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**Datasheet for the decision
of 11 February 2009**

Case Number: T 0696/06 - 3.5.01

Application Number: 01980824.5

Publication Number: 1334454

IPC: G06F 17/60

Language of the proceedings: EN

Title of invention:

A data processing system intended to facilitate confronting an offer and a demand

Applicant:

Elgrably, Eric

Opponent:

-

Headword:

Freight exchange/ELGRABLY

Relevant legal provisions:

EPC Art. 52(1)

Relevant legal provisions (EPC 1973):

EPC Art. 56

Keyword:

"Inventive step (no)"

Decisions cited:

T 0513/98, T 0154/04

Catchword:

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Case Number: T 0696/06 - 3.5.01

D E C I S I O N
of the Technical Board of Appeal 3.5.01
of 11 February 2009

Appellant:

Elgrably, Eric
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Representative:

Tanty, François
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Decision under appeal:

Decision of the Examining Division of the
European Patent Office posted 23 December 2005
refusing European application No. 01980824.5
pursuant to Article 97(1) EPC 1973.

Composition of the Board:

Chairman: S. Steinbrener
Members: R. R. K. Zimmermann
G. Weiss

Summary of Facts and Submissions

- I. European patent application No. 01 980 824.5 published as international publication number WO-A-02/39332 claimed a priority date of 9 November 2000 for a data-processing system confronting offer and demand in the field of transporting travellers or goods.

- II. The application was refused by the examining division in oral proceedings on 1 December 2005. According to the reasons given in writing by letter posted on 23 December 2005, the subject matter of claim 1 did not involve an inventive step in the light of a generic system comprising a network of computers storing and exchanging information among them. Such a system was well known to the public before the priority date of the application. The rest of claim 1 concerned an administrative method. No technical problem was solved by these claim features. The purpose was simply to provide a more efficient matching between offers and demands, which could not be considered as being a technical problem to be solved. The claimed system did not make any technical contribution over the prior art beyond the mere automation of steps of the administrative method.

- III. An appeal was lodged by the appellant (applicant) against the refusal decision on 23 February 2006, paying the appeal fees on the same day. Furthermore, on 21 April 2006, the appellant filed a letter including the statement setting out the grounds of appeal and sets of amended claims as auxiliary requests 1 to 6.

- IV. In a communication annexed to summons to oral proceedings requested by the appellant as an auxiliary measure, the Board gave a preliminary opinion expressing the view that the claimed invention did not meet the requirement of inventive step, be it with respect to the generic system cited by the examining division or for example the computer system disclosed in figure 1 of document D1 (US-A-6 131 087, published on 10 October 2000).
- V. At the oral proceedings held on 11 February 2009, the Board discussed the matter with the appellant. For illustrating the prior art in using locational systems in the field of transportation of goods, the Board referred additionally to the textbook V. Zwass: "Foundations of Information Systems", Irwin/McGraw-Hill, Singapore 1998, in particular page 343, lines 25 to 32.
- VI. The appellant requested that the decision under appeal be set aside and that a patent be granted on the basis of claims 1 to 16 filed at the oral proceedings as the main request or alternatively on the basis of one of the sets of claims filed as auxiliary request 1 to 6 with letter dated 21 April 2006.

The wording of respective claim 1 of these requests is as follows:

Main request:

"1. A data processing system (X) adapted to confront an offer (O) and a demand (D) in the field of transporting travelers or goods, characterized in that it is adapted to:

- receive requests including space and time data and corresponding to new offers/demands, the requests being formulated by users (C_x) of the data processing system,

- receive data ($O_A, D_A, O_B, D_B, O_C, D_C, O_B, D_B$) corresponding to offers/demands not yet satisfied from a plurality of secondary data processing servers (A, B, C, E), the secondary data processing servers being themselves adapted to confront an offer and a demand,

- after receiving a new request corresponding to a new offer/demand formulated by a user (C_x) of the data processing system (X), verify if there is an offer/demand ($O_A, D_A, O_B, D_B, O_C, D_C, O_B, D_B$) not yet satisfied, received from a secondary data processing server (A, B, C, E) or transmitted previously by a user of the data processing system, that can respond to the new request,

- if not, store the new request in the data processing system and/or send data corresponding to the new request to at least one of the secondary data processing servers (A, B, C, E) to enable confrontation with an offer/demand responding to the new request received subsequently by the secondary data processing server (A, B, C, E),

wherein each offer/demand repatriated by the data processing system (X) from a secondary data processing server (A, B, C, E) is assigned an index including information at least including the identity of the secondary data processing server (A, B, C, E) originating the offer/demand,

wherein the index further includes information on the frequency with which the offer/demand has been consulted, and

information on for how long the offer/demand has been processed by the data processing system (X),

wherein the system is adapted to cease presenting an offer/demand to the users (C_x) of the data processing system (X) when the frequency exceeds a predetermined value or if the offer/demand is too old."

Auxiliary request 1:

"1. A data processing system (X) adapted to confront an offer (O) and a demand (D) in the field of transporting goods, characterized in that it is adapted to:

- receive requests including space and time data and corresponding to new offers/demands, the requests being formulated by users (C_x) of the data processing system, wherein the offer is an offer to transport freight and the demand is a demand for transporting freight, the components of the offer or of the demand including at least the departure point and the arrival point of the goods to be transported and the date they are to be transported,

- receive data ($O_A, D_A, O_B, D_B, O_C, D_C, O_B, D_B$)

corresponding to offers/demands for transport not yet satisfied from a plurality of secondary data processing servers (A, B, C, E), the secondary data processing servers being themselves adapted to confront an offer and a demand,

- after receiving a new request corresponding to a new offer/demand for transport formulated by a user (C_x) of the data processing system (X), verify if there is an offer/demand ($O_A, D_A, O_B, D_B, O_C, D_C, O_B, D_B$) not yet satisfied, received from a secondary data processing server (A, B, C, E) or transmitted previously by a user of the data processing system, that can respond to the new request,

- if not, store the new request in the data processing system and/or send data corresponding to the new

request to at least one of the secondary data processing servers (A, B, C, E) to enable confrontation with an offer/demand responding to the new request received subsequently by the secondary data processing server (A, B, C, E), wherein the processing system includes a receiving system (R) for receiving location information concerning the geographical location of the user (C_x) of the data processing system (X) or goods concerned, in order to communicate to a user who has formulated a request including space data that an offer/demand satisfying that request is located near the user or on its route."

Auxiliary request 2:

"1. A method of facilitating confronting an offer and a demand in the field of transporting goods, characterized in that it includes:

- receiving requests including space and time and corresponding to new offers/demands, the requests being formulated by users (C_x) of the data processing system, wherein the offer is an offer to transport freight and the demand is a demand for transporting freight, the components of the offer or of the demand including at least the departure point and the arrival point of the goods to be transported and the date they are to be transported,

- receiving data (O_A, D_A, O_B, D_B, O_C, D_C, O_E, D_E) corresponding to offers/demands for transport not yet satisfied from a plurality of secondary data processing servers (A, B, C, E), the secondary data processing servers being themselves adapted to confront an offer and a demand for transport,

- after receiving a new request corresponding to a new offer/demand for transport formulated by a user (C_x) of the data processing system (X), verifying if there is an offer/demand for transport ($O_A, D_A, O_B, D_B, O_C, D_C, O_B, D_B$) not yet satisfied, received from a secondary data processing server (A, B, C, E) or transmitted previously by a user of the data processing system, that can respond to the new request,
- if not, storing the new request in the data processing system and/or sending data corresponding to the new request to at least one of the secondary data processing servers (A, B, C, E) to enable confrontation with an offer/demand for transport responding to the new request received subsequently by the secondary data processing server (A, B, C, E),
- communicating in real time to the data processing system (X) information concerning the location of the users (C_x) or the goods concerned,
- automatically sending with terminals (T) equipping terrestrial or airborne transportation means information concerning the location and the load of the transportation means to the data processing system (X), wherein the location information is analyzed by the data processing system (X) in the light of the demands/offers formulated by the users (C_x) of the data processing system and
- sending information to the transportation means to report transport demands/offers to them if the transportation means are near the goods to be transported and able to transport them."

Auxiliary request 3:

"1. A data processing system (X) adapted to confront an offer (O) and a demand (D) in the field of transporting goods, characterized in that it is adapted to:

- receive requests including space and time data and corresponding to new offers/demands, the requests being formulated by users (C_x) of the data processing system, wherein the offer is an offer to transport freight and the demand is a demand for transporting freight, the components of the offer or of the demand including at least the departure point and the arrival point of the goods to be transported and the date they are to be transported,

- receive data (O_A, D_A, O_B, D_B, O_C, D_C, O_B, D_B) corresponding to offers/demands for transport not yet satisfied from a plurality of secondary data processing servers (A, B, C, E), the secondary data processing servers being themselves adapted to confront an offer and a demand,

- after receiving a new request corresponding to a new offer/demand for transport formulated by a user (C_x) of the data processing system (X), verify if there is an offer/demand (O_A, D_A, O_B, D_B, O_C, D_C, O_B, D_B) not yet satisfied, received from a secondary data processing server (A, B, C, E) or transmitted previously by a user of the data processing system, that can respond to the new request,

- if not, store the new request in the data processing system and/or send data corresponding to the new request to at least one of the secondary data processing servers (A, B, C, E) to enable confrontation with an offer/demand responding to the new request received subsequently by the secondary data processing server (A, B, C, E),

wherein the data processing system is further adapted to exchange data with a plurality of secondary data processing servers (A, B, C, E) at least two of which secondary data processing servers use different communication protocols."

Auxiliary request 4:

"1. A data processing system (X) adapted to confront an offer (O) and a demand (D) in the field of transporting goods, characterized in that it is adapted to:

- receive requests including space and time data and corresponding to new offers/demands, the requests being formulated by users (C_x) of the data processing system, wherein the offer is an offer to transport freight and the demand is a demand for transporting freight, the components of the offer or of the demand including at least the departure point and the arrival point of the goods to be transported and the date they are to be transported,

- receive data (O_A, D_A, O_B, D_B, O_C, D_C, O_B, D_B) corresponding to offers/demands not yet satisfied from a plurality of secondary data processing servers (A, B, C, E), the secondary data processing servers being themselves adapted to confront an offer and a demand,

- after receiving a new request corresponding to a new offer/demand for transport formulated by a user (C_x) of the data processing system (X), verify if there is an offer/demand (O_A, D_A, O_B, D_B, O_C, D_C, O_B, D_B) not yet satisfied, received from a secondary data processing server (A, B, C, E) or transmitted previously by a user of the data processing system, that can respond to the new request,

- if not, store the new request in the data processing system and/or send data corresponding to the new

request to at least one of the secondary data processing servers (A, B, C, E) to enable confrontation with an offer/demand for transport responding to the new request received subsequently by the secondary data processing server (A, B, C, E), wherein for a user (C_x) of the data processing system (X) who is a subscriber to only some (A) of the secondary data processing servers (A, B, C, E) consulted by the data processing system (X), in the event of a request formulated by that user which the data processing system (X) has been unable to satisfy, the data processing system (X) transmits the request that has not been satisfied to only the secondary data processing server(s) (A) of which that user is a client, to enable that request to be confronted with an offer/demand received subsequently by the secondary data processing server(s) (A)."

Auxiliary request 5:

"1. A data processing system (X) adapted to confront an offer (O) and a demand (D) in the field of transporting goods, characterized in that it is adapted to:

- receive requests including space and time data and corresponding to new offers/demands, the requests being formulated by users (C_x) of the data processing system, wherein the offer is an offer to transport freight and the demand is a demand for transporting freight, the components of the offer or of the demand including at least the departure point and the arrival point of the goods to be transported and the date they are to be transported,

- receive data (O_A, D_A, O_B, D_B, O_C, D_C, O_E, D_E) corresponding to offers/demands for transport not yet satisfied from a plurality of secondary data processing

servers (A, B, C, E), the secondary data processing servers being themselves adapted to confront an offer and a demand,

- after receiving a new request corresponding to a new offer/demand for transport formulated by a user (C_X) of the data processing system (X), verify if there is an offer/demand (O_A, D_A, O_B, D_B, O_C, D_C, O_E, D_E) not yet satisfied, received from a secondary data processing server (A, B, C, E) or transmitted previously by a user of the data processing system, that can respond to the new request,
- if not, store the new request in the data processing system and/or send data corresponding to the new request to at least one of the secondary data processing servers (A, B, C, E) to enable confrontation with an offer/demand for transport responding to the new request received subsequently by the secondary data processing server (A, B, C, E), the data processing system being adapted to enable a user (C_X) unknown to a secondary data processing server (A, B, C, E) to communicate to the data processing system (X) identification information required by that secondary data processing server (A, B, C, E) with a view to subscribing to it."

Auxiliary request 6:

"1. A data processing system (X) adapted to confront an offer (O) and a demand (D) in the field of transporting goods, characterized in that it is adapted to:

- receive requests including space and time data and corresponding to new offers/demands, the requests being formulated by users (C_X) of the data processing system, wherein the offer is an offer to transport freight and the demand is a demand for transporting freight, the

components of the offer or of the demand including at least the departure point and the arrival point of the goods to be transported and the date they are to be transported,

- receive data ($O_A, D_A, O_B, D_B, O_C, D_C, O_B, D_B$) corresponding to offers/demands for transport not yet satisfied from a plurality of secondary data processing servers (A, B, C, E), the secondary data processing servers being themselves adapted to confront an offer and a demand,

- after receiving a new request corresponding to a new offer/demand for transport formulated by a user (C_X) of the data processing system (X), verify if there is an offer/demand ($O_A, D_A, O_B, D_B, O_C, D_C, O_B, D_B$) not yet satisfied, received from a secondary data processing server (A, B, C, E) or transmitted previously by a user of the data processing system, that can respond to the new request,

- if not, store the new request in the data processing system and/or send data corresponding to the new request to at least one of the secondary data processing servers (A, B, C, E) to enable confrontation with an offer/demand for transport responding to the new request received subsequently by the secondary data processing server (A, B, C, E),

wherein at least one of the secondary data processing servers is adapted not to respond to a request corresponding to an offer or to a demand until it has received identification information for identifying the user originating the request,

wherein the data processing system is further adapted, when a request corresponding to an offer/demand for transport is sent to it by a user (C_X) of the data processing system (X), to search for an offer/demand

responding to the request in the offers (O_A, O_B, O_C, O_D) and demands (D_A, D_B, D_C, D_D) consulted by the secondary data processing servers (A, B, C, D) or in the offers (O_X) and demands (D_X) internal to the data processing system,

wherein the data processing system is adapted to store and update automatically all offers and demands consulted in order to respond to a new request sent by a user (C_X) of the data processing system (X), updating being effected at sufficiently short time intervals for the user (C_X) of the data processing system (X) to have access to recent offers or demands sent to the secondary data processing servers (A, B, C, D) by the users (C_A, C_B, C_C, C_D) thereof,

wherein the data processing system is adapted to store and update automatically the set of offers and demands consulted in order to respond to a new request sent by a user (C_X) of the data processing system (X) and, for each new offer/demand corresponding to a new request and incorporated in the set, to verify if the offer/demand responds to a request previously formulated by a user (C_X) of the data processing system (X), and

wherein for a user (C_X) of the data processing system (X) who is a subscriber to only some (A) of the secondary data processing servers (A, B, C, D) consulted by the data processing system (X), in the event of a request formulated by that user which the data processing system (X) has been unable to satisfy, the data processing system (X) transmits the request that has not been satisfied to only the secondary data processing server(s) (A) of which that user is a client, to enable that request to be confronted with an

offer/demand received subsequently by the secondary data processing server(s) (A), and wherein each offer/demand repatriated by the data processing system (X) from a secondary data processing server (A, B, C, E) is assigned an index including information at least including the identity of the secondary data processing server (A, B, C, E) originating the offer/demand."

- VII. According to the appellant, the claimed invention provided a technical and inventive contribution over the prior art.

The present invention was clearly of technical nature and brought a technical solution to the problem of both, the optimization of transportation of goods or travellers and the reduction of the difficulties involved by interfacing different existing exchange servers. As held in T 513/98 (not published in OJ EPO) the circumstance that the solution was inspired by methods for doing business was not an hindrance to patentability of the invention. The invention claimed dealt with data which were of physical nature. A data processing server or system configured to confront offers and demands comprising space and time data, in order to detect whether there was a match between an offer and a demand, was a technical matter that comprised hardware and specific software.

The secondary data processing servers were known *per se* in the prior art and could be independently owned and administered. They operated under different protocols associated with a corresponding fleet of vehicles, for

example. Such independent secondary servers could be seen as the closest prior art.

The prior art, however, was not satisfactory on the technical level for at least two reasons.

For the transportation of goods within a given deadline by a client of the secondary server, the user would have to send a request to the server. Only if a vehicle was available the transportation was not unnecessarily delayed. If there was no offer available that matched the request of the user, the transportation of the goods was considerably delayed. The present invention remedied this problem by sending the same request to the other secondary servers without burdening the user with the cumbersome task to have to reformulate his request for each other server possibly operating independently under different protocols.

For example, the user who sent his offers over the Internet to server A might have to use videotext with server B, requiring a MINITEL® or an emulator thereof. The same would apply to the other servers and to any new server operated by a company entering into the freight and transportation market. A new company might be deterred by the development costs from entering the market if already many secondary servers existed having different interfaces. Facilitating the interfacing of new servers was thus another technical issue the present invention aimed to solve.

Companies operating such server systems would benefit from the invention since there was only one interface to develop, namely the interface with the central data

processing system, and not a separate interface with each single one of the other existing servers or new servers that could enter the market later.

The invention also increased the security of operation by reducing the risk of having unwanted users to benefit from the service of other servers since the central system received from each other server data only after identification and authorisation of users. In this respect, the present invention had very little in common with an auction system based on a single server configured to match offers and demands.

The prior art, in particular document D1, did not concern the transportation of goods or travellers on an industrial basis. Document D1, specifically col. 5, lines 60 to 65 referred only to the address of delivery but not to the route and time of transportation, and more importantly, it showed a computer network architecture with one exchange server only configured to confront offers and demands, but not the kind of pyramidal architecture of data processing exchange servers which was at the heart of the present invention.

Offers and demands normally produced a heavy data flow and confronted the users with an enormous amount of irrelevant information. The invention solved this problem by providing a technical filter reducing the data flow in that the system was adapted to cease presenting an offer/demand to the users when certain criteria were met (main request), the geographic location of users and/or goods were taking into account (auxiliary requests 1 and 2), and data were efficiently

exchanged between central and secondary systems (auxiliary request 3 to 6).

The invention enabled the system to meet quickly demands and offers even if originating from other secondary data processing servers without delaying the transportation service or requiring complex interfaces between the central and secondary systems. A company desiring to develop her own server did not have to develop new interfaces for every other secondary system but only one interface with the central system and could nevertheless benefit from the trading offered on the secondary systems. The invention optimised the transportation of goods or travellers and reduced the difficulties involved by interfacing different existing exchange servers. It clearly provided a novel and inventive contribution over the prior art.

VIII. The decision on the appeal was announced by the Board orally at the oral proceedings.

Reasons for the Decision

1. The appeal although admissible is not allowable since on the basis of the present claim requests the requirement of inventive step as set out in Articles 52(1) EPC and 56 EPC 1973 is not met.
2. The claims define a data-processing system and a method for confronting offers and demands in the field of transporting travellers or goods by using electronic data-processing means as explained in the WO-publication at page 1, lines 3 to 21, i.e. essentially

the system executes business processes and transactions, like mediating offers and demands, which are typical for a transportation broker or freight exchange service. Such type of activities are held to be methods of doing business, which are as such excluded like other non-technical activities from patentability by Article 52(2) and (3) EPC.

As explained in decision T 154/04 - Estimating sales activity / DUNS LICENSING ASSOCIATES (OJ EPO 2008, 46), see point 15 f. of the Reasons for the Decision, the non-technical aspects of an invention to the extent that they do not interact with technical features to produce a technical effect should not be given any weight in establishing novelty or inventive step even if such aspects embody novel and innovative concepts. Nevertheless, such non-technical features and aspects of an invention may be taken up as constraints or framework of the invention in formulating the objective technical problem which the invention solves in the light of the prior art.

Considering decision T 513/98 cited by the appellant, the Board notes that this decision explicitly states that only technical features should be taken into account in judging inventive step (see Reasons for the Decision, point 5.3.2). This fully complies with the principles applied by the Board to the present case.

3. As has already been pointed out in the preceding paragraph, the subject matter of the present claims is based on business processes typically performed by a freight exchange or transportation broker. Borrowing wording from the claims, these processes as carried out

by a broker service X, for example, may be identified in claims 1 of the present requests as follows (numbering added for convenience of reference):

- (1) confronting an offer and a demand in the field of transporting goods,
- (2) receiving requests including space and time data and corresponding to new offers/demands, the requests being formulated by users of the broker service X,
- (3) after receiving a new request corresponding to a new offer/demand formulated by a user of the broker service X, verifying if there is an offer/demand not yet satisfied, transmitted previously by a user of the broker service X, that can respond to the new request,
- (4) if not, storing the new request.

In addition, taking account of the broader context described in the present application at page 10, lines 26 to 35 of the WO-publication, the following activities are in the general realms of doing business:

- (5) providing an index which includes
 - (5.1) information on the frequency with which the offer/demand has been consulted, and
 - (5.2) information on for how long the offer/demand has been processed by the broker service X,
- (6) cease presenting an offer/demand to the users of the broker service X when the frequency exceeds a predetermined value or if the offer/demand is too old.

With respect to this last activity (6), the appellant argued that ceasing presentation of offers and demands was a kind of technical filter function reducing the information and data flow to the users of the system.

The Board does not agree regarding the general technical character of such "filters": removing requests from the business records may reduce the flow and amount of information presented to the user of the service as a side effect. This may be felt by the user as an advantage or disadvantage, but it does neither solve any concrete technical problem nor does it qualify as a technical effect in the sense that it contributes to the solution of a technical problem. Only the implementation of such a "filter" as a function of the data-processing system brings technical considerations into play (see below).

4. In all requests, claim 1 defines the exchange of data between the central data-processing system X and the secondary data-processing servers. Moreover, these secondary servers use different communication protocols according to auxiliary request 3 and need individual subscription for service according to auxiliary requests 4 to 6.

The rationale behind these definitions is essentially a business model, namely the idea of providing a central access point to secondary broker services and offering in addition to the (primary) broker service trading opportunities within these other, secondary markets under certain access conditions. The model encompasses specific business processes which may be identified in the claims as follows:

- (7) receiving data corresponding to offers/demands not yet satisfied from a plurality of secondary broker

services, the secondary broker services themselves confront offers and demands,

(8) after receiving a new request corresponding to a new offer/demand formulated by a user of the broker service X, verifying if there is an offer/demand not yet satisfied, received from a secondary broker services that can respond to the new request,

(9) if not,

(9.1) storing the new request and/or

(9.2) sending data corresponding to the new request to at least one of the secondary broker services to enable confrontation with an offer/demand responding to the new request received subsequently by the secondary broker service.

To this, claims 1 of the main request and auxiliary request 6 specifically add the business-driven step of

(10) assigning to each offer/demand repatriated by the broker X from a secondary broker service, an index including information at least including the identity of the secondary broker service originating the offer/demand, i.e. a specific use of the general indexing concept defined in processes (5) to (6) above for offers/demands repatriated from secondary broker services.

5. Finally, turning to auxiliary requests 1 and 2: respective claims 1 specify the geographic location of the user, goods, or the transportation means as a matching criterion indicating that an offer/demand "is located near the user or on its route" and that "transportation means are near the goods and able to transport them". Applying such kind of locational

criteria is part of a typical brokerage process handling and mediating requests for the transportation of goods from one location to another. The purely business related aspects and activities behind these definitions may be identified as follows:

In claim 1 of auxiliary request 1:

(11) receiving requests including space and time data and corresponding to new offers/demands, wherein the offer is an offer to transport freight and the demand is a demand for transporting freight, the components of the offer or of the demand including at least the departure point and the arrival point of the goods to be transported and the date they are to be transported,

(12) wherein the broker X receives location information concerning the geographical location of the user of said broker service X or goods concerned, in order to communicate to a user who has formulated a request including space data that an offer/demand satisfying that request is located near the user or on its route.

In claim 1 of auxiliary request 2:

(13) communicating information concerning the location of the users or the goods concerned as well as the location and the load of the transportation means,

(14) wherein the location information is analyzed by the broker X in the light of the demands/offers formulated by the users of the broker service, and

(15) sending information to the transportation means to report transport demands/offers to them if the transportation means are near the goods to be transported and able to transport them.

6. The realm of technology is only entered with the use of an information system, in the present case essentially a network of standard computers suitably programmed and connected via satellite, for example (see WO-publication, page 6, line 35 ff.), to support the execution of conventional business processes (1) to (15) identified above.

7. Auxiliary requests 1 and 2 define additional technical equipment for implementing processes (12), (13), and (15), namely a receiving system to be included into the data-processing system for receiving location information (in real time) and sending information to terrestrial or airborne transportation means to report transport demands and offers as well as terminals on board of the transportation means for sending automatically information concerning the location and the load of the transportation means to the data-processing system.

8. Considering the general nature of the claimed invention lacking virtually any concrete technical element, the closest prior art appears to be an electronic marketplace or e-commerce system of the general type shown in fig. 1 of document D1. The electronic marketplace is made up of a network of separate computers connected to a system gateway 80, an account registry 100, a solicitation database 200, and computing means for matching offers and demands from market participants (see document D1, col. 5, line 14 to col. 6, line 20).

The system is integrated with the internal systems of the market participants, which may have differing

network platforms, protocols, and system requirements (see document D1, col. 3, lines 45 to 53). Users have to register and their ID data are stored (see document D1, col. 5, lines 26 to 48). Hence, the known e-commerce system is already adapted to the use of different communication protocols and specific access conditions as provided by auxiliary requests 3 to 6.

9. Apart from the additional features in auxiliary requests 1 and 2 concerning the receiving and on-board systems, the present invention according to all requests only relates to the implementation of the specific business method identified above by processes (1) to (15) on such a prior art e-commerce system. This implementation is the technical problem given to the "person skilled in the art", the reference for judging inventive step according to Article 56 EPC 1973, which in the field of the present invention is a software project team having a *priori* knowledge of the business method to be implemented through a requirements specification or the like.

The present claims define the implementation one-to-one, on a purely conceptual level, through the business processes (1) to (15) to be implemented. Such definitions, which are a direct consequence of the business method to be implemented, do not present any non-obvious aspects to the skilled person. They in fact leave no room for inventive step.

10. Regarding the additional features in auxiliary requests 1 and 2 concerning the receiving and on-board systems, the Board considers the use of a satellite-based communication network to monitor the geographic

location of materials and trucks en route as a practice widely applied in the transportation business well before the priority date of the present application (see, for example, V. Zwass (*supra*) at page 343, lines 25 to 32). Such locational systems apparently require stationary and on-board communication means to exchange data in real-time for monitoring the location of materials and trucks, hence pointing directly to the receiving system and the on-board terminals included into auxiliary requests 1 and 2.

11. In summary, none of the present requests meets the requirement of inventive step under Articles 52(1) EPC and 56 EPC 1973. The appeal is thus not allowable.

Order

For these reasons it is decided that:

The appeal is dismissed.

The Registrar:

The Chairman:

T. Buschek

S. Steinbrener