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**Datasheet for the decision  
of 25 July 2024**

**Case Number:** T 2406/22 - 3.5.05

**Application Number:** 16891032.1

**Publication Number:** 3420461

**IPC:** G06F13/42

**Language of the proceedings:** EN

**Title of invention:**

Communicating with two or more slaves

**Applicant:**

Micro Motion, Inc.

**Headword:**

Single bus interface/MICRO MOTION

**Relevant legal provisions:**

EPC Art. 54

RPBA 2020 Art. 13(2)

**Keyword:**

Novelty - main, 1st and 2nd auxiliary requests (no)  
Admittance of claim amendments after Art. 15(1) RPBA  
communication - 3rd to 5th auxiliary requests (no): no  
exceptional circumstances

**Decisions cited:**

T 2632/18



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Case Number: T 2406/22 - 3.5.05

**D E C I S I O N**  
**of Technical Board of Appeal 3.5.05**  
**of 25 July 2024**

**Appellant:** Micro Motion, Inc.  
(Applicant) 7070 Winchester Circle  
Boulder, CO 80301 (US)

**Representative:** Ellis, Christopher Paul  
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**Decision under appeal:** **Decision of the Examining Division of the  
European Patent Office posted on 22 June 2022  
refusing European patent application  
No. 16891032.1 pursuant to Article 97(2) EPC.**

**Composition of the Board:**

**Chair** K. Bengi-Akyürek  
**Members:** P. Tabery  
C. Heath

## Summary of Facts and Submissions

I. The appeal lies from the decision of the examining division to refuse the present application. The examining division found that the claimed subject-matter according to all claim requests lacked novelty (Article 54 EPC).

II. The prior-art documents referred to by the examining division included

**D1:** PHILIPS SEMICONDUCTORS: "The I<sup>2</sup>C-Bus Specification, version 2.1", January 2000.

III. Oral proceedings were held before the board on 25 July 2024.

The appellant's final requests were that the decision under appeal be set aside and that a patent be granted on the basis of the **main request**, or the **first or second auxiliary request** underlying the appealed decision, or one of the **third to fifth auxiliary requests** filed with letter dated 25 June 2024.

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

IV. Claim 1 of the **main request** reads as follows (board's labelling):

"A method (700, 800) of communicating with two or more slaves (10a, 10b), the method comprising:

(a) receiving (710, 810), at an interface (100) between a master (40) and the two or more slaves (10a,

10b), a command packet (500a, 500b) sent by the master (40) over a master-slave bus (50); and

(b) associating (720), by the interface (100), a slave address (502a, 502b) of the received command packet (500a, 500b) with one of two or more slaves (10a, 10b) communicatively coupled to the interface (100)."

V. Claim 1 of the **first auxiliary request** differs from claim 1 of the main request in that step (a) further comprises:

(c) "receiving, at a port (140) communicatively coupled to the master-slave bus (50), the command packet (500a, 500b) and determining if the slave address (502a, 502b) corresponds to the at least one of the two or more slaves (10a, 10b)".

VI. Claim 1 of the **second auxiliary request** differs from that of auxiliary request 1 in that step (b) further comprises:

(d) "associating (840, 860) the slave address (502a, 502b) with one of two or more arrays (104a, 104b), wherein each of the two or more arrays (104a, 104b) is associated with each of the two or more slaves (10a, 10b)".

VII. Claim 1 of the **third auxiliary request** differs from claim 1 of the second auxiliary request in that the "interface" mentioned in feature (a) is a "single interface".

VIII. Claim 1 of the **fourth auxiliary request** differs from claim 1 of the first auxiliary request in that the

"interface" mentioned in feature (a) is a "single interface" and in that step (b) further comprises:

(e) "parsing (820) the slave address (502a, 502b) from the command packet (500a, 500b) and comparing (830, 850) the parsed slave address (502a, 502b) with two or more address groups (102a, 102b), wherein each of the two or of more address groups (102a, 102b) is associated with each of the two or more slaves (10a, 10b)".

IX. Claim 1 of the **fifth auxiliary request** differs from claim 1 of the fourth auxiliary request in the replacement of each occurrence of the term "interface" with "meter electronics" and of the term "slaves" with "meter assemblies".

## **Reasons for the Decision**

1. The present application concerns a "bus interface" for master-slave communication. When a "command packet" is sent by a master over the bus, a slave address of one of two slaves is associated with the slave address of the command packet.
2. Main request
  - 2.1 Novelty (Article 54(1) EPC)
    - 2.1.1 As to the disputed interpretation of the claimed "interface" mentioned in features (b) and (c), the board can derive from the wording of present claim 1 neither the use of any *single* interface as a sort of "proxy" in the underlying system between the claimed "master" and the "slaves" nor an interface that is

necessarily located *outside* the individual slave units. So, the "interfaces" of the slaves in the system of D1 fall well within the broad scope of claim 1. Contrary to the appellant's allegation, this interpretation of claim 1 does not lead to any incompatibility, as it even accomplishes the step of "associating" according to feature (b) and therefore cannot be considered as technically nonsensical, as alleged by the appellant.

2.1.2 Furthermore, the board notes that each of the "interfaces" of document **D1** also parses the data received from the master device and determines the slave to which the information is addressed, i.e. exactly what the appellant argues would distinguish the invention over the disclosure of document D1. Hence, this argument is not convincing either.

2.1.3 Finally, the board adds that, in the examining division's analysis, two identical interfaces of the system of D1 were considered as anticipating the claimed "interface". Therefore, the appellant's argument that the analysis was based on an illicit combination of different embodiments is without merit.

2.1.4 Consequently, the board concurs with the examining division that document D1 discloses all the features of claim 1.

2.2 In view of the above, the main request is not allowable under Article 54 EPC.

3. First and second auxiliary requests

3.1 Novelty (Article 54 EPC)

- 3.1.1 The board concurs with the examining division that added features (c) and (d) of claim 1 according to the **first and second auxiliary requests** are anticipated by the passages of document D1 already cited with respect to feature (b).
- 3.1.2 As to **feature (c)**, the appellant argues that this feature differentiated the invention from D1 by using a *single* interface to communicate with the slaves. The board however holds that the "determination" of feature (c) fails to limit the claim to such a single interface. The same holds for the step of "associating" according to feature (b).
- 3.1.3 As to **feature (d)**, the board concurs with the examining division that the claimed "array" is not limited in any way and can therefore also contain a *single* data element, namely e.g. the slave address. Moreover, if an address constitutes an array that corresponds to a slave, then also the address must correspond to the slave. For these reasons, feature (d) effectively constitutes a mere reformulation of the "associating" step of feature (b).
- 3.1.4 But even if an "array" required the presence of more than one element, the board holds that claim 1 fails to specify what is actually stored in the "array". Consequently, the claimed "array" merely defines a placeholder for a memory space. However, as the system of document D1 necessarily possesses memory space for its operation, the claimed "array" is implicitly disclosed by document D1. In that respect, the appellant's argument that "data" was not the same as an "array" cannot change the board's view. An array is known to be a data *structure*. But since the claim does not specify what is stored in the "array", the claimed



"array" virtually amounts to an empty shell and thus cannot be used by the appellant to distinguish the claimed subject-matter from the disclosure of document D1.

3.1.5 Hence, features (c) and (d) are indeed already disclosed in document D1.

3.1.6 Therefore, the subject-matter of claim 1 of the first and second auxiliary requests is likewise not novel over the disclosure of document D1.

3.2 In consequence, the first and second auxiliary requests are not allowable under Article 54 EPC either.

4. Third, fourth and fifth auxiliary requests

4.1 The appellant argues that the **third, fourth and fifth auxiliary requests** should be admitted into the appeal proceedings as they constituted a fair reaction to the alleged "new objection" as to lack of inventive step, raised in point 3.4 of the board's communication under Article 15(1) RPBA.

4.2 Regardless of whether a "new objection" raised for the first time by a board may *per se* amount to an "exceptional circumstance" within the meaning of Article 13(2) RPBA (see e.g. **T 2632/18**, catchword), the board considers that, at any rate, no "new objection" has been raised in the board's communication. On the contrary, the board fully endorsed the examining division's objections as to lack of novelty, as advanced in the decision under appeal. The respective passage of the board's communication relied on by the appellant constituted only an *arguendo* assessment of inventive step. Hence, there cannot be any "exceptional

circumstances" justifying the admittance of the present auxiliary requests.

4.3 In view of the above, the board decided not to admit the third, fourth and fifth auxiliary requests into the proceedings (Article 13(2) RPBA).

4.4 But even if these claim requests were admitted, the board considers that in particular the third and fourth auxiliary requests would not be allowable at least under Article 56 EPC. With respect to these requests, the board does not concur with the appellant that the additional features relating to having only a *single* interface and to the comparing of addresses led credibly to a "higher efficiency of the system". Notably, it is not derivable from the wording of claim 1 - according to neither of these requests - that the number of comparing steps was lowered vis-à-vis the system of document D1.

## Order

**For these reasons it is decided that:**

The appeal is dismissed.

The Registrar:

The Chair:



B. Brückner

K. Bengi-Akyürek

Decision electronically authenticated