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**Datasheet for the decision  
of 13 August 2025**

**Case Number:** T 0320/24 - 3.5.05

**Application Number:** 19160476.8

**Publication Number:** 3537665

**IPC:** H04L12/413, H04B10/40

**Language of the proceedings:** EN

**Title of invention:**

Communication infrastructure devices and support tools for intelligent residences or businesses and communicating method with and operating intelligent electrical devices

**Applicant:**

Elbex Video Ltd.

**Headword:**

Avoiding collisions in optical communication/ELBEX

**Relevant legal provisions:**

EPC R. 99(2), 101(1)

**Keyword:**

Admissibility of appeal - (no): appeal not sufficiently reasoned

**Decisions cited:**

T 0899/13



**Beschwerdekammern**

**Boards of Appeal**

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**Case Number:** T 0320/24 - 3.5.05

**D E C I S I O N**  
**of Technical Board of Appeal 3.5.05**  
**of 13 August 2025**

**Appellant:**  
(Applicant)

Elbex Video Ltd.  
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**Representative:**

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**Decision under appeal:**

**Decision of the Examining Division of the  
European Patent Office posted on 23 October 2023  
refusing European patent application  
No. 19160476.8 pursuant to Article 97(2) EPC.**

**Composition of the Board:**

**Chair** K. Bengi-Akyürek  
**Members:** N. H. Uhlmann  
F. Blumer

## Summary of Facts and Submissions

- I. The appellant appealed against the examining division's decision to refuse the present European patent application. The examining division held that claim 1 of the sole request did not comply with Articles 84 and 56 EPC.
- II. The appellant requests that the decision under appeal be set aside and that a patent be granted according to the **sole request**.
- III. On 4 July 2025, the appellant informed the board that it will not be attending the scheduled oral proceedings and requested "a decision according to the file".
- IV. The oral proceedings were cancelled and the appeal proceedings were continued in writing by issuing the present decision.
- V. Claim 1 of the **sole request** on file reads:

"A method for preventing collision of two way optical signals propagating at least one of commands and data via a cut segment (69) of optical cable extended between two optical accesses (67CSL) (67CSH) of first and second cascading devices (902LD) (903LD) (904T) (906-n) (103-n) (104-2D), each said cascaded device includes two optical accesses (67)(68) operated and controlled by a central processing unit (CPU) (87P), and wherein said first cascaded device is further linked via one of the two optical accesses to a controller (560) (570) (580);

wherein CPUs of the first and the second cascaded devices are programmed to prevent a random collision of optical signals exchanged between two cascading devices upon detecting optical signal activity through the cut segment and suspend an intended transmission, followed by transmitting a suspend pulse to suspend an intended transmission by the other one of the two cascaded devices, said method comprising the steps of:

- a. sensing at all time by a receiving element (68PD-1) (68PD-2) (68PT-1) of each optical transceiver included in each said optical accesses for detecting optical signal activity and suspending the intended transmission upon detecting one of said suspend pulse and an optical signal activity propagated via the cut segment (69-1) (69-2) (69-3);
- b. awaiting for at least one of said suspend pulse and the optical signal activity to end followed by verifying no activity is detected during a verifying programmed duration;
- c. transmitting said suspend pulse by a transmitting element (68L-1) (68L-2) (68-L) of said optical transceiver of said access of the other one of the two cascaded devices, and
- d. propagating said one of command and data via said cut segment (69-1) (69-n) linking said two cascaded devices free from collision."

## **Reasons for the Decision**

1. The present application concerns a method for preventing collision of two-way optical signals.

**2. Admissibility of the appeal - Rules 99(2) and 101(1) EPC**

2.1 According to Rule 99(2) EPC, in its statement of grounds of appeal, the appellant shall indicate, *inter alia*, the reasons for setting aside the impugned decision. If the appeal does not comply with this Rule, the board shall reject it as inadmissible (Rule 101(1) EPC).

2.2 In the present case, the application in suit was refused for **two independent grounds**, namely that (i) the subject-matter of claim 1 did not involve an inventive step (Article 56 EPC) and (ii) all the pending claims were not clear (Article 84 EPC).

2.3 In the statement of grounds of appeal, the appellant submitted reasons why, in its view, the inventive-step objection was not correct. However, the appellant did not set out any such reasons in its statement of grounds of appeal regarding the objections under Article 84 EPC. The sole statement referring to this ground reads (cf. the penultimate page of the statement of grounds of appeal):

"The Applicant is also of the opinion that the claims are clear, meeting the requirements of Article 84 EPC for the reasons stated in his letters filed during prosecution (at least for the reasons stated in his letters filed during prosecution)."

2.4 It is the settled jurisprudence of the Boards of Appeal that the statement of grounds of appeal has to deal with **all the main reasons** for the contested decision of

the examining division in order to be considered sufficient for the purposes of considering an appeal admissible (see e.g. **T 899/13**, Reasons 2.1, last paragraph and the decisions cited therein).

- 2.5 Where, as in the present appeal case, there had been several independent reasons for the decision to refuse the application and at least one of those reasons was not addressed in the statement of grounds of appeal at all or only insufficiently, the board could not normally reverse the contested decision, even if it concurred with the appellant in relation to all the reasons for refusal addressed in the statement of grounds or appeal.
- 2.6 In the case at hand, the appellant's arguments, which are mere repetitions by reference (as e.g. those regarding the clarity of the claims) of those presented before the examining division, do not, and cannot, provide sufficient reasons **why the decision under appeal was to be set aside** because they are necessarily drafted **before** the decision of the examining division was issued. Such arguments, which do not actually deal with the reasons given in the decision under appeal by the examining division for arriving at its decision, cannot be sufficient to substantiate a ground of appeal.
- 2.7 Additionally, the board notes that, in the course of the first-instance proceedings, the appellant did not address specifically the clarity objections set out in the examining division's communication attached to the summons to oral proceedings, and decided not to attend those oral proceedings, despite of its statement in the letter dated 24 August 2023 that "if during the Oral Proceedings the clarity objections are maintained, the

Applicant would be pleased to clarify the terms to the Examining Division and to make any amendment necessary to overcome these objections". Indeed, the clarity objections were maintained in the decision under appeal. However, the appellant opted to not address them specifically in its statement of grounds of appeal.

2.8 For these reasons, the appeal does not comply with Rule 99(2) EPC.

2.9 The legal consequence under Rule 101(1) EPC is that the appeal is to be rejected as inadmissible.

## Order

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

The appeal is rejected as inadmissible.

The Registrar:

The Chair:



B. Brückner

K. Bengi-Akyürek

Decision electronically authenticated