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**Datasheet for the decision  
of 22 November 2006**

**Case Number:** T 1361/05 - 3.5.01

**Application Number:** 97903113.5

**Publication Number:** 0976073

**IPC:** G06F 17/60

**Language of the proceedings:** EN

**Title of invention:**

Process management system and method

**Applicant:**

ELECTRONIC DATA SYSTEMS CORPORATION

**Opponent:**

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**Headword:**

Process management system/ELECTRONIC DATA SYSTEMS

**Relevant legal provisions:**

EPC Art. 56

**Keyword:**

"Presentations of information"  
"Inventive step (no)"

**Decisions cited:**

T 0163/85, T 1194/97

**Catchword:**

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Case Number: T 1361/05 - 3.5.01

**D E C I S I O N**  
of the Technical Board of Appeal 3.5.01  
of 22 November 2006

**Appellant:** ELECTRONIC DATA SYSTEMS CORPORATION  
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M/S H3-3A-05  
Plano, TX 75024 (US)

**Representative:** UEXKÜLL & STOLBERG  
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**Decision under appeal:** Decision of the Examining Division of the  
European Patent Office posted 6 June 2005  
refusing European application No. 97903113.5  
pursuant to Article 97(1) EPC.

**Composition of the Board:**

**Chairman:** S. Steinbrener  
**Members:** R. Wibergh  
P. Schmitz

## Summary of Facts and Submissions

- I. This appeal is against the decision of the examining division to refuse European patent application No. 97 903 113.5.
- II. According to the decision appealed, document D1 (US-A-5 212 771) anticipated the subject-matter of claim 1 (Article 54 EPC).
- III. In the statement of grounds of appeal the appellants requested that the decision under appeal be set aside and a patent be granted on the basis of claims 1-19 filed together with the grounds. As an auxiliary measure, oral proceedings were requested.
- IV. The Board, in a communication annexed to a summons to oral proceedings, raised a number of objections to the claims under Articles 84 and 123(2) EPC. Even absent these objections it was in the Board's view not apparent that the invention solved a technical problem in a non-obvious manner.
- V. By letter dated 20 October 2006 the appellants filed an amended set of claims 1-19. Claim 1 read:
1. A system for defining and managing a process to develop a product or perform a service, comprising: one or more computers including processors operable to generate a plurality of processing components of the process, the processing components including: a graphical user interface for graphically presenting the process or a portion thereof to a user as a representation, the graphical user interface operable

to build or modify the process or the presented portion thereof in response to user inputs;  
a work element for graphically representing a task to be performed in the process, said work element being expandable into an unlimited number of graphically representable sub-process levels;  
a work product for graphically representing a result of performing the task, the work product including a tool used to produce the work product and a template to guide development of the work product, wherein an application is automatically launched when associated with the tool or the template, the work product further including a standard to measure the quality of the work product;  
an agent for graphically representing an actor responsible for performing the task;  
a link for graphically connecting said work element, work product, and agent and indicating an interrelationships */sic/* therebetween; and  
a knowledge repository coupled to said computer for storing valuable information regarding the process, the valuable information including knowledge acquired in forming past processes.

VI. Oral proceedings were held on 22 November 2006.

The appellants requested that the decision under appeal be set aside and a patent be granted on the basis of claims 1 to 19 as filed with letter dated 20 October 2006.

At the end of the oral proceedings the Board announced its decision.

## Reasons for the Decision

### 1. *The patent application*

The patent application relates to a system for defining and managing a process to develop a product or perform a service, and to a corresponding method. The system allows a user to define such a process by means of a graphical user interface. A work element (ie a task to be performed) is for example represented by a rectangle, a work product (ie a result of performing the task) by a circle, and an agent (ie the person or machinery responsible for the task) by a hexagon.

Interrelationships between these components are indicated by lines. The components can be defined, displayed and modified (see eg the embodiment shown in fig.11).

### 2. *Construction of claim 1*

The *graphical user interface* should in the appellants' view be understood as the hardware and software needed to present a process graphically.

The *work element* is, according to the wording of the claim, "for graphically representing a task to be performed". It is thus a symbol. The appellants have however argued that the work element is more than a mere symbol and should be considered in its context of providing information about the task. Although there might be a discrepancy between this argument and the actual claim formulation, the Board will, for the purpose of the present decision, also consider the

meaning of the symbol when examining claim 1 with respect to inventive step.

Similarly, the *work product*, the *agent* and the *link*, although claimed as symbols, will be considered together with the entities they represent (result product; actor responsible for performing a task; interrelationship between elements).

The *knowledge repository* is "for storing valuable information regarding the process, the valuable information including knowledge acquired in forming past processes". If, in accordance with convention, "for" is interpreted as "suitable for", the knowledge repository could be any computer memory. The appellants however interpret the feature in the way that the repository is not just *capable* of storing, but actually *stores*, such data. Since the claim could easily be amended to state this unequivocally, the Board will here interpret the feature in the way proposed.

3. *"Invention" within the meaning of Article 52(1) EPC*

Claim 1 contains hardware features such as a computer, processors, a graphical user interface (display) and a knowledge repository (memory). Other arguably technical features are the expandability of the work element, which can be regarded as a data input-output technique, and the automatic launch of an application. Thus, the subject-matter of claim 1 is an invention within the meaning of Article 52(1) EPC.

4. *Inventive step (Article 56 EPC)*

4.1 Claim 1 has been amended in appeal proceedings to provide for the automatic launching of an application associated with a tool or a template of a work product. This amendment clearly establishes novelty over D1. However, the subject-matter of claim 1 lacks an inventive step with respect to generally known technical art.

As has already been mentioned above, the overall effect of the claimed system is to assist a user to define and manage a process to develop a product or perform a service. While the system itself has technical character its output is a mere presentation of information.

As to the features enumerated in paragraph 3 above, which are not considered to achieve a synergetic technical effect (nor has such an effect been asserted by the appellants), the following is noted:

Computer systems including processors, memory and displays are conventional, including their use for information modelling purposes (see eg document D1).

The knowledge repository according to claim 1 contains "valuable information regarding the process, the valuable information including knowledge acquired in forming past processes". According to decision T 163/85 - Colour television signal/BBC (OJ EPO 1990,379) a TV signal solely characterised by "information per se" is not patentable, but a TV signal comprising the technical features of the system in which it occurs

might be. Decision T 1194/97 - Data structure product/PHILIPS (OJ EPO 2000,525) generalizes this principle to a synchronisation signal recorded as digital data on a record carrier. In the present case the knowledge repository of claim 1 is characterised by the information it contains. This information does not comprise the technical features of the claimed system but consists of a mere description (of a process to develop a product or perform a service). The data stored must therefore be regarded as "information per se" which cannot support an inventive step. Moreover, even if it could, the feature would be obvious since the claim formulation covers the result of a conventional back-up.

The work element is expandable, meaning that it can be made to show more detailed information. This feature was apparently known as such at the priority date of the present application since the description mentions that the process of "expanding a component to view additional details is also called 'drill down'" (p.5, 1.26-31). Moreover, the appellants have not challenged the examining division's view that the feature was known from D1 (cf the decision under appeal, point 6).

The feature that an application is automatically launched saves the user the trouble to start it manually. Normally, a proposal to automate a step which has previously been performed manually does not involve an inventive step, and the computer environment of the present invention makes such a suggestion even more obvious. The appellants have pointed out that the feature may assist the user in selecting the correct application when more than one alternative are open to



him (eg different word processors). However, this advantage only presents itself in a situation where there is in fact a choice between several applications, a restriction neither contained in the claim, nor mentioned in the application. In any case, if choosing the appropriate application turns out to be a difficult task, the solution consisting in letting the computer make the choice instead - a further instance of automation - appears obvious.

Thus, these features do not involve an inventive step.

4.2 Nor can the Board accept the appellants' assertions that the remaining features in claim 1 are non-obvious.

If the work element, the agent and the link are regarded as mere symbols displayed on a computer screen, which the Board finds to be the natural interpretation of the claim (see paragraph 2 above), they would hardly be new since any computer can generate and display bit patterns which might serve as symbols. But even if they were regarded as also comprising the information they represent they would, for the reasons already given in connection with the knowledge repository (see point 4.1 above), only present "information per se" to the user.

The work product includes a tool, a template and a standard serving "to measure the quality of work product". The tool can be associated with an application such as a word processor (cf p.7, 1.6-9 of the application as filed). Therefore, whether or not the tool has technical character, it is conventional, as is the template. As to the standard, it will clearly contain mere "information per se".

The appellants have not succeeded in showing that the information referred to in the claim (representations of a process, a portion of a process, a sub-process, a task to be performed in the process, a result, a template, a standard to measure the quality of the work product, an actor, an interrelationship, valuable information regarding the process) is anything more than "information per se". It does not involve any relationship to, or interaction with, the interfaced system, but is solely aimed at the human mind and thus has no technical effect.

- 4.3 Therefore, the system of claim 1 does not involve an inventive step with respect to generally known art in the technical field of computer technology.

The Board would like to add, firstly, that the same result may be obtained by starting from D1 as the closest prior art, and secondly, that it is not apparent that any amendment to the claims could have increased the appellants' chances of obtaining a patent, the objections against the claimed subject-matter being of a fundamental nature.

**Order**

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

The appeal is dismissed.

The Registrar:

The Chairman:

A. Wolinski

S. Steinbrener