Internal distribution code:
(A) [-] Publication in OJ
(B) [-] To Chairmen and Members
(C) [-] To Chairmen
(D) [X] No distribution

Datasheet for the decision
of 9 January 2019

Case Number: T 1497/15 - 3.5.05

Application Number: 09170472.6

Publication Number: 2166694

IPC: H04L5/00

Language of the proceedings: EN

Title of invention:
Transmission of sounding reference signals in TDD
communication systems

Applicant:
Samsung Electronics Co., Ltd.

Headword:
Maximum bandwidth/SAMSUNG

Relevant legal provisions:
EPC Art. 56
RPBA Art. 13(1)

Keyword:
Inventive step - main, first, second, fourth auxiliary
requests (no)
Admission of third auxiliary request - (no): "fresh case"

Case Number: T 1497/15 - 3.5.05

D E C I S I O N
of Technical Board of Appeal 3.5.05
of 9 January 2019

Appellant: (Applicant)	Samsung Electronics Co., Ltd. 129, Samsung-ro Yeongtong-gu Suwon-si, Gyeonggi-do, 443-742 (KR)
Representative:	Nederlandsch Octrooibureau P.O. Box 29720 2502 LS The Hague (NL)
Decision under appeal:	**Decision of the Examining Division of the European Patent Office posted on 27 January 2015 refusing European patent application No. 09170472.6 pursuant to Article 97(2) EPC**

Composition of the Board:

Chair	A. Ritzka
Members:	K. Bengi-Akyuerek
	D. Prietzel-Funk

Summary of Facts and Submissions

I.   The appeal is against the decision of the examining
      division to refuse the present European patent
      application for lack of inventive step (Article 56 EPC)
      with respect to the claims of a main request and first
      to fifth auxiliary requests, having regard to the
      disclosure of

      D2: Motorola: "Sounding Maximum Bandwidth for
               UpPTS", Change Request, 3GPP TSG-RAN1
               Meeting #53bis, draft R1-082329, pp. 1-2,
               July 2008

      or

      D3: CATT et al.: "Sounding maximum bandwidth for
               UpPTS", 3GPP TSG-RAN1 Meeting #53bis, draft
               R1-082755, pp. 1-4, July 2008.

      Furthermore, the claims of a sixth auxiliary request
      were not admitted into the examination proceedings on
      the grounds that they were late-filed and not clearly
      allowable under Article 84 EPC.

II.   With its statement setting out the grounds of appeal,
      the appellant filed amended sets of claims according to
      a new main request and two new auxiliary requests. It
      requested that the examining division's decision be set
      aside and that a patent be granted on the basis of one
      of those claim requests.

III. In a communication annexed to the summons to oral
      proceedings pursuant to Article 15(1) RPBA, the board
      gave its preliminary opinion on the appeal. In
      particular, it expressed concerns about the

admissibility of the new claim requests under
Article 12(4) RPBA, and raised objections under
Articles 123(2) and 56 EPC, mainly having regard to
prior-art document D3.

IV.   With a letter of reply dated 10 December 2018, the
appellant submitted amended claims according to an
amended main request and new first to third auxiliary
requests, replacing the former claim requests on file,
along with counter-arguments to the objections raised
in the board's communication under Article 15(1) RPBA.

V.   Oral proceedings were held on 9 January 2019, during
which the appellant filed a fourth auxiliary request.
The admissibility and allowability of all the pending
claim requests were discussed.

-     The appellant's final request was that the decision
      under appeal be set aside and that a patent be
      granted on the basis of the claims according to the
      main request or the first, second or third
      auxiliary requests, all submitted with the letter
      dated 10 December 2018, or on the basis of the
      fourth auxiliary request submitted during the oral
      proceedings before the board.

At the end of the oral proceedings, the board's
decision was announced.

VI.   Claim 1 of the **main request** reads as follows:

"A method for a User Equipment (UE) to transmit a
Sounding Reference Signal (SRS) to a network in a
communication system, comprising steps of:
identifying a plurality of SRS bandwidth
configurations for a given operating bandwidth, wherein

each SRS bandwidth configuration comprises a plurality of predetermined SRS bandwidths;

receiving a cell-specific parameter and a UE-specific parameter, wherein the cell-specific parameter is indicative of an SRS bandwidth configuration of the plurality of SRS bandwidth configurations, and the UE-specific parameter is indicative of an SRS bandwidth of the plurality of SRS bandwidths, wherein a pair of the cell-specific parameter and the UE-specific parameter corresponds to an SRS bandwidth;

reconfiguring the SRS bandwidth to a maximum SRS bandwidth that is equal to or less than a difference between a number of resource blocks for the operating bandwidth and a product of a number of resource blocks in a random access channel and a number of random access channels in case of UpPTS, where the maximum SRS bandwidth is associated with one of the plurality of SRS bandwidth configurations; and

transmitting the SRS (1062) based on the reconfigured SRS bandwidth,

wherein the maximum SRS bandwidth is one of the plurality of predetermined SRS bandwidths corresponding to the SRS bandwidth configuration associated with the maximum SRS bandwidth, and

wherein the maximum SRS bandwidth corresponds to a UE-specific parameter having a lowest index."

Claim 1 of the **first auxiliary request** reads as follows (amendments compared with claim 1 of the main request highlighted by the board):

"A method for a User Equipment (UE) to transmit a Sounding Reference Signal (SRS) to a network in a communication system, comprising steps of:

identifying a plurality of SRS bandwidth

configurations for a given operating bandwidth, wherein each SRS bandwidth configuration comprises a plurality of predetermined SRS bandwidths;

receiving a cell-specific parameter and a UE-specific parameter, wherein the cell-specific parameter is indicative of an SRS bandwidth configuration of the plurality of SRS bandwidth configurations, and the UE-specific parameter is indicative of an SRS bandwidth of the plurality of SRS bandwidths, wherein a pair of the cell-specific parameter and the UE-specific parameter corresponds to an SRS bandwidth;

reconfiguring the SRS bandwidth to a maximum SRS bandwidth that is equal to or less than a difference between a number of resource blocks for the operating bandwidth and a product of a number of resource blocks in a random access channel and a number of random access channels in case of UpPTS, where the maximum SRS bandwidth is associated with one of the plurality of SRS bandwidth configurations; and

transmitting the SRS (1062) based on the reconfigured SRS bandwidth,

wherein the maximum SRS bandwidth is ~~one~~ a maximum bandwidth of the plurality of predetermined SRS bandwidths corresponding to the SRS bandwidth configuration associated with the maximum SRS bandwidth~~, and~~

~~wherein the maximum SRS bandwidth corresponds to a UE-specific parameter having a lowest index~~."

Claim 1 of the **second auxiliary request** comprises all the features of claim 1 of the main request and further adds the following clause at its end:

", and wherein the lowest index is 0."

Claim 1 of the **third auxiliary request** reads as
follows:

"A method for a User Equipment (UE) to transmit a
Sounding Reference Signal (SRS) to a network in a
communication system, comprising steps of:
    identifying a set of predetermined SRS bandwidth
configurations;
    identifying a number of random access channels;
    receiving information regarding an SRS bandwidth
configuration;
    reconfiguring the SRS bandwidth configuration to
obtain a reconfigured SRS bandwidth configuration,
wherein the reconfigured SRS bandwidth configuration is
an SRS bandwidth configuration among the set of
predetermined SRS bandwidth configurations that depends
on an uplink bandwidth, such that the reconfigured SRS
bandwidth configuration has a maximum bandwidth value
that is equal to or less than a value determined as the
uplink bandwidth minus a product of a number of
resource blocks and the number of random access
channels; and
    transmitting the SRS (1062) based on the
reconfigured SRS bandwidth configuration, and
    wherein the maximum bandwidth value corresponds to
a lowest index value indicated by a UE-specific
parameter on the SRS bandwidth configuration."

Claim 1 of the **fourth auxiliary request** reads as
follows:

"A method for a User Equipment (UE) to transmit a
Sounding Reference Signal (SRS) to a network in a Long
Term Evolution (LTE) communication system, comprising
steps of:
    identifying a plurality of SRS bandwidth

configurations for a given operating bandwidth, wherein
each SRS bandwidth configuration comprises a plurality
of predetermined SRS bandwidths;

receiving a cell-specific parameter and a UE-
specific parameter, wherein the cell-specific parameter
is indicative of an SRS bandwidth configuration of the
plurality of SRS bandwidth configurations, and the UE-
specific parameter is indicative of an SRS bandwidth of
the plurality of SRS bandwidths, wherein a pair of the
cell-specific parameter and the UE-specific parameter
corresponds to an SRS bandwidth;

reconfiguring the SRS bandwidth to a maximum SRS
bandwidth that is equal to or less than a difference
between a number of resource blocks for the operating
bandwidth and a product of a number of resource blocks
in a random access channel and a number of random
access channels in case of UpPTS, where the maximum SRS
bandwidth is associated with one of the plurality of
SRS bandwidth configurations; and

transmitting the SRS (1062) based on the
reconfigured SRS bandwidth,

wherein the maximum SRS bandwidth is one of the
plurality of predetermined SRS bandwidths corresponding
to the SRS bandwidth configuration associated with the
maximum SRS bandwidth, and

wherein the maximum SRS bandwidth corresponds to a
UE-specific parameter having a lowest index, and

wherein the lowest index is 0,

wherein the maximum bandwidth value of an SRS
bandwidth is a maximum of bandwidth values in a set of
SRS bandwidth configurations that avoids overlapping
with the bandwidth allocated to transmissions of the
one or more random access channels (1054),

wherein the maximum SRS bandwidth is denoted by
N_{max}^{SRS} and determined, in terms of resource blocks, as

$$N_{\max}^{\mathrm{SRS}} = \max_{c \in C}\left\{m_{SRS,0}^{c}\right\} \leq \left(N_{\mathrm{RB}}^{\mathrm{UL}} - Q \cdot N_{RA}\right),$$

where

$N_{\mathrm{RB}}^{\mathrm{UL}}$ is an uplink bandwidth in terms of resource blocks,

C is the set of SRS bandwidth configurations,

c is an SRS bandwidth configuration in the set C of SRS bandwidth configurations,

$m_{SRS,0}^{c}$ is a possible bandwidth value for SRS bandwidth configuration c; and

N_{RA} is a number of random access channels and Q is a number of resource blocks for each random access channel."

Reasons for the Decision

1.   *The present invention*

1.1   The present application is concerned with transmitting, from a mobile device (UE) to a base station, so-called sounding reference signals (SRS) via Uplink ParT symbols (UpPTS) in the presence of random-access (RA) channels of a 3GPP-based TDD (Time Division Duplexing) communication system.

It describes a *first embodiment* relating to determining a maximum SRS bandwidth such that overlaps between it and the bandwidth allocated to random-access channels are avoided either by dropping or suspending the SRS transmission bandwidth overlapping with the bandwidth allocated to random-access channels (see e.g. paragraphs [0041] to [0043] and [0049] in conjunction with Figs. 10 and 14 of the application as filed) or by reducing or shifting the SRS transmission bandwidth to the maximum bandwidth supportable in non-UpPTS symbols

without extending to the bandwidth allocated to the random-access channels (see paragraphs [0044] to [0048] and [0050] together with Figs. 11 and 15 of the application as filed).

1.2   According to the present description, the main idea of the invention is to set a maximum bandwidth value in terms of resource blocks (RBs) for SRS transmissions in the UpPTS transmission case regardless of the cell-specific parameter c signalled to the UE by the base station, while in the non-UpPTS transmission case the SRS bandwidth values configured based on the signalled parameter c are still to be respected (see in particular paragraphs [0042] and [0043] as filed). The alleged technical problem to be solved by the present invention is to avoid overlapping between SRS transmissions and the transmission of random-access channels in the UpPTS symbol (see paragraphs [0035] and [0040] as filed).

1.3   Table 1 of the present application shows a typical SRS bandwidth configuration for a certain range of the available uplink (UL) bandwidth N_{RB}^{UL} and based on the cell-specific parameter c (see rows of Table 1) and the UE-specific parameter b (see columns of Table 1):

Table 1: Example of $m_{SRS,b}^{c}$ RB values for UL BW of N_{RB}^{UL} RBs with $80 < N_{RB}^{UL} \leq 110$.

SRS BW configuration	b = 0	b = 1	b = 2	b = 3
c = 0	96	48	24	4
c = 1	96	32	16	4
c = 2	80	40	20	4
c = 3	72	24	12	4
c = 4	64	32	16	4
c = 5	60	20	Not Applicable	4
c = 6	48	24	12	4
c = 7	48	16	8	4

2.   FOURTH AUXILIARY REQUEST

          Given that claim 1 of the fourth auxiliary request has
          the largest number of limiting features and is thus
          more limited in scope compared with claim 1 of the
          higher-ranking requests, the board considers it
          appropriate and expedient to discuss its patentability
          first.

2.1   *Novelty and inventive step (Articles 54 and 56 EPC)*

2.1.1   The board concurs with the appellant and the impugned
          decision that prior-art documents **D2** and **D3** fail to
          directly and unambiguously disclose that the respective
          cell-specific and UE-specific parameters (typically
          sent from the respective base station) are <u>received</u> at
          the UE. Hence, the subject-matter of claim 1 is
          considered to be novel (Article 54 EPC).

2.1.2   In view of the substantive amendments made to claim 1,
          the board finds that document **D3** constitutes the most
          suitable starting point on file for assessing inventive
          step since it explicitly includes the scenario for
          determining the maximum SRS bandwidth in the case of
          "b=0" (i.e. for UEs associated with low uplink
          signal-to-noise ratios "UL SINRs"; see e.g.
          paragraphs [0015] and [0016] of the present application
          as filed).

2.1.3   More specifically, it is apparent to the board that D3
          discloses the following features A) to H) of present
          claim 1, as labelled by the board:

          A method for a user equipment (UE) to transmit a
          sounding reference signal (SRS) to a network in a Long

Term Evolution (LTE) communication system, comprising
the steps of:

  A) identifying a plurality of SRS bandwidth
     configurations ("configurations 0, 1,...,7") for a
     given operating bandwidth ("80 < N_{RB}^{UL} ≤ 110"),
     wherein each SRS bandwidth configuration comprises
     a plurality of SRS bandwidths ("$m_{SRS,b}$") *(see e.g.*
     page 4, Table 5.5.3.2-4);

  B) ~~receiving~~ defining a cell-specific parameter ("SRS
     bandwidth configuration") and a UE-specific
     parameter ("UE-specific parameter b"), wherein the
     cell-specific parameter is indicative of an SRS
     bandwidth configuration of the plurality of SRS
     bandwidth configurations, and the UE-specific
     parameter is indicative of an SRS bandwidth of the
     plurality of SRS bandwidths, wherein a pair of the
     cell-specific parameter and the UE-specific
     parameter corresponds to an SRS bandwidth *(see*
     page 2, section 5.5.3.2; page 4, Table 5.5.3.2-4);

  C) reconfiguring the SRS bandwidth to a maximum SRS
     bandwidth ($m_{SRS,0}^{max}$) that is equal to or less than a
     difference between a number of resource blocks for
     the operating bandwidth (N_{RB}^{UL}) and a product of a
     number of resource blocks in a random-access
     channel ("6") and a number of random-access
     channels (N_{RA}) in case of UpPTS *(see e.g. page 2,*
     section 5.5.3.2, formula for $m_{SRS,0}^{max}$ *),*

  D) where the maximum SRS bandwidth is associated with
     one of the SRS bandwidth configurations (e.g.
     "configuration 0") and is one of predetermined SRS
     bandwidths (e.g. "96") corresponding to the SRS
     bandwidth configuration associated with the
     maximum SRS bandwidth *(see e.g. page 4,*
     Table 5.5.3.2-4, column corresponding to "b=0");

  E) transmitting the SRS based on the reconfigured SRS
     bandwidth configuration *(see e.g. page 3, sentence*

above Table 5.5.3.2-1: *"The sounding reference
signal shall be transmitted at the last symbol of
the subframe."*),

    F) wherein the plurality of SRS bandwidths
corresponds to a UE-specific parameter having a
lowest index (index "0") *(see e.g. page 4,
Table 5.5.3.2-4, columns for "b=0")*,

    G) wherein the maximum bandwidth value ("96") of an
SRS bandwidth is a maximum of bandwidth values
(i.e. values 96, 80, 72, 64, 60, 48) in a set of
SRS bandwidth configurations that avoids
overlapping with the bandwidth allocated to
transmissions of the random-access channels *(see
e.g. page 4, Table 5.5.3.2-4, columns for "b=0")*;

    H) wherein the maximum SRS bandwidth is denoted by
$m_{SRS,0}^{max}$ and determined, in terms of resource blocks,
as

$$m_{SRS,0}^{max} = \max_{\alpha_2,\alpha_3,\alpha_5}\left[m_{SRS,0} = 2^{1+\alpha_2}\cdot 3^{\alpha_3}\cdot 5^{\alpha_5} \mid m_{SRS,0} \leq \left(N_{RB}^{UL}-6\cdot N_{RA}\right)\right]$$

where $m_{SRS,0}$ is a possible bandwidth value in terms
of resource blocks assigned for a certain SRS
bandwidth configuration and for "b=0"; N_{RB}^{UL} is the
available uplink operating bandwidth in terms of
resource blocks; α_2, α_3 and α_5 are non-negative
integers; N_{RA} is the number of random-access
channels; and "6" is the number of available
resource blocks for each random-access channel
(see page 2, section 5.5.3.2, paragraph above the
formula: *"... the largest entry in Table 5.5.3.2-1
through Table 5.5.3.2-4 should be overridden by
the maximum SRS BW* $m_{SRS,0}^{max}$ *..."*).

2.1.4   It follows from the above that the sole difference
between claim 1 and document D3 resides in feature B),
i.e. in that the respective cell-specific and

UE-specific parameters (sent from the base station) are
received at the UE.

2.1.5   As regards that distinguishing feature, the board
         agrees with the finding of the impugned decision that
         informing the UE regarding the parameters of the SRS
         bandwidth configuration is an obvious measure in order
         to indicate by the base station the corresponding
         parameters, so that the UE is indeed able to determine
         the maximum bandwidth which may subsequently be used
         for SRS transmissions (see also appealed decision,
         Reasons 3 and 4, penultimate paragraphs). This was not
         contested by the appellant. Hence, the board concludes
         that the skilled person would come up with this
         straightforward implementation detail without the need
         of inventive skills.

2.1.6   As to the above features G) and H), the appellant
         persistently argued at the oral proceedings before the
         board that the determination of the maximum SRS
         bandwidth value according to present claim 1 was
         significantly different from that of D3. The approach
         according to claim 1, based on the formula

$$N_{\max}^{\mathrm{SRS}} = \max_{c \in C}\left\{ m_{SRS,0}^{c} \right\} \leq \left(N_{\mathrm{RB}}^{\mathrm{UL}} - Q \cdot N_{RA} \right),$$

         relied on reconfiguring the maximum SRS bandwidth $N_{\max}^{\mathrm{SRS}}$
         to the maximum of the maximum SRS transmission
         bandwidths $m_{SRS,0}^{c}$ across the set C of all supportable
         configurations (i.e. across all possible values of the
         cell-specific parameter c) that is equal to or smaller
         than the difference between the number of resource
         blocks available for the uplink operating bandwidth $N_{\mathrm{RB}}^{\mathrm{UL}}$
         and a product of the number of resource blocks
         comprised in a random-access channel, Q, and the total
         number of random-access channels in the case of UpPTS
         symbols, N_{RA}. By applying this approach, the maximum

SRS bandwidth value obtained in the case of Table 1 of the present application (see point 1.3 above) was e.g. "96", provided that it remained below the upper limit $N_{RB}^{UL} - Q \cdot N_{RA}$.

Conversely, the approach of D3, which was the conventional approach at the application's priority date, determined the maximum value among those SRS bandwidth values that are both even and a multiple of 2, 3 and 5 according to the mathematical expression $2^{1+\alpha_2} \cdot 3^{\alpha_3} \cdot 5^{\alpha_5}$, while that value is also equal to or smaller than the above upper limit (with $Q = 6$ in D3). As a consequence, according to the appellant, in the scheme of D3 "unsupported" bandwidth values such as 50, 54 or 90 (i.e. multiples of 2 rather than 4 resource blocks) could also be obtained as maximum values. Therefore, the maximum value was not selected from the *set* of bandwidth values configured in the respective configuration table but only overridden by potentially unsupported bandwidth values that were not included in an SRS bandwidth configuration table such as Table 1 above.

2.1.7   The board is not convinced by this line of argument for various reasons.

-   Firstly, it is noted that D3 teaches that, for the uplink bandwidth range of $80 < N_{RB}^{UL} \leq 110$, the respective SRS bandwidth values are in fact 96, 80, 72, 64, 60 and 48 (see page 4, Table 5.5.3.2-4), in full accordance with e.g. Table 1 of the present application (see point 1.3 above).

-   Secondly, it is apparent to the board that the very generation of specific SRS bandwidth values is not defined in the claims at all and that, in

particular, present claim 1 is not restricted to
SRS bandwidth values that are multiples of 4
resource blocks (generally obtainable through
$2^{2+\alpha2} \cdot 3^{\alpha3} \cdot 5^{\alpha5}$, emphasis added).

- Lastly, and most importantly, the board holds that
the skilled person would be well aware that the
formula given in D3 for the determination of the
maximum SRS bandwidth value, i.e.

$$m_{SRS,0}^{\max} = \max_{\alpha_2,\alpha_3,\alpha_5} \left[m_{SRS,0} = 2^{1+\alpha_2} \cdot 3^{\alpha_3} \cdot 5^{\alpha_5} \mid m_{SRS,0} \le \left(N_{RB}^{UL} - 6 \cdot N_{RA} \right) \right]$$

is to be understood as selecting *that* maximum value
of the SRS bandwidth values derivable from the
mathematical expression $2^{1+\alpha2} \cdot 3^{\alpha3} \cdot 5^{\alpha5}$ (e.g. 96 by
setting α_2=4, α_3=1, α_5=0 or 80 by setting α_2=3,
α_3=0, α_5=1, etc.) and pre-configured in the
respective configuration table, with the additional
property that this maximum value must be smaller
than or equal to the respective upper limit. Thus,
selecting a bandwidth value as a maximum value
which is not included in the set of bandwidth
values would be at odds with the formula, all the
more so when considering that the fact that the
formula of D3 relies on $m_{SRS,0}$ (emphasis added),
i.e. corresponding to the specific <u>set</u> of bandwidth
values associated with the column "b=0", would
otherwise be completely meaningless.

2.1.8   In view of the above, the board concludes that the
subject-matter of claim 1 of the fourth auxiliary
request does not involve an inventive step having
regard to document D3.

2.2   In conclusion, the fourth auxiliary request is not
       allowable under Article 56 EPC.

3.   MAIN REQUEST, FIRST AND SECOND AUXILIARY REQUESTS

       Claim 1 of the present main request as well as the
       first and second auxiliary requests has fewer limiting
       features (in particular, it lacks the specific formula
       recited in claim 1 of the fourth auxiliary request) and
       thus is broader in scope than claim 1 of the fourth
       auxiliary request. Given, moreover, that the board has
       already read the appellant's interpretation of the
       particular formula onto the determination step of
       claim 1 of the above claim requests, the board must
       naturally conclude that *a fortiori* its subject-matter
       lacks an inventive step, based on the reasoning set out
       in point 2.1 above.

3.1   Consequently, the main request and the first and second
       auxiliary requests are likewise not allowable under
       Article 56 EPC.

4.   THIRD AUXILIARY REQUEST

       Claim 1 of the third auxiliary request differs from
       claim 1 of the fourth auxiliary request essentially in
       that it no longer includes features B), G) and H), and
       further specifies that (amendments compared with
       claim 1 of the fourth auxiliary request highlighted by
       the board)

       I) the UE identifies a number of random-access
          channels;
       J) the UE receives ~~a cell-specific and a UE-specific
          parameter~~ information regarding an SRS bandwidth
          configuration;

K) the maximum ~~SRS~~ bandwidth value is equal to or
   less than a <u>value determined as the uplink
   bandwidth</u> minus a product of a number of resource
   blocks ~~in a random-access channel~~ and a number of
   random-access channels ~~in case of UpPTS~~.

4.1   *Admission into the proceedings (Article 13(1) RPBA)*

4.1.1   The claims of the third auxiliary request were filed
        with the appellant's letter of reply dated
        10 December 2018 (see point IV above), i.e. *after* the
        appellant had filed its statement of grounds of appeal.
        The appellant argued that they were submitted in
        reaction to the board's remarks made in its
        communication under Article 15(1) RPBA on the
        admissibility of the claim requests on file under
        Article 12(4) RPBA.

4.1.2   In appeal proceedings, the admissibility of claim
        requests filed *after* a party has submitted its
        statement setting out the grounds of appeal, which
        "shall contain a party's complete case" (Article 12(2)
        RPBA), is mainly governed by Article 13(1) and (3)
        RPBA. By virtue of Article 13(1) RPBA, a board's
        discretion in admitting any amendment to a party's case
        "shall be exercised in view of inter alia the
        complexity of the new subject-matter submitted, the
        current state of the proceedings and the need for
        procedural economy".

4.1.3   In the present case, the board notes that the instant
        subject-matter of claim 1 of the third auxiliary
        request includes significant amendments and virtually
        constitutes a substantial broadening of the scope of
        the subject-matter of the higher-ranking claim
        requests. In particular, the new subject-matter relates

to any generic "information" received by the UE (rather
than cell-specific and UE-specific parameters) and is
no longer restricted to the UpPTS case. As a
consequence, the subject-matter in question does not
converge as regards the other higher-ranking claim
requests and amounts to a "fresh case", contrary to
procedural economy.

4.2   In view of the foregoing, the board has decided not to
        admit the third auxiliary request into the appeal
        proceedings under Article 13(1) RPBA.

5.   In conclusion, the main request and first, second and
        fourth auxiliary requests not being allowable, and the
        third auxiliary request not being admissible, the
        present appeal must be dismissed.

Order

For these reasons it is decided that:

The appeal is dismissed.

The Registrar: The Chair:

K. Götz-Wein   A. Ritzka

Decision electronically authenticated