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Datasheet for the decision of 29 July 2009

Case Number: T 1510/07 - 3.2.01

Application Number: 03745806.4

Publication Number: 1494900

IPC: B60R 25/00

Language of the proceedings: EN

Title of invention:
Method for identifying a person driving a vehicle and controlling driving manner

Applicant:
Taipale Automotive Oy

Headword:
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Relevant legal provisions:
-

Relevant legal provisions (EPC 1973):
EPC Art. 54(1), (2)

Keyword:
"Novelty (no)"

Decisions cited:
-

Catchword:
-

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Case Number: T 1510/07 - 3.2.01

D E C I S I O N
of the Technical Board of Appeal 3.2.01
of 29 July 2009

Appellant: Taipale Automotive Oy
Karhumäentie 1
FI-33950 Pirkkala (FI)

Representative: Nieminen, Taisto Tapani
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Decision under appeal: **Decision of the Examining Division of the European Patent Office posted 16 March 2007 refusing European patent application No. 03745806.4 pursuant to Article 97(1) EPC 1973.**

Composition of the Board:

Chairman: S. Crane
Members: C. Narcisi
S. Hoffmann

Summary of Facts and Submissions

I. The European patent application No. 03 745 806.4 was refused by the examining Division with the decision posted on 16 March 2007. In this decision according to the state of the file the Examining Division referred to the previous communications in which it was considered that the subject-matter of claim 1 as originally filed and of claim 1 according to the auxiliary request filed on 18 December 2005 lacked novelty over document D1 (US-A-5 465 079). Against this decision an appeal was filed by the Applicant on 16 May 2007 and the appeal fee was paid at the same time. The statement of grounds of appeal was filed on 16 July 2007.

The Appellant requested that the decision be set aside and a patent be granted on the basis of claims 1 to 8 as filed on 18 December with letter dated 16 December 2005.

Claim 1 reads as follows:

"A method for identifying a person driving a vehicle and for controlling his/hers driving style and also to switch on the vehicle either to driving-allowing mode or to drive-stop mode, whereby in the method the vehicle comprises an object containing a code, a card or data or, for instance, a scanner of driver's finger or another part of his/hers body and a control unit, and the driver is provided with a personal code or a card containing data with a corresponding identification device, as the finger or some other part of his body, and that in the method driving style

information of the driver is stored on said card or object or to data-collecting unit in the vehicle, and on starting driving the driver inserts the card or object into the vehicle scanner (1), whereby data received from selected vehicle controls and/or data from varying information-collecting detectors (4-9) is compared with information stored on driver's driving style card, and on basis of the comparison the control unit in the vehicle either allows driving or informs of drive-stop or of other consequence of that kind, characterized in that the driving style information contained in the card is completed as the driving style develops/changes and further the control system identifies road conditions and takes them account when observing the driving style."

II. In an annex to the summons to oral proceedings posted on 3 April 2009 the Board informed the Appellant that the subject matter of claim 1 appeared to lack novelty over D1.

III. Oral proceedings took place on 29 July 2009. The Appellant did not attend the oral proceedings as already previously advised with fax of 27 July 2009.

IV. The Appellant's arguments may be summarized as follows:

D1 does not disclose that data relating to the driver's operations or to its driving style are recorded on the card. According to D1 the card is exclusively used to store detected vehicle properties. By contrast hereto, the invention is intended to provide a record of a person's actual driving manner and of its performance. That means for instance the driver's way of braking,

steering, pressing the clutch pedal, handling other control elements, or even the particular manner of being seated while driving. This is essentially different from the method steps described in D1 which merely provide an indication on how the vehicle moves, but not on how specific vehicle driving elements, such as control levers, steering wheel etc. are handled by the driver. Finally, contrary to D1, claim 1 explicitly states that road and weather conditions are taken account of when observing the driving style.

Reasons for the Decision

1. The appeal is admissible.

2. The Appellant does not dispute that the features of the preamble of claim 1 are known from D1. The Appellant however contends that the characterizing features of the claim are not known from D1. This view is not shared by the Board. D1 states that "selected data would be gathered from the vehicle sensors and/or digital electronics section by the microcontroller" and that "the data is stored into the RAM card by the microcontroller at periodic intervals" (column 26, lines 51-55). The card is "personalized to that particular driver" and "has information that identifies the driver, and a record of that driver's driving history and performance" (column 6, lines 5-8; column 30, line 29-column 31, line 35). D1 moreover sets out the steps by which "the recent history of the driver is updated" (column 31, lines 35-38). It is essential to note that according to D1 the same kind of sensors are used in order to define a person's driving

style as is done by the present invention. These sensors include, inter alia, brake pedal pressure sensor, vehicle turn signal sensor, steering wheel position sensor, accelerometer sensors etc. (column 10, lines 20-67). In conclusion, the data stored according to the method of D1 relate indeed to a person's driving style within the meaning of present claim 1 and regular updates are also performed by the method of claim 1. As to the further feature of claim 1 that "the control system identifies road conditions and takes them account when observing the driving style" it is noted that the control system according to D1 likewise identifies and monitors rain or snow conditions (column 24, lines 9-16). Moreover the road conditions are clearly being taken into account when observing the driving style since it is stated for instance that "the preferred following distance from targets may be lengthened to account for longer stopping distances on wet road" (column 24, lines 9-16). Thus, all in all the subject-matter of claim 1 lacks novelty with respect to the disclosure of D1 (Art. 54 (1), (2) EPC 1973).

Order

For these reasons it is decided that:

The appeal is dismissed

The Registrar: The Chairman:

A. Vottner S. Crane