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Datasheet for the decision of 15 November 2013

Case Number: T 0677/09 - 3.5.01

Application Number: 03015713.5

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Language of the proceedings: EN

Title of invention:
Smart owner's manual

Applicant:
Continental Automotive Systems, Inc.

Headword:
Smart manual/CONTINENTAL AUTOMOTIVE SYSTEMS

Relevant legal provisions:
EPC 1973 Art. 56

Keyword:
Inventive step - providing information about differences between vehicles (no - non-technical cognitive data)

Decisions cited:
T 1194/97, T 1670/07

Catchword:

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Beschwerdekammern
Boards of Appeal
Chambres de recours

European Patent Office
D-80298 MUNICH
GERMANY
Tel. +49 (0) 89 2399-0
Fax +49 (0) 89 2399-4465

Case Number: T 0677/09 - 3.5.01

D E C I S I O N
of Technical Board of Appeal 3.5.01
of 15 November 2013

Appellant: (Applicant)	Continental Automotive Systems, Inc. 2400 Executive Hills Boulevard Auburn Hills MI 48326 (US)
Representative:	Isarpatent Patent- und Rechtsanwälte Postfach 44 01 51 80750 München (DE)
Decision under appeal:	**Decision of the Examining Division of the European Patent Office posted on 27 October 2008 refusing European patent application No. 03015713.5 pursuant to Article 97(2) EPC.**

Composition of the Board:

Chairman: S. Wibergh
Members: W. Chandler
P. Schmitz

Summary of Facts and Submissions

I. This appeal is against the decision of the examining division to refuse the European patent application No. 03015713.5. It concerns a system for displaying information about the features of components in a vehicle.

II. The examining division decided that the independent claims of the single request did not involve an inventive step (Article 56 EPC 1973) in the light of the common general knowledge of providing information associated with a vehicle, e.g. as disclosed in US 2002/0082751 (D5). In particular, the provision of information relating to the different features between the vehicles was not technical and did not contribute to inventive step.

III. In the statement of grounds of appeal, the appellant maintained the refused claims. The appellant also made an auxiliary request for oral proceedings.

IV. In its communication accompanying the summons to oral proceedings, the Board summarised the issues to be discussed and tended to agree with the examining division that the refused request did not involve an inventive step.

V. In a reply, dated 14 November 2013, the appellant filed a new main and first to third auxiliary requests. At the oral proceedings, held on 15 November 2013, the appellant requested that the decision under appeal be set aside and that a patent be granted on the basis of these requests.

VI. Claim 1 of the main request reads as follows:

"A vehicle information system (10) adapted to provide to a user information associated with differences between features of a first vehicle and features of a second vehicle, the vehicle information system comprising:

a current system database (14) storing information associated with the features of the first vehicle currently used by the user;
a prior system database (16) storing information associated with features of the second vehicle previously used by the user;
a system comparison module (18) adapted to compare the current system database (14) the prior system databases (16) and to store in a comparison results database (20) disposed within the first vehicle information associated with the differences between the features of the first vehicle and the features of the second vehicle wherein the current system database (14) and the prior system database (16) are coupled to the system comparison module (18); and
an information extractor (34) disposed within the first vehicle, coupled to the comparison results database and adapted to communicate to the user at least one difference between the features of a component of the first vehicle and the features of the second vehicle in response to a user action in the first vehicle; wherein the user action comprises actuation of the component of the first vehicle."

Claim 1 of the first auxiliary request adds to the end of the claim the feature:
"a controller (52) disposed within the first vehicle, adapted to identify (72) the user, recall (78) user preferences from a user preferences block (32) and

suppress (86,102) at least a piece of information regrading the at least one difference based on the user preferences".

Claim 1 of the second and third auxiliary requests further add in the additional feature of the first auxiliary request after the words "identify (72) the user" the qualifier "using biometric information of the user" or "based on an indication from an interface (12)", respectively.

Reasons for the Decision

1. The Board cannot see any prejudicial error in the examining division's conclusion that the invention does not involve an inventive step (Article 56 EPC 1973).

2. The appellant explained the invention as follows: As automotive electronic systems offered more and more functionality and features, they were becoming ever more complicated to use. Moreover, different vehicles and/or vehicles from different manufactures often had completely different features. The invention was concerned with communicating these features to the user in an intuitive non-distracting manner which was therefore safe to use while driving. The invention solved this essentially by communicating only the features of a (new) vehicle that differed from those known from a previously used vehicle.

3. It is common ground that the closest prior art is the vehicle information and control system disclosed in D5. As the examining division essentially stated, this system stores information associated with the features

of the vehicle and communicates them when the user actuates a component in the vehicle. For example, looking at Figure 15, if the user touches the "smart climate" control 1519, a voice explains its function, "to enable pre-heating or pre-cooling of vehicle" [121]. A second touch activates the function and gives further audio information.

4. The system of claim 1 differs from this in that the information given about the component represents the differences over the features of that component in a vehicle previously used by the user. Claim 1 also recites various technical means necessary to achieve this, namely a database storing the information of the previous vehicle, a comparison module for calculating and storing the differences and an information extractor for communicating the differences to the user.

5. The examining division considered that the effect of these differences was the generation and provision of specific information, which was cognitive in nature and thus non-technical. In other words, the invention simply provides improved information. The Board agrees with this.

6. Accordingly, the objective technical problem is how to adapt the existing vehicle information system to provide the user with this information about the new features of the current vehicle.

7. The Board also agrees with the examining division that the technical implementation of this, namely reading data from respective databases, comparing it and storing the results, are routine measures in this field that could not involve an inventive step.

8. The appellant argued that claim 1 recited that a comparison module compared the data. If this was not technical, then it would mean that a comparator was not technical. The Board agrees that a comparator as a physical component is technical, but this relates to the implementation aspect of the above argument, which is concerned with how the technical problem is solved. However, in determining the technical problem the idea of comparing the data is not automatically technical by virtue of this subsequent implementation. In T 1670/07 - Shopping with mobile device/NOKIA, this kind of argument is referred to as a "technical leakage fallacy" (point 9). The technical problem depends on the effect of the comparison. In the present case, the Board judges that this effect is simply to provide information about the vehicle in a particular form that the user might find useful. The information could just as well be provided by someone sitting next to the user comparing the manuals for the new and the prior vehicles. The idea of the comparison therefore has no technical character.

9. The appellant argued that in the present context of vehicle information systems and the user action of actuating the component, the difference information went beyond the mere provision of the information because it resulted in enhanced safety, which was technical. However, the Board considers that such an effect would depend on the content of the information and the user's reaction to it. This effect is thus not the direct effect of the feature and cannot be used to formulate the technical problem. In T 1670/07 (supra), this kind of argument is referred to as a "broken technical chain fallacy" (point 11). Moreover, even if the general effect of avoiding distraction when

actuating a component whilst driving could be considered to have some technical character, it is not relevant here because as stated above, D5 discloses it. The actual distinction over D5 is providing difference information, which is, if at all, only indirectly connected to the effect of avoiding distractions depending on the content of the information.

10. The appellant pointed out that in data processing a signal generally has cognitive information content, but according to the jurisprudence nevertheless has technical character. However, the Board considers that this technical character is due to the so called "functional data" implied by the signal, which inherently comprises technical features that interact with those of the system in which the signal is operating, such as synchronising data (see for example T 1194/97 - Data structure product/PHILIPS, point 3.3). In the present case, there are no such inherent technical features of the difference information so that in the Board's view it does not have a functional part, but remains purely cognitive.

11. The appellant also argued that the skilled person would not be motivated to modify D5 to provide information about differences over the prior vehicle. The Board considers that this argument essentially invokes non-technical aspects as a reason for not modifying the prior art. In T 1670/07 (supra), this kind of argument is referred to as a "non-technical prejudice fallacy" (point 16). The fact that this is not possible follows from the fact that the non-technical features relating to the information content cannot contribute to inventive step at all. The question is not whether the skilled person would consider providing these features because that has already been decided in

formulating the technical problem, but whether it would be obvious to implement the features in the claimed manner.

12. The appellant argued that T 1670/07 (supra) related to an online shopping application, which was not comparable with the present invention, which was in the field of vehicle information systems. However, the Board considers that this decision gives generic examples of the kinds of arguments that the Board does not generally find convincing in any type of case that involves a mixture of technical and non-technical features.

13. The appellant considered that such an approach would rule out patents for all types of advanced driver assistance systems. The Board does not share this concern as it is easy to imagine systems with features that might have a direct technical effect, such as giving information about the status of the engine, or about an imminent collision, or how to park the vehicle. However, in the present case, the Board judges for the reasons given above that the information does not specifically relate to any technical condition of the vehicle, but simply differences between "features of a component", the effect of which depends on the information and covers any number of non-technical possibilities, such as the colour or the shape of the component.

14. Accordingly the Board judges that claim 1 of the main request does not involve an inventive step (Article 56 EPC 1973).

15. Claim 1 of the first auxiliary request essentially adds to claim 1 of the main request the additional function

that the controller suppresses some of the difference information depending on user preferences.

16. It is not totally clear to the Board what information is suppressed or under what circumstances. It appears from Figures 3 and 4 and boxes 86 and 102, which were offered as support for this amendment, that one possibility is a user preference to disable the whole system [33] and another is a user preference to avoid repeating information already given [36/38].

17. The Board does not see in either of these examples any indication of a technical character for this feature, which again relates rather to determining the content of the information that a user might be interested in. The use of a controller and a user preferences block are again matters of routine design to implement such a requirement.

18. In the Board's view the additional features of identifying the user by "using biometric information of the user" or "based on an indication from an interface", in claim 1 of the second and third auxiliary requests, respectively, are self-evident possibilities in any system that has user preferences. There is no reason why they could not be applied straightforwardly to any vehicle information system.

19. Accordingly, claim 1 of none of the requests involves an inventive step (Article 56 EPC 1973), so that the appeal must be dismissed.

Order

For these reasons it is decided that:

The appeal is dismissed.

The Registrar: The Chairman:

T. Buschek S. Wibergh

Decision electronically authenticated