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**Datasheet for the decision
of 30 September 2009**

Case Number: T 0633/07 - 3.5.01

Application Number: 96306476.1

Publication Number: 0762306

IPC: G06F 17/60

Language of the proceedings: EN

Title of invention:

System for corporate travel planning and management

Patentee:

Sabre, Inc.

Opponent:

AMADEUS sas

Headword:

Corporate travel planning/SABRE

Relevant legal provisions:

-

Relevant legal provisions (EPC 1973):

EPC Art. 56, 84

Keyword:

"Inventive step - main request and auxiliary requests 1-5,
7-15, 17-20 (no)"

"Clarity - auxiliary requests 6 and 16 (no)"

Decisions cited:

T 1053/98

Catchword:

-



Case Number: T 0633/07 - 3.5.01

DECISION
of the Technical Board of Appeal 3.5.01
of 30 September 2009

Appellant: Sabre, Inc.
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Decision under appeal: Decision of the Opposition Division of the
European Patent Office posted 7 February 2007
revoking European patent No. 0762306 pursuant
to Article 102(1) EPC 1973.

Composition of the Board:

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

Summary of Facts and Submissions

- I. This is an appeal by the patent proprietor against the decision of the opposition division to revoke European patent No. 0 762 306.
- II. The following document will be referred to:
- A4: US-A-5 237 499.
- III. According to the decision appealed the invention as set out in claim 1 of the patent as granted, to which the then main and first auxiliary requests were directed, did not involve an inventive step having regard to a well-known "generic" computer network. Auxiliary requests 2 to 4 were refused under Article 123(2) EPC 1973.
- IV. Together with the statement setting out the grounds of appeal dated 8 June 2007 the appellant submitted claims according to twenty auxiliary requests. It requested that the decision under appeal be set aside and the patent be maintained as granted (main request) or on the basis of one of the auxiliary requests. Oral proceedings were requested on an auxiliary basis.
- V. Claim 1 *as granted* reads:
- "A client-server system for corporate travel planning, expense reporting and travel management comprising:
a computerized reservation system (30);
a relational database server (18) communicably linked to the computerized reservation system (30); and

means for online travel planning (68), means for expense reporting (80) and means for travel management (74,82) resident within a personal computer (22) providing a graphical user interface for communication between the computer user, the means for online travel planning (68), means for expense reporting (80) and means for travel management (74,82), a travel agency (26) and the relational database server (18); wherein the means for online travel planning (68), the means for expense reporting (80) and the means for travel management (74,82) are configured for selectively allowing a traveler to complete a travel reservation and communicate the completed travel reservation to the travel agency (26) for post-reservation processing".

VI. Claim 1 of *auxiliary request 1* is identical with the main request except that the last word of claim 1 as granted ("processing") has been changed to "processes" (this is the case for claim 1 of all auxiliary requests).

VII. According to *auxiliary request 2* claim 1 is amended in the following way (insertion in italics):

"wherein the means for online travel planning (68), the means for expense reporting (80) and the means for travel management (74, 82) are configured for selectively allowing a traveler to complete a travel reservation *by completing the entire booking process, which results in the creation of a personal name record, or by creating a personal name record with a booking request,* and communicate the completed travel

reservation to the travel agency (26) for post-reservation processes".

- VIII. According to *auxiliary request 3* the following features are inserted into claim 1 as granted:

"an interface manager (72) that involves processing computerized reservation system (30) data including retrieving data (64) from the computerized reservation system (30) and forwarding the retrieved data (64) to the relational database server (18); wherein the relational database server (18) is configured to parse the retrieved data (64) and store the trip into an interface manager table (228) of the relational database server (18)".

- IX. According to *auxiliary request 4* the following feature is inserted into claim 1 as granted:

"an interface manager (72) that involves processing computerized reservation system (30) data including performing a travel policy check".

- X. According to *auxiliary request 5* the following features are inserted into claim 1 as granted:

"an interface manager (72) that involves processing computerized reservation system (30) data including retrieving data (64) from the computerized reservation system (30) and forwarding the retrieved data (64) to the relational database server (18) and performing a travel policy check"

and

"wherein the relational database server (18) is configured to parse the retrieved data (64) and store the trip into an interface manager table (228) of the relational database server (18)".

XI. According to auxiliary request 6 the following features are inserted into claim 1 as granted:

"an interface manager (72) that involves processing computerized reservation system (30) data including
- retrieving data (64) from the computerized reservation system (30) and forwarding the retrieved data (64) to the relational database server (18), wherein the relational database server (18) is configured to parse the retrieved data (64) and store the trip into an interface manager table (228) of the relational database server (18);
- reading the retrieved data (64) and mapping computerized reservation system (30) elements to the interface manager table (228);
- ensuring the integrity of data being inserted into a trip table (128);
- performing a travel policy check;
- maintaining personal name records stored in the interface manager table (228)".

XII. Auxiliary requests 7-10 include the amendments to claim 1 of auxiliary request 2 combined with the amendments to claim 1 of auxiliary requests 3 to 6 respectively.

XIII. Claim 1 of auxiliary requests 11-20 is identical with claim 1 of auxiliary requests 1-10 respectively.

XIV. In respect of the subject-matter of claim 1 the appellant has essentially argued as follows:

The opposition division's classification of the features of claim 1 as technical or non-technical was inadequate with respect to the determination of the technical problem to be solved and the contribution of the respective claim features to the solution of this problem. Furthermore, the opposition division had incorrectly determined both the relevant skilled person and the closest prior art. The closest prior art was that shown in A4, not the general computer network system considered by the opposition division. If nevertheless the latter prior art was taken as starting point, the technical problem was to provide a less error-prone travel reservation system. The invention permitted the user (traveller) to connect directly to the computerized reservation system via the online-accessible relational database server. Thus, he could select the desired travel parameters, send the request to the computerized reservation system, see a plurality of matching results, select one or more results for completing a travel reservation at the computerized reservation system and then communicate the completed travel reservation to the travel agency for further processing. In this way the traveller had full control over the entire reservation process, beginning from inputting the desired travel reservation parameters until his own completion of the travel reservation. This provided a travel reservation system with high usability and thus user-acceptance compared with a general computer network system. The general computer network system gave no hint to a graphical user interface providing the traveller with the mentioned

flexibility and new communication and dataflow architecture during a travel reservation. It did not even hint at any means that could be provided to increase the travel reservation system's flexibility without having a negative impact on the error vulnerability. The new graphical user interface in accordance with the independent claims helped to solve the above-described technical problem in a simple and cost-efficient manner. Therefore, the subject-matter of the granted claim 1 was based on an inventive step having regard to the general computer network system.

All "means" in claim 1 were resident within a personal computer and therefore had technical character. The means for online travel planning, expense reporting and travel management included a further technical feature, namely that they were configured for selectively allowing a traveller to complete a travel reservation and communicate the completed travel reservation to the travel agency for post-reservation processes. The completion of the travel reservation and the communication of the completed travel reservation to the travel agency for post-reservation processing provided a man-machine interface that allowed the generation of a travel reservation in a less error-prone manner. Unnecessary communications back and forth between the traveller and the travel agency increased the risk of additional errors. The system of claim 1 provided the traveller with a less error-prone and thus more efficient way of generating or completing a travel reservation. It was more efficient in that less data had to be transmitted. The time for carrying out the reservation was also remarkably reduced. The number of communication connections which might fail was reduced.

There was no need to wait for a travel agency to open, something which was increasingly important due to globalization. An increased reliability and flexibility in the reservation process was achieved. The client-server system according to the invention provided a new dataflow architecture, thereby reducing the risk of mistakes in generating a travel reservation. The travel reservation was completed in a faster, more efficient and more convenient manner.

At the priority date of the application a traveller desiring to make a travel reservation was bound to the existing communication or dataflow architecture in the travel world environment. According to that architecture the traveller was only able to communicate a request for a travel reservation to a travel agency, whereas it was the travel agency - which was linked to a computerized reservation system (CRS) - that completed the travel reservation and sent the booked tickets to the traveller. In this connection, in order to perform the actual booking via the CRS, the travel agent had to re-enter the request into the CRS via a specific data entry interface. This data entry required expert skills. In this environment there was limited design space for improvement. Determining what was possible required technical considerations. Taking into account the above-described limitations of the systems known in the travel world environment, clearly a new system had been designed. In fact, the invention provided a travel reservation system that had a novel communication and dataflow architecture, wherein the traveller no longer depended on the travel agency but could directly access the CRS and thus was in full control of the whole reservation process. Although at

first sight the architectural changes might appear easy to make, in fact they were not because the changes effectively meant that the channel between the travel agency and the CRS was removed. This removal represented a severe change because according to the prior art systems the data entry interface for entering requests into the CRS could only be handled by experts. Therefore technical considerations were required to implement the change in architecture. The result of the changed architecture was a very fast and reliable system where the traveller communicated directly with the CRS, in contrast to the prior art systems where two error-prone communication systems (viz communication between the traveller and the travel agency and between the travel agency and the CRS) were needed. The great commercial success in the USA was due to this change in architecture. This brought about a fundamental shift in the way the market worked by cutting out the travel agency. In fact, it was a disruptive technology which was not obvious.

In this regard it was pointed out that those features of claim 1 which had been classified as "non-technical" by the Opposition Division had to be read in the light of the technical environment, ie the travel reservation systems known at the priority date of the application. These features resulted in a more reliable system with a faster interface. The above-discussed change in the architecture moved the technology (in the field of travel reservation systems) from main-frame to client-server, which was not known from the prior art systems, nor was there a hint from the prior art to do this. Therefore, the subject-matter of claim 1 could not be obvious. Furthermore, there would have been many

possibilities to improve the reliability of the existing travel reservation systems or communication flow between the traveller and the travel agency and/or between the travel agency and the CRS. For example, one could have thought of implementing control mechanisms in the communication flow between the traveller and the travel agency and/or between the travel agency and the CRS in order to reduce or eliminate the occurrence of errors (eg due to mistyping during the re-input of the travel reservation request into the CRS by the travel agent). However, one would not have changed the basic architecture of the travel reservation systems, as was done by the subject-matter of granted claim 1. Technical effects of this change in architecture were, *inter alia*, i) a more reliable control over the booking process, ii) direct feedback to the traveller, iii) an efficient and faster interface to the computerized reservation system (CRS), and iv) more reliable and consistent data (because the traveller entered it himself). Furthermore, technical improvements over the prior art systems clearly could be seen in the removal of a part or node (the travel agency) of the chain which might cause problems in terms of data processing and data entry, in a lower vulnerability to down-time and no reliance upon the availability of the travel agency. If a hub of a communication system was removed with the result that the system became faster and more secure, this was a technical effect.

Finally, if a general computer network system were to be considered as rendering any specific embodiment of it obvious, this would prevent the patentability of any computer-implemented inventions, even machine

- controllers such as car brake controllers, flight controls, etc.
- XV. The respondent has not made any comments on these arguments.
- XVI. In a communication annexed to a summons to oral proceedings scheduled for 30 September 2009 the Board noted that the opposition division, starting from the notorious client-server architecture, had found that the technical problem was to adapt the known network to a new business method, and that this problem only demanded ordinary programming skills. The Board tended to agree.
- XVII. By letter dated 15 June 2009 the appellant stated that it would not be represented at the oral proceedings.
- XVIII. By letter dated 25 June 2009 the respondent stated that it would also not be represented at the oral proceedings.
- XIX. Oral proceedings were held on 30 September 2009 in the absence of both parties. The Board verified the parties' requests. The appellant (patentee) had requested in writing that the decision under appeal be set aside and the patent be maintained as granted (main request) or in amended form on the basis of any one of auxiliary requests 1 to 20 filed with the statement setting out the grounds of appeal dated 8 June 2007. The respondent (opponent) had made no request.
- XX. At the end of the oral proceedings the Board announced its decision.

Reasons for the Decision

1. The present decision will deal with claim 1 of each of the appellant's requests. This means that only the main request and auxiliary requests 2-10 require substantive examination (cf points VI to XIII above).

2. The appellant has decided not to attend the oral proceedings. Pursuant to Article 15(3) RPBA the Board shall not be obliged to delay any step in the proceedings, including its decision, by reason only of the absence at the oral proceedings of any party duly summoned who may then be treated as relying only on its written case.

Main request

3. Inventive step

- 3.1 The opposition division held (see the decision under appeal, point 1.1) that the system of claim 1 implemented a non-technical method of corporate travel planning, expense reporting and travel management. This method was said to comprise the following features:
 - a reservation scheme,
 - reservation information is treated,
 - a first point in connection with the reservation scheme,means for travel planning, means for expense reporting, and means for travel management, the traveller can communicate with the means for travel planning, with

the means for expense reporting, with the means for travel management, and with a travel agency, wherein the means for travel planning, the means for expense reporting and the means for travel management are configured for selectively allowing a traveller to complete a travel reservation and communicate the completed travel reservation to the travel agency for post-reservation processing.

The opposition division went on to state that this method referred to administrative steps that required no technical knowledge. These steps could not contribute to an inventive step. The technical problem was to adapt a conventional computer network so that it provided such administrative steps. The adaptation requiring only ordinary programming skills, the invention was obvious.

3.2 The Board agrees with the opposition division that the system of claim 1 is essentially a straightforward implementation of a business method. The appellant's counter-arguments set out in the grounds of appeal are not regarded as convincing for the following reasons:

3.2.1 As to the correct starting point for the assessment of inventive step, the opposition division was free to base its obviousness argument on a known (albeit undocumented since notorious) client-server system rather than on the disclosure of document A4. A patentable invention must involve an inventive step over every (available) piece of prior art.

3.2.2 The appellant argues that a general computer network system can provide no hint to a graphical user

interface offering the advantages of the invention. This is however largely irrelevant since, as the opposition division correctly recognised, the advantages of the invention stem from the new business idea itself. The commercial background is described in the patent-in-suit in the following terms (paragraphs [0009] and [0010]):

"Many of the limitations on the current corporate travel planning and management systems stem from the corporate traveler's dependence on travel management firms... a need has arisen for a corporate travel planning and management system which operates on a corporate database environment that allows automated travel planning from a corporate traveler's desktop..."

It was this commercial concept of allowing a traveller to plan his trip without the assistance of a travel agency that led to the technical problem of designing a suitable interface for him. An obvious starting point for the skilled person was a conventional client-server system. In claim 1 the interface is claimed in general terms, such as "means for... planning", "means... for selectively allowing a traveler to complete a travel reservation", etc. Such means were obviously required if the traveller were to act as his own travel agent. In fact, they merely set out the (commercial) aim of the system.

- 3.2.3 It is furthermore argued that the invention is less error-prone than previous systems, avoids unnecessary communications between the traveller and the travel agency, involves less data to be transmitted and reduces the time needed for making a reservation.

However, these advantages also follow directly from the fact that the traveller makes his own arrangements, ie from the commercial concept. The same goes for the further advantages that the traveller no more has to wait for the travel agency to open and that there is no need for a travel agent to re-enter requests into the reservation system.

3.2.4 The appellant states that the invention provides a travel reservation system with a new communication and dataflow architecture. The new architecture is however inevitable since the dataflow must correspond to the steps of the business method. The removal of the channel between the travel agency and the computerized reservation system may represent a severe change, as the appellant observes, but again this is because the commercial concept has changed. Furthermore, whether or not the invention is a great success is irrelevant as long it has not been shown that the success is due to the technical implementation and not to the underlying business idea.

3.2.5 It is furthermore argued that other possibilities were open to the skilled person, such as control mechanisms in the communication flow between the traveller and the travel agency, but that he would not have changed the basic architecture of prior travel reservation systems. The Board first notes that this argument is based on the assumption that the closest prior art is a prior travel reservation system, not the general client-server system considered above. Nevertheless, even if the appellant's starting point was accepted the argument is not convincing. Clearly other system improvements were open to the skilled person. That is

always so. But such hypothetical further possibilities are fundamentally irrelevant for the examination as to inventive step as long as they do not constitute a technical prejudice against the invention being examined. In the present case it has not been argued that a technical prejudice ever existed.

3.2.6 The appellant makes the remark that if a general computer network system were to render any specific embodiment of it obvious, this would prevent the patentability of, for example, brake controllers. The Board finds the analogy unconvincing. First, the only function of a brake is to stop motion. Controlling a brake therefore has a clear technical effect which would normally have to be taken into account for the examination as to inventive step, whereas the present invention has no comparable technical effect. Secondly, the non-technical part of a solution to a problem may provide an incentive for the technical part (cf T 1053/98, not published in OJ EPO, point 3.4). Therefore the question whether a general computer network system would in itself have rendered the present invention obvious is not decisive.

4. The invention of claim 1 therefore does not involve an inventive step (Article 56 EPC 1973).

Auxiliary request 1

5. Claim 1 not having been amended (except as indicated at point VI above), this request is also refused (Article 56 EPC 1973).

Auxiliary request 2

6. The appellant argues that the added feature serves to point out more clearly that the traveller is in full control of his travel arrangements. This aspect has already been considered above. Thus, this request is refused (Article 56 EPC 1973).

Auxiliary request 3

7. The added features concern an "interface manager" which retrieves data from the computerized reservation system and forwards it to the relational database server, where it is parsed and stored as trip data in an interface manager table. It was however obvious from the aim set that the traveller must be able to communicate with both the reservation system and the database. Storing the trip data is also obviously desirable. Thus, this request is refused (Article 56 EPC 1973).

Auxiliary request 4

8. The performance of the "travel policy check" included in claim 1 is necessary if the company rules so require. The contents of company rules, however, are not a technical issue. Since the claim contains no specific implementation features also this request is refused (Article 56 EPC 1973).

Auxiliary request 5

9. This request combines the additional features of claim 1 of auxiliary requests 3 and 4. It has not been

argued that they combine to yield a synergistic effect. Thus the request is refused for the same reasons as set out at points 7 and 8 above (Article 56 EPC 1973).

Auxiliary request 6

10. This request combines the features of claim 1 of the preceding request with the following additional ones:

- mapping computerized reservation system elements to the interface manager table,
- ensuring the integrity of data being inserted into a trip table,
- maintaining personal name records stored in the interface manager table.

The only argument given by the appellant with respect to these features is that they further increase the usability of the travel reservation system. The Board notes that it is not clear what "maintaining" stored records or "ensuring the integrity of data" means, or in how far the "elements" mapped to the manager table are different from the "data" stored there in accordance with the features introduced in auxiliary request 3. The claim is therefore regarded as obscure (Article 84 EPC 1973).

Auxiliary requests 7-10

11. Claim 1 of these requests combine the features of claim 1 of auxiliary request 2 with those of claim 1 of auxiliary requests 3-6, respectively. The appellant has not argued that the features interact synergistically.

The requests are therefore refused for the reasons given above (Article 56 EPC 1973).

Auxiliary requests 11-20

12. For the reasons already given auxiliary request 16 is refused under Article 84 and the other requests under Article 56 EPC 1973.

Order

For these reasons it is decided that:

The appeal is dismissed.

The Registrar:

The Chairman:

T. Buschek

S. Steinbrener