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**Datasheet for the decision  
of 6 February 2023**

**Case Number:** T 1863/20 - 3.5.05

**Application Number:** 07075820.6

**Publication Number:** 1903531

**IPC:** G08G1/017, G06K19/077,  
H01Q13/00

**Language of the proceedings:** EN

**Title of invention:**  
Vehicle identification

**Applicant:**  
J. Knieriem B.V.

**Headword:**  
Vehicle identification / Knieriem

**Relevant legal provisions:**  
RPBA 2020 Art. 13(2)  
EPC R. 71(3)

**Keyword:**  
Amendment after summons - exceptional circumstances (yes) -  
cogent reasons (yes) - taken into account (yes)  
Ex-parte appeal - Board concurs with the intention to grant



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Case Number: T 1863/20 - 3.5.05

**D E C I S I O N**  
**of Technical Board of Appeal 3.5.05**  
**of 6 February 2023**

**Appellant:**  
(Applicant)

J. Knieriem B.V.  
Anthony Fokkerstraat 20  
4462 ET Goes (NL)

**Representative:**

Peters, Sebastian Martinus  
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**Decision under appeal:**

**Decision of the Examining Division of the  
European Patent Office posted on 24 April 2020  
refusing European patent application No.  
07075820.6 pursuant to Article 97(2) EPC.**

**Composition of the Board:**

**Chair** A. Ritzka  
**Members:** N. H. Uhlmann  
F. Blumer

## **Summary of Facts and Submissions**

- I. The appellant appealed against the decision of the examining division refusing the European patent application in suit.
- II. The examining division did not admit the sole request on file under Rule 137(3) EPC. The application was refused under Article 78 EPC.
- III. Prior to the decision under appeal, the examining division issued a communication under Rule 71(3) EPC stating that it intended to grant a patent. The appellant did not agree to the text proposed for grant.
- IV. With the statement setting out the grounds of appeal the appellant submitted a main request, corresponding to the sole request considered in the decision under appeal, and an auxiliary request.
- V. The board summoned the appellant to oral proceedings.  
  
In a communication under Article 15(1) RPBA, the board set out its provisional opinion on the case.
- VI. The main request and the auxiliary request filed with the statement setting out the grounds of appeal were withdrawn during the oral proceedings.
- VII. Final request  
  
The appellant requested that the decision under appeal be set aside and that a patent be granted on the basis of claims 1 to 11, the description and the drawings according to the text intended for grant, all as attached to the communication of 11 January 2019 issued by the examining division.

VIII. Claim 1 of the sole request on file is worded as follows:

"Device for vehicle identification, comprising a license plate for a vehicle, wherein the license plate is at least partially made of electrically conductive material and provided with a transponder, particularly an RFID chip, wherein the transponder is electrically coupled to the material of the license plate, wherein the transponder comprises two connections and wherein the license plate is provided with a recess, wherein the connections are electrically coupled on both sides of the recess to the material of the license plate, wherein the recess is slot-shaped, and wherein the transponder is spaced apart from one end of the slot-shaped recess and in longitudinal direction of the slot-shaped recess is situated outside of the centre of the slot-shaped recess at a position along the slot-shaped recess where the impedance of the slot-shaped recess substantially equals the output impedance of the transponder."

### **Reasons for the Decision**

1. The present application pertains to a device for vehicle identification. A license plate made of an electrically conductive material is connected to a transponder. Both connections of the transponder are connected on both sides of a recess in the license plate.
2. Admission of the sole request of the appellant
- 2.1 The appellant submitted this request during the oral proceedings. Hence, the admissibility provisions set out in Article 13(2) RPBA apply.

- 2.2 The board holds that in the particular appeal case at hand exceptional circumstances are present which warrant that the request is admitted into the proceedings, as convincingly argued by the appellant at the oral proceedings.
- 2.3 The request on file fully corresponds to the request underlying the communication under Rule 71(3) EPC issued on 11 January 2019. Thus, the examining division intended to grant a European patent and was hence of the opinion that the patent application as amended complied with the provisions of the EPC.
- 2.4 The appellant argued that the request was not withdrawn and the board could not identify in the file any unambiguous and explicit withdrawal.
- 2.5 The appellant withdrew the main request and the auxiliary request filed with the statement setting out the grounds of appeal. In so doing, it contributed towards procedural economy.
- 2.6 For these reasons, the board decided to admit the sole request on file.
3. The board concurs with the opinion of the examining division that the patent application according to the request on file complies with the provisions of the EPC.

## Order

### For these reasons it is decided that:

1. The decision under appeal is set aside.
2. The case is remitted to the examining division with the order to grant a patent on the basis of claims 1 to 11, the description and the drawings according to the text intended for grant, all as attached to the communication of 11 January 2019 issued by the examining division.

The Registrar:

The Chair:



K. Götz-Wein

A. Ritzka

Decision electronically authenticated