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D E C I S I O N
of 23 March 2006

Case Number: T 0865/02 - 3.5.03

Application Number: 00300571.7

Publication Number: 1032188

IPC: H04M 3/523

Language of the proceedings: EN

Title of invention:

Rules-based queuing of calls to call-handling resources

Applicant:

LUCENT TECHNOLOGIES INC.

Opponent:

-

Headword:

Rules-based Automatic Call Distribution/LUCENT

Relevant legal provisions:

EPC Art. 84, 123(2), 52(1), 54, 56

Keyword:

"Support by description - (yes) after amendment"
"Inventive step - yes"

Decisions cited:

T 0410/96

Catchword:

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Case Number: T 0865/02 - 3.5.03

D E C I S I O N
of the Technical Board of Appeal 3.5.03
of 23 March 2006

Appellant: LUCENT TECHNOLOGIES INC.
600 Mountain Avenue
Murray Hill, NJ 07974-0636 (US)

Representative: Williams, David John
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Decision under appeal: Decision of the Examining Division of the
European Patent Office posted 25 January 2002
refusing European application No. 00300571.7
pursuant to Article 97(1) EPC.

Composition of the Board:

Chairman: A. S. Clelland
Members: D. H. Rees
R. T. Menapace

Summary of Facts and Submissions

- I. This is an appeal from the decision of the examining division to refuse European patent application number 00 300 571.7 with publication number 1 032 188. The decision was dispatched on 25 January 2002. It was issued in response to a request for a "decision based on the documents currently on file," (letter of 13 August 2001), and referred to two earlier communications. These two communications had both objected that claim 1 did not satisfy the requirements of Article 84 EPC, in that it did not include all the essential features of the invention and in consequence was not supported by the description.
- II. Notice of appeal was filed and the appeal fee paid on 25 March 2002. A statement setting out the grounds for the appeal was submitted on 20 May 2002.
- III. In response to preliminary communications from the board the appellant submitted amendments culminating in a new set of claims as the basis of its only request. The appellant requests that the decision of the examining division be set aside and a patent be granted on the basis of this request. The text of the application is therefore as follows:
- claims 1 to 9 filed on 23 February 2006;
pages 1 to 14 of the description as originally filed;
and
figure sheets 1 and 2 as originally filed.
- IV. The independent claims read as follows:

"1. A method of operating an automatic call distribution system to distribute requests among resources for processing the requests, comprising: in response to a request (101) to be processed, determining request attributes (202) of the request, characterised by in response to the determining, finding (230) the resource attributes (217) that correspond to the determined request attributes, by searching a plurality of rule definitions (150) each defining a correspondence between at least one request attribute (216) and at least one resource attribute (217) that is needed for processing a request having the at least one request attribute; in response to finding the resource attributes, finding (240) at least one resource (221) that has the found resource attributes, by searching a plurality of resource definitions (130) each defining a correspondence between one of a plurality of resources (221) and resource attributes (222) possessed by the one resource; and in response to the finding of the at least one resource, enqueueing the request (250) in a request queue (121-129) of each one of the found resources, each one of the plurality of resources having its own request queue and adapted for processing only requests enqueued in its own request queue.

9. An automatic call distribution system (101) for distributing requests among resources for processing the requests, characterised in that it includes means for performing the method of any preceding claim."

Reasons for the Decision

1. *Disclosure of the claimed features*

1.1 The invention is identified with automatic call distribution (ACD) systems on page 1, line 7 of the description as filed.

1.2 The further steps of the method specified in claim 1 are disclosed in general terms at description page 3, lines 10 to 24, with a detailed description of the preferred embodiment at page 4, line 30, to page 6, line 27, and page 9, line 27, to page 12, line 27.

1.3 An apparatus for carrying out the claimed method is disclosed at page 4, lines 15 and 16.

1.4 Present dependent claims 2 to 8 correspond to originally filed claims 3 to 9, with minor amendments to overcome objections raised by the board in its communication of 13 December 2005, point 7, that they lacked clarity.

1.5 The board concludes that the amendments which have been made satisfy the requirements of Article 123(2) EPC, in that they do not extend beyond the contents of the application as filed.

2. *Clarity and support*

2.1 The wording of the claims, taken alone, adequately defines the matter for which protection is sought. The

board notes in particular that "automatic call distribution system" is a term of the art which would be well understood by the skilled person.

2.2 However, the description contains vague broadening statements, for example at page 1, line 10, "(or other types of communications)," page 3, lines 1 and 2, "The term 'call' is used generally herein to mean any communication or other request for (needing) a resource," and page 13, lines 9 to 11, "Moreover, while the invention is described within the context of a call center, it is applicable to any request-to-resource matching situation in any environment." Such statements render unclear the matter for which protection is sought, as well as apparently extending it into the realm of pure administrative methods, excluded from patentability. Therefore the description needs amendment before Article 84 EPC can be considered to be satisfied.

2.3 The board is satisfied that the features of the independent apparatus claim 9 are adequately clearly defined by reference to the independent method claim (see T 410/96, unpublished).

2.4 The board considers that the claims as now phrased are fully supported by the description. In particular the step of searching a plurality of resource definitions, whose omission the examining division objected to, is now included in the independent claims.

3. The claimed subject-matter, being restricted to the operation of an automatic call distribution system,

satisfies the requirement for technical character implied in the EPC.

4. *Novelty and inventive step*

4.1 According to the introduction of the description, and confirmed by the single prior art document in the European Search Report, types of calls, i.e. calls having particular combinations of request attributes ("attributes" being for example the calling and called telephone numbers), are conventionally assigned to groups known as "splits". Each split typically has its own call queue and agent queue. The present independent claims however specify "each one of the plurality of resources having its own request queue", a "resource" being understood by the board to refer to the terminal apparatus used by a particular agent. Thus in an automatic call distribution system according to the claims, each agent has a call queue and there are no agent queues. The claimed subject-matter is therefore novel.

4.2 Page 2, lines 1 to 8, of the description discusses various drawbacks of the conventional arrangement, mentioning a lack of "richness", "flexibility", etc.. The board thus takes the technical problem solved to be the provision of a finer control over the assignment of incoming calls to user terminals, leading to a more accurate matching of the attributes of incoming calls to attributes associated with terminals. The board considers that this is a technical problem and that this problem is plausibly solved by the features specified in the method and apparatus claimed. There being no hint in the available prior art of any

approach other than using "splits", the board concludes that the claimed subject-matter also involves an inventive step.

5. The board concludes that the present claims would be allowable if the description were suitably amended (see point 2.2). The board pointed out in one of its communications that the description needed amendment. The appellant responded that in its view this could be "dealt with at the Rule 51(4) EPC stage," (letter dated 19 and received 20 October 2005, page 2, lines 33 to 36). The board therefore considers it appropriate to remit the case to the examining division to complete the prosecution of the application.

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 for further prosecution on the basis of claims 1 to 9 submitted on 23 February 2006.

The Registrar:

The Chairman:

D. Magliano

A. S. Clelland