such that every two consecutive rows do not intersect."

IV. The appellant has not commented on the objection under Article 76(1) EPC raised in the communication of 20 March 2015.

Reasons for the Decision

1. The appeal is admissible.
2. Claim 1 of the present application differs from that of the parent application as originally filed *inter alia* in that it does not define that the matrix section \mathbf{H}_{b2} also comprises \mathbf{H}'_{b2} , which has a dual diagonal structure with matrix elements at row i , column j equal to 1 for $i=j$, 1 for $i=j+1$, and 0 elsewhere. That feature was not

only defined in both independent claims of the parent application as originally filed, but was also indicated in the description as being essential to the claimed invention, since it formed part of the most general disclosure of the invention (at page 4, line 28 to page 5, line 6 of the publication WO 2006/065286 A1) and was also included in all of the detailed embodiments as described on pages 9 to 11. The board therefore concludes that the omission of this feature results in the claim defining subject-matter which extends beyond the content of the parent application as originally filed, contrary to the requirement of Article 76(1) EPC.

3. Therefore the appellant's sole request is not allowable, so that the appeal has to be dismissed.

Order

For these reasons it is decided that:

The appeal is dismissed.

The Registrar:

The Chairman:



U. Bultmann

M. Ruggiu

Decision electronically authenticated