

**Bescheid/Protokoll (Anlage)**

Datum
Date 18.12.2006
Date

Communication/Minutes (Annex)

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Notification/Procès-verbal (Annexe)

Anmelde-Nr.:
Application No.: 02 759 732.7
Demande n°:

The examination is being carried out on the **following application documents**:

Description, Pages

1-9 as published

Claims, Numbers

1-40 received on 26.04.2004 with letter of 22.04.2004

Drawings, Sheets

1/8-8/8 as published

1. Claims 1, 20 and 22 (apparatus claims) and claims 27 and 32 (method claims) have been drafted as separate independent claims.

Under Article 84 in combination with Rule 29(2) EPC an application may contain more than one independent claim in a particular category only if the subject matter claimed falls within one or more of the exceptional situations set out in paragraphs (a), (b) or (c) of Rule 29(2) EPC. This is not the case in the present application however, because the subject-matter of claims 1, 20 and 22 cannot be considered neither a plurality of interrelated products (Rule 29(2)(a) EPC) nor alternative solutions to the problem of the invention (Rule 29(2)(c) EPC). Moreover, it seems at present that their present formulation is such that they lack the link necessary to avoid an objection as to lack of unity (Art. 82 EPC and Rule 30 EPC) that would currently apply, since they do not share at present a "single general inventive concept", expressible in terms of the "same or corresponding technical features", as required by Rule 30 EPC.

On the other hand, claims 27 and 32 appear to relate effectively to the same subject-matter and to differ from each other only with regard to the definition of the subject-matter for which protection is sought and in respect of the



terminology used for the features of that subject-matter.

The various definitions of the invention given in independent claims 1, 20 and 22 (apparatus claims) and claims 27 and 32 (method claims) are such that the claims as a whole are not clear and concise contrary to Article 84 EPC. The claims should be recast to include only the minimum necessary number of independent claims in any category, Rule 29(2) EPC, with dependent claims as appropriate, Rule 29(4) EPC. In the present case it is considered appropriate to use only one independent claim in any category. The applicant is asked to limit the application to one independent claim per category.

In the further prosecution of the application, failure to file an amended set of claims which complies with Rule 29(2) EPC, or to submit convincing arguments as to why the current set of claims does in fact comply with these provisions, may lead to refusal of the application under Article 97(1) EPC.

- 1.1 Claims 13 and 14 are not clear Art. 84 EPC. The features of "in combination with memory/ a processor" are not clear since it is not disclosed how these features are interrelated with the features of the claims upon what they depend e.g. is the memory/processor connected to the down-converter or to the ADC or to the demultiplexer or the demodulator?
- 1.2 Claim 27 is not clear because the claim is directed to a method of demultiplexing a digital multi-channel RF signal formulated in a recursive way ("demultiplexing the multi-channel digital RF signal into separate digital RF channels"), such that is not clear from the wording of the claim alone how the demultiplexing is actually done. This feature seems to be clear in claim 32, notwithstanding what has been said in §1.
2. As a consequence of the preceding objections, no meaningful opinion can be formed on novelty (Article 54(1) and (2) EPC) and inventive step (Article 52 EPC). Thus a detailed examination of the application in respect of these questions is not practicable.

However, as far as it has possible to carry out an evaluation of the technical merits of the claimed subject-matter with respect to the prior art represented by the documents cited in the search report and notwithstanding the above



objections, it appears at present that none of the independent claims appear to be not new in the sense of Article 54(1) and (2) EPC, and claims 1, 20, 22, 27 and 32 are not allowable (Article 52(1) EPC). In particular, the features of claim 1 are disclosed in D1: GB 2 326 070 A (see abstract, page 2, lines 1 to 24 and page 6, line 9 to page 7 until the end and Figures 1 and 2). Also the features of the memory and processor of claims 13 and 14 are also known from D1 (see Figure 2, references 42 and 44). Document D2: US 6263195 also discloses the features of present claim 1 (see Figs. 2 and 3 and col. 2, lines 16 to 17, and lines 37 to 62, col. 4, line 17 to col. 5, line 15 and col. 7, lines 35 to 37). The features of claim 20 are disclosed in D3: EP 0 730 257 A2 (see Figure 1) and the features of claim 22 are disclosed in D4: US 5299192A (see col. 9, line 35 to line 62 and Fig. 7A).

The independent claims 27 and 32, notwithstanding what has been said in §1 and 1.2, relates to a method of demultiplexing a digital multi-channel RF signal according to the features of the independent Claim 1 mutatis mutandis. Since claims 27 and 32 does not contain features that go beyond from what is disclosed in independent claim 1, the subject-matter of claims 27 and 32 is considered not new in the sense of Article 54(1) and (2) EPC and they are therefore not allowable under Article 52 EPC.

It is suggested to submit amendments which overcome the objections raised in paragraphs 1, 1.1 and 1.2 above.

3. When filing amended claims, the applicant should take care to meet the following requirements:
 - 3.1 To meet the requirements of Rule 29(1) EPC, the independent claims should be cast in the two-part form, with those features which in combination are disclosed by document D1 being placed in the preamble.
 - 3.2 To meet the requirements of Rule 29(7) EPC, reference signs in parenthesis should be inserted in the claims.
 - 3.3 The description should be brought into conformity with the amended claims to (Rule 27(1)(c) EPC).

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- 3.4 To meet the requirements of Rule 27(1)(b) EPC, the documents D1 and D2 should be identified in the description and the relevant background art disclosed therein should be briefly discussed.
- 3.5 Care should be taken during revision, especially of the introductory portion and any statements of problem or advantage, not to add subject-matter which extends beyond the content of the application as originally filed (Article 123(2) EPC).

The basis for the amendments should be given (Guidelines E-II, 1).