

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

Description, Pages

3-70	filed in electronic form on	27-06-2019
1, 2, 2a, 71	filed in electronic form on	05-05-2020

Claims, Numbers

1-23	filed in electronic form on	02-06-2023
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Drawings, Sheets

1/10-10/10	filed in electronic form on	27-06-2019
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1 The Examining Division is of the opinion, that the subject-matter of **independent claim 1, 12 and 23 including respective dependent claims** fulfils the requirements of Article 52(1).

However the following objections and defects have to be overcome before a possible grant of a patent:

2 While the Applicant's observations submitted with the amended claims (letter of 02-06-2023) have been carefully considered, the Examining Division maintains the opinion, that the subject-matter of the other **independent claims 8 and 19** still does not fulfil the requirements of Article 84 EPC. The arguments brought forward by the Applicant in favour of clarity of claims 8 and 19 have been found as not convincing (please refer to point 3.1. of this communication).

3 The application does not meet the requirements of Article 84 EPC, because **independent claims 8 and 19** are still not clear.

3.1 **Claims 8 and 19** do not meet the requirements of Article 84 EPC in that the matter for which protection is sought is not defined. The claims attempt to define the subject-matter in terms of the result to be achieved. Such a definition is only allowable under the conditions elaborated in the Guidelines F-IV, 4.10. In this

instance, however, such a formulation is not allowable because it appears possible to define the subject-matter in more concrete terms, viz. in terms of how the effect is to be achieved.

Claims 8 and 19 define "determining, by the device for initiating fault detection, that forwarding between the SFE and the SF node is normal **based on the received ID of the SF node**", without specifying how is actually achieved only by obtaining just one ID of an SF node ("**based on the received ID of the SF node**") **for all possible and countless fault possibilities?**

It appears, that in best case it can only be determined, whether "the ID of one SF node" obtained in the "fault tracing detection response packet" is included in the memory of the SFE as a forwarding entry and nothing more. Apparently, no other faults, if this can be considered as a fault at all, may be detected. Hence, it appears, that **there are essential features missing to define this specific scenario.**

Most importantly, just receiving the ID of a SF node, does not mean by any means, that "the forwarding between the SFE and the SF node is normal". There are countless fault possibilities, such as port, link, transmission problems, etc. between the SFE and the SF node (the SF might be out of service entirely), for which the forwarding between the SFE and the SF node is not normal!

Therefore, **claims 8 and 19** do not meet the requirements of Article 84 EPC in that the matter for which protection is sought is not defined. The claims attempt to define the subject-matter in terms of the result to be achieved.

In his letter of reply, the Applicant argues:

"It is clear that to implement normal forwarding of the service packet, a detection device in the network detects whether the SFE and the SF node can forward the service packet and through the correct path. If a fault (any kind of fault) occurs, the normal forwarding of the service packet is affected. Using the path ID and the ID of the SFE, the fault can be traced. The applicant notes that any fault can be detected and traced through this technique."

However, these arguments do not address the Examining Divisions objection, how the device can possibly "**determine normal forwarding between the SFE and SF**" just "**based on the received ID of the SF node**".

In consequence, it is respectfully proposed to either amend the subject-matter of independent claims 8 and 19 or to delete claims 8-11 and 19-22 altogether to obtain an allowable set of claims.

Otherwise, the Applicant is advised, that the Examining Division is minded to refuse the application (Article 97(2) EPC), as currently on file, on grounds of lack of clarity (Article 84 EPC) only.

4 Moreover when filing an amended set of claims, the Applicant is requested to also take the following remarks into account:

4.1 New independent claims should be drafted in the two-part form in accordance with Rule 43(1) EPC.

4.2 When filing amended claims the Applicant should at the same time bring the description into conformity with the amended claims **in particular in compliance with the Guidelines F-IV 4.3(iii), F-IV 4.4 and C-V 1.1.0: in order to meet the requirement of Article 84 EPC, that the claims have to be supported by the description, all embodiments of the description should fall into the scope of the claim set. Other embodiments should either be excised or it should be stated that they do not fall into the scope of the claim set ("... does not fall under the invention"). A mere renaming of such other embodiments, such as for instance "examples" or "aspects" is not sufficient.**

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).

Further the attention of the Applicant is drawn to the fact that amended claims may not relate to unsearched subject-matter (Rule 137(4) EPC).

4.3 In order to facilitate the examination of the conformity of the amended application with the requirements of Article 123(2) EPC, the Applicant is requested to clearly identify the amendments carried out, irrespective of whether they concern amendments by addition, replacement or deletion, and **to indicate the passages of the application as filed on which these amendments are based.**