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Datasheet for the decision of 12 February 2021

Case Number: T 2316/16 - 3.4.03

Application Number: 12737697.8

Publication Number: 2710526

IPC: G06Q10/00, G06Q50/00, G07C5/00, G06Q50/30, G06Q10/10

Language of the proceedings: EN

Title of invention:
DATA SELECTION FOR TRANSPORT SECTOR

Applicant:
Aviovision

Relevant legal provisions:
EPC Art. 56
RPBA Art. 12(2), 12(4)

Keyword:
Inventive step - mixture of technical and non-technical features - main request, auxiliary request 1 (no)
Auxiliary requests 0A, 1A, 2A, 3A, 4A, 5A should have been presented in the examination proceedings
Statement of grounds of appeal - reasons set out clearly and concisely - auxiliary requests 0A, 1A to 5 (no)

Decisions cited:
T 0258/03, T 0641/00

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Boards of Appeal

Chambres de recours

Boards of Appeal of the
European Patent Office
Richard-Reitzner-Allee 8
85540 Haar
GERMANY
Tel. +49 (0)89 2399-0
Fax +49 (0)89 2399-4465

Case Number: T 2316/16 - 3.4.03

D E C I S I O N
of Technical Board of Appeal 3.4.03
of 12 February 2021

Appellant: (Applicant)	Aviovision Jaarbeurslaan 19 bus 11 B-3600 Genk (BE)
Representative:	Gevers Patents Intellectual Property House Holidaystraat 5 1831 Diegem (BE)
Decision under appeal:	**Decision of the Examining Division of the European Patent Office posted on 26 April 2016 refusing European patent application No. 12737697.8 pursuant to Article 97(2) EPC.**

Composition of the Board:

Chairman	S. Ward
Members:	M. Ley
	T. Bokor

Summary of Facts and Submissions

I. The appeal is against the decision of the Examining Division to refuse European patent application No. 12 737 697.

The Examining Division decided that the subject-matter of the claims according to the main request and the auxiliary requests 1 to 5, all filed in electronic form on 7 March 2016, lacked an inventive step (Article 56 EPC).

II. The appellant requested that the decision of the Examining Division be set aside and that the case be remitted to the Examining Division with an order to grant a patent on the basis of the main or one of the auxiliary requests 1 to 5 filed on 7 March 2016 or on the basis of auxiliary requests 0A to 5A filed with the statement of the grounds of appeal.

The appellant stated that the order of requests was the following: main request, auxiliary request 0A, auxiliary request 1, auxiliary request 1A, auxiliary request 2, auxiliary request 2A, auxiliary request 3, auxiliary request 3A, auxiliary request 4, auxiliary request 4A, auxiliary request 5, auxiliary request 5A.

Oral proceedings were requested in the event that the Board came to the conclusion that a patent could not be granted.

The appellant submitted the following documents:

Annex 1 Decision X ZR 37/13 of the German *Bundesgerichtshof*

Annex 2 Commercial presentation "Aviobook, the EFB". 6 July 2016

Annex 3 "Take-off performance calculation and entry errors: A global perspective", report by the Australian Transport Safety Bureau, January 2011

III. Oral proceedings were scheduled to take place on 26 February 2021.

In a communication pursuant to Article 15(1) RPBA 2020 dated 12 May 2020, the Board cited the following documents :

D1 EP 1 280 316 A2

D8 US 6 597 294 B1 published 22 July 2003

D9 US 2009/0265393 A1 published 22 October 2009.

The Board informed the appellant of its preliminary opinion *inter alia* that the subject-matter of claim 1 according to the main request and according to auxiliary request 1 lacked an inventive step (Article 56 EPC).

Furthermore, the Board was of the provisional view that auxiliary requests 0A, 1A, 2, 2A, 3, 3A, 4, 4A, 5 and 5A should not be admitted into the proceedings (Articles 12(2) and 12(4) RPBA 2007).

IV. In a short letter dated 22 January 2020, the appellant informed the Board that it would not attend the oral proceedings and that no further written submissions would be filed.

V. The Board cancelled the oral proceedings.

VI. Claim 1 according to the main request has the following wording:

A method for supplying transport activity related data to an interface (13) of a predetermined user (12) who is to perform a given task, the method comprising the step of:

a) storing a plurality of transport activity related data in a database of a central information storage system (4), wherein the plurality of data comprises different data types which are periodically loaded from different sources (1-3) and are updated at different updating frequencies;

characterised in that the method comprises the following steps:

b) attributing at least 4 parameters (8-11) to each of the data (7) in said database, wherein:

- a first parameter contains one or more vehicle identifier means;
- a second parameter specifies at least one qualification, which qualification is user-related;
- a third parameter defines an area for which the data is relevant; and
- a fourth parameter defines a time period within which the data is considered valid;

c) running a program, partly at said interface (13), which is separate from the central information storage system and provided for communicating therewith via a communication link (14), the program comprising the steps of:

c1) registering said predetermined user at said interface;

c2) obtaining at least one qualification attributed to the registered user;

c3) obtaining a vehicle identifier means related to a vehicle with which said user works for performing said task;
c4) determining at least one location and at least one moment in time wherein the interface is located and/or will be located upon performing said task;
c5) creating on said central information storage system (4) a selection of relevant data, relevant for the user and for the task he is to perform, wherein data from the database are included in said selection of relevant data when each of the following criteria applies:

- said obtained vehicle identifier means is equal to one of said first parameter;
- at least one of said obtained qualifications is equal to one of said second parameter;
- at least one of said particular locations is located within said area of the third parameter; and
- at least one of said particular moments in time is located within said time period of the fourth parameter; and

c6) supplying only said selection of relevant data from said central information storage system (4) to said interface (13).

Claim 1 according to the auxiliary request 0A has the following wording:
A computer-implemented method for supplying transport activity related data to a predetermined user (12) who is to perform a given task, the method comprising the steps of:
a) acquiring transport activity related data, at a central information storage system (4), from at least one source (1, 2, 3), data from each source being updated at a predetermined frequency;

b) storing said transport activity related data in a database of said central information storage system (4), said transport activity related data being periodically loaded from said at least one source (1, 2, 3); and
c) communicating with said central information storage system (4) using an interface (13) via a communication link (14), said interface being separate from the central information storage system (4);
characterised in that step b) further comprises the following steps:
attributing at least 4 parameters (8, 9, 10, 11) to data (7) from each source (1, 2, 3) in said database of said central information storage system (4), wherein:

- a first parameter (9) contains at least one vehicle identifier means;
- a second parameter (8) specifies at least one user-related qualification;
- a third parameter (11) defines an area for which the data is relevant; and
- a fourth parameter (10) defines a time period within which the data is considered valid;

and in that step c) comprises the steps of:
c1) registering said predetermined user at said interface (13);
c2) retrieving, by said interface (13), at least one qualification attributed to said predetermined user, said retrieval being from one of: an internal memory of said interface and said central information storage system (4), and, if said at least one qualification attributed to said predetermined user is retrieved from said central information storage system, storing said at least one qualification in said internal memory of said interface;
c3) obtaining, at said interface (13), a vehicle identifier means related to a vehicle with which said

registered user is to perform said given task, and, storing said vehicle identifier means in said internal memory of said interface;
c4) determining, at said interface (13), at least one location and at least one moment in time at which said interface is to be located when performing said given task;
c5) selecting, by said interface (13), from said database of said central information storage system (4), a selection of data relevant for said registered user and for said given task to be performed, wherein said selection of relevant data being in accordance with each of the following criteria:

- said obtained vehicle identifier means is equal to one of said first parameters stored in said database of said central information storage system (4);
- at least one of said obtained qualifications is equal to one of said second parameters stored in said database of said central information storage system (4);
- at least one of said particular locations is located within said area of at least one of said third parameters stored in said database of said central information storage system (4); and
- at least one of said particular moments in time is located within said time period of at least one of said fourth parameters stored in said database of said central information storage system (4); and

c6) supplying only said selection of relevant data from said central information storage system (4) to said interface (13) using said communication link (14).

Claim 1 according to the auxiliary 1 corresponds to claim 1 according to the main request, "wherein steps c2 and c3 comprise the lookup of the qualification and

the vehicle identifier means on the basis of registration information which the user enters upon registering in step c1".

Claim 1 according to the auxiliary request 1a corresponds to claim 1 according to the auxiliary request 0A, wherein "steps c2) and c3) comprise retrieving said at least one qualification and said vehicle identifier means from said internal memory of said interface (13) on the basis of registration information in step cl)".

Claim 1 according to the auxiliary request 2 corresponds to claim 1 according to the auxiliary request 1, "wherein step c4 comprises looking up the at least one location and the at least one moment in time on the basis of registration information which the user enters upon registering in step c1".

Claim 1 according to the auxiliary request 2a corresponds to claim 1 according to the auxiliary request 1A, wherein "step c4) comprises looking up said at least one location and said at least one moment in time in a processor of said interface (13) on the basis of registration information obtained in said registration procedure".

Claim 1 according to the auxiliary request 3 corresponds to claim 1 according to the auxiliary request 2, "wherein transport activity related data of said selection of relevant data is displayed to the user by means of an application provided on the interface and wherein messages and/or annotations on the displayed data entered by the user are exchanged via the system with interfaces of other users".

Claim 1 according to the auxiliary request 3a corresponds to claim 1 according to the auxiliary request 2A, wherein "the method further comprises displaying transport activity related data, selected by said interface (13), to the user in an application provided on said interface, and, exchanging messages and/or annotations on displayed data entered by said predetermined user with interfaces of other users".

Claim 1 according to the auxiliary 4 corresponds to claim 1 according to the auxiliary request 3, "wherein messages and/or annotations entered by the user are processed when selecting relevant data for supply to the interfaces of other users".

Claim 1 according to the auxiliary request 4a corresponds to claim 1 according to the auxiliary request 3A, with "processing said messages and/or annotations being processed when selecting relevant data for supply to other interfaces".

Claim 1 according to the auxiliary request 5 corresponds to claim 1 according to the main request, wherein it is specified that the "predetermined user" is a "pilot", the "task" is a "flight", the "vehicle" is an "aircraft" and the "plurality of transport activity related data" comprise "data relating to weather, flight planning, navigation charts, vehicle operation, vehicle load and like data".

Claim 1 according to the auxiliary request 5A corresponds to claim 1 according to the auxiliary request 0A, wherein is it specified that the "predetermined user" is a "pilot", the "task" is a "flight", the "vehicle" is an "aircraft" and the "data" relates "to at least one of weather, flight planning,

navigation charts, vehicle operation, vehicle load and like data".

VII. The appellant's relevant arguments are discussed below.

Reasons for the Decision

1. The appeal is admissible.

2. Procedural issues

In preparation for the oral proceedings, the Board issued a preliminary opinion on the case, see section III. above.

The appellant's declaration of non-attendance at the oral proceedings is considered by the Board as equivalent to a withdrawal of its request for oral proceedings (see Case Law of the Boards of Appeal of the European Patent Office, 9th Edition, 2019, III.C. 4.3.2).

As the appellant chose not to comment on the preliminary opinion issued by the Board in preparation of the oral proceedings, the Board does not see any reason to deviate from its preliminary opinion and concludes that the case is ready for decision without oral proceedings.

3. The invention

The invention relates to a method for selecting relevant information from a database for a user active in the transport sector. In particular, the invention finds its use in the aviation sector, more in

particular, the invention relates to the selection of information which, for a pilot, where the latter is performing a task, is relevant at that moment, see the application, page 1, lines 4 to 8.

In the transport sector, in particular the aviation sector, obtaining accurate data such as weather information, vehicle information, or environmental information, is crucial for being able to correctly perform a task. This applies to, for example, "operators of the vehicle, who take a vehicle from point A to point B, as well as to the logisticians, who create plannings, as well as to maintenance personnel, who maintain vehicles", see the application, page 1, lines 11 to 16.

According to the claimed method, transport activity related data is supplied to an interface of a predetermined user (e. g. a pilot) who is to perform a given task (e. g. a flight from A to B at a given time). The method and the system according to the invention are applicable by means of portable interfaces, such as for example those on mobile terminals, such as tablet computers, smart phones, laptops, etc., or by means of wired interfaces that are provided in the vehicle in a suitable position, such as for example a touch screen in the cockpit of an aircraft, see the application, page 2, lines 16 to 20.

The transport activity related data are stored in a database, wherein the plurality of data comprises different data types which are periodically loaded with different frequencies and which have a different validity period. Each of the data has at least four parameters attributed thereto: a first parameter contains one or more vehicle identifier means, a second

parameter specifies at least one user-related qualification, a third parameter defines an area and a fourth parameter defines a time period.

After registering at the interface and identifying the vehicle (e. g. the aircraft to be used), a predetermined user (e. g. a pilot) is provided with the relevant data for performing the task (a flight from A to B at a given time). In case of a pilot, transport activity related data could relate to weather, flight planning, navigation charts, vehicle operation, vehicle load, etc.

4. Main request

While the Board accepts that claim 1, being a method involving technical means, has an overall technical character (see e. g. T 258/03, Headnote I), it comprises a mixture of technical and non-technical features.

4.1 For the Board, the technical features according to claim 1 are the following:

- an interface (of a predetermined user) with means for running a program (e. g. a processor)
- a central information storage system having means for comprising a database (e. g. a memory device), means for storing a plurality of data
- a communication link for providing communication between the interface and the central information storage system.

4.2 Thus, the Board agrees with the Examining Division (see point 1.4 of the Reasons for the Decision) that the non-technical features of claim 1 are the following:

"A method for supplying transport activity related data to ~~an interface of~~ a predetermined user who is to perform a given task, the method comprising the steps of:
a) ~~storing~~ [maintaining] a plurality of transport activity related data ~~in a database of a central information storage system~~, wherein the plurality of data comprises different data types which are periodically ~~loaded~~ [obtained] from different sources and are updated at different updating frequencies
b) attributing at least 4 parameters to each of the data ~~in said database~~, wherein:
- a first parameter contains one or more vehicle identifier means;
- a second parameter specifies at least one qualification, which qualification is user-related;
- a third parameter defines an area for which the data is relevant; and
- a fourth parameter defines a time period within which the data is considered valid;
c) ~~running a program, partly at said interface, which is separate from the central information storage system and provided for communicating therewith via a communication link, the program comprising the steps of:~~
c1) registering said predetermined user ~~at said interface~~;
c2) obtaining at least one qualification attributed to the registered user;
c3) obtaining a vehicle identifier means related to a vehicle with which said user works for performing said task;
c4) determining at least one location and at least one moment in time wherein the ~~interface~~ [user] is located and/or will be located upon performing said task;

c5) creating ~~on said central information storage system~~ a selection of relevant data, relevant for the user and for the task he is to perform, wherein data ~~from the database~~ are included in said selection of relevant data when each of the following criteria applies: - said obtained vehicle identifier means is equal to one of said first parameter;
- at least one of said obtained qualifications is equal to one of said second parameter;
- at least one of said particular locations is located within said area of the third parameter; and
- at least one of said particular moments in time is located within said time period of the fourth parameter:, and
c6) supplying only said selection of relevant data ~~from said central information storage system~~ to said ~~interface~~ [user].

4.3 Although claim 1 is not limited to the particular case of a pilot who is to perform a given flight with an aircraft, the Board focuses on this specific embodiment.

The Board is of the opinion that the above features relate to an administrative scheme for gathering, selecting and supplying information, which a pilot requires during a flight (manuals, handbooks for the aircraft, weather information, flight planning, navigation charts, aircraft operation, load, information about the destination airport, etc.). This administrative scheme merely corresponds to the typical steps which an aircraft operator would take (and may be legally obliged to take) to provide the pilots with the information they require during a flight.

In other words, in order to perform the administrative scheme as defined above, an aircraft operator will have to maintain an up-to-date collection of data (aircraft manuals, weather data, data about airports, etc.) organised in a way which enables data relevant for a particular flight (time, location, type of aircraft) or pilot (qualification) to be easily retrieved. In order to be provided with the relevant data, the pilot must necessarily "register" by identifying himself, the aircraft, the start and destination airports and the time of the flight. Once a pilot has "registered" himself and given the details about his flight (start and destination, type of aircraft, time of the flight, etc.), the aircraft operator would have to select the relevant data and supply the selected data to the pilot.

4.4 In view of the above identified technical features, the closest prior art is a notorious server/client system with a communicating link between server and client device.

Although the Board has no doubts that a server/client system was well known at the priority date of the present application, it wishes to point to D1, D8 and D9, which all disclose an interface (of a pilot) with means for running a program (D1: 2, 3 in figure 1; D8: 10 in figure 3; D9, 12 in figure 1), a central information storage system (D1: 5 in figure 1; D8: 38 on figure 3; D9: 14 in figure 1) having means for comprising a database and a communication link for providing communication between the interface and the central information storage system (D1: 4, figure 1, D8: figure 3; D9: figure 1).

4.5 It is established case law that non-technical features cannot contribute to inventive step, but may legitimately form part of the problem to be solved (T 641/00), for example in the form of a specification of requirements given to the skilled person to implement, see Case Law of the Boards of appeal, 9th edition, 2019, I.D.9.1.4.

Starting from the closest prior art, the objective technical problem to be solved by the skilled person, a computer engineer, is to implement the non-technical administrative scheme (see section 4.2 above) on the notorious server/client system.

4.6 It is the view of the Board that it would be obvious for a skilled person having normal programming skills to arrive at the subject-matter of claim 1, i. e. a method comprising providing (via a communication link) relevant data from the database of a central storage system to the interface of a predetermined user, once the user (e. g. pilot) has registered on the interface and indicated their qualification, the vehicle identifier means (e. g. aircraft), time and location where the user's task (e. g. flight from A to B) is to be performed. In particular, the way of organizing data in a database as defined by features b) is a standard way to classify data in a database, said data to be found by a person of interest (e. g. a given pilot flying a given aircraft from A to B at a given time).

4.7 The appellant provided the following arguments to support an inventive step of claim 1:

4.7.1 The appellant remarked that the Examining Division changed its findings with respect to the technical nature of the features "updating frequencies" and

"periods of validity of information", see statements of grounds, point 2.

4.7.2 The appellant noted that a patent was granted by the EPO based on European patent application EP 1 280 316 A2 (i. e. document D1) and argued that the EPO found that the parameter "authorization level" had a technical character, see statement of grounds of appeal, point 3.

4.7.3 The appellant submitted Annex 1 related to the European patent EP 1 474 927 to provide evidence that, in that case, the German Bundesgerichtshof came to the conclusion that the enhanced perceptibility of information by a specific way of using an image stream and two subset image streams could be regarded as a technical effect. The appellant argued that, for the present invention as defined in claim 1, a user also could more quickly and efficiently grasp information to perform her/his task, see statement of grounds of appeal, points 4. to 7.

4.7.4 The appellant filed Annex 2 to show a commercial success of the present application and for supporting an inventive step. It cited slides 22 to 25, 14 to 21 and its client's testimonials as evidence that the features shown in slides 14 to 25 contributed to the commercial success, see statement of grounds of appeal, points 9 to 11.

4.7.5 The appellant filed Annex 3 to show a long-felt need and cited the conclusions on pages 81 and 82. It argued that, whilst the invention did not provide a solution to completely solve the risk of human error, it minimized this risk by making sure that the user had only the relevant and up to date information. It added

that the invention provided "a solution which can ensure that necessary data to be able to detect human errors or identity risks, for example for take-off performance parameters, is available on the user interface", see statement of grounds of appeal, point 12.

4.7.6 The appellant argued that the objective technical problem was to ensure that predetermined users were provided with up-to-date and relevant data for given tasks which were to be performed by such predetermined users, see statement of grounds of appeal, point 15.

4.7.7 The appellant argued that claim 1 was not directed to an administrative scheme, but that step b) was a classification of data, which was used for the selection of data by the interface (step c5)), see statement of grounds of appeal, point 18.

4.8 The appellant's arguments have not convinced the Board for the following reasons:

4.8.1 ad 4.7.1: the communications issued by the Examining Division as well as the annex to summons to attend oral proceedings contain a preliminary non-binding opinion of the Examining Division and an applicant cannot be surprised that the Examining Division deviates from its preliminary view, either to the applicant's benefit or to its disadvantage, see also Case Law of the Boards of Appeal, 9th Edition, 2019, III.B.2.3.7, second paragraph.

4.8.2 ad 4.7.2: the Board shares the Examining Division's view that the examination proceedings of European patent application EP 02 077 887.4 published as

EP 1 280 316 A2 and its outcome are not relevant for the present case.

4.8.3 ad 4.7.3: the Board is of the opinion that the outcome of national proceedings related to European patent EP 1 474 927 are not relevant for the present case and that the determination of those features having a technical nature and those that do not contribute to any technical problem is to be made on the basis of how a skilled person understands the claim. The Board does not share the appellant's view that the invention as defined in claim 1 necessarily provides a user (e. g. a pilot) more quickly and efficiently with the information which is needed to perform her/his task. For the Board, accumulating data, keeping it up do date and selecting a relevant subset to be supplied to a specific user is an administrative task of an aircraft operator employing pilots that are legally obliged to have specific data on board an aircraft.

4.8.4 ad 4.7.4: The Board notes that Annex 2 was published in 2016 and does not see a link between the testimonials of slide 13 (for the Aviobook® EFB Platform shown from slides 14 to 25) and the invention defined by the present claims. In particular, the way of displaying information according to slides 14 to 21 and the system architecture of slides 22 to 25 are not present in the method of claim 1. Post-published Annex 2 cannot support an inventive step of claim 1. Even if Annex 2 were considered to establish the commercial success of the Aviobook® EFB Platform, it does not provide evidence that this commercial success derives from the technical features of claim 1.

4.8.5 ad 4.7.5: The Board agrees that Annex 3 describes the wish to reduce the risk of human errors during the

take-off phase of flight. The Board is of the opinion that the method according to claim 1 does not include technical features that necessarily reduce errors made by humans or avoid inappropriately designed or unavailable material, because the invention according to claim 1 only specifies the way the pilot obtains data, and does not improve the quality of the data itself.

4.8.6 ad 4.7.6: the Board is of the opinion that the alleged technical problem is related to the non-technical features and that the objective technical problem solved is the one indicated in section 4.5 above.

4.8.7 ad 4.7.7: the Board understands that the appellant argues that the step b) and c) are in fact technical steps. However, the Board is of the opinion that these steps are part of the non-technical administrative scheme an aircraft operator has to perform in carrying out his obligation to provide its pilots with the required data on board an aircraft.

5. Auxiliary requests 0A, 1A, 2A, 3A, 4A, and 5A

The statement of the grounds of appeal was filed before the date of entry into force of the RPBA 2020. In accordance with Article 25(2) RPBA 2020, Article 12(4) to (6) RPBA 2020 shall not apply. Instead, Article 12(4) RPBA 2007 applies.

Auxiliary requests 0A to 5A were filed with the statement of grounds of appeal. The appellant stated that these auxiliary requests were submitted to "further address the points raised by the Examining Division in the Decision", see statement of grounds of appeal, page 3 of 26, lines 1 and 2. The appellant

added that claim 1 according to auxiliary request 0A recited which parts of the system performed the relevant steps, see statement of grounds of appeal, page 21 of 26, section 23. According to the appellant, the amendments were made to address the last two sentences of paragraph 1.2 of the decision (see the statement of grounds of appeal, page 21 of 26, section 24). The last two sentences of paragraph 1.2 of the contested decision read as follows:

> *Although claim 1 specifies a communication link, the claim does not specify which part of the program runs on the interface, and which part runs on the central system. Hence, it is not apparent how the advantages which are mentioned can be achieved.*

The Board understands from this paragraph that the "advantages" are those mentioned in the application on page 3, lines 1 to 3. The Board notes that the Examining Division informed the appellant in the telephone conversation on 31 March 2016 about its view that it was not apparent how these advantages could be achieved (see annex to the "consultation by telephone with the applicant/representative" dated 4 April 2016, paragraph 3.2), and had already addressed this point in the annex to the summons to attend oral proceedings (see paragraph 3.2) dated 5 January 2016. As a reaction thereto, the appellant informed the Examining Division that it had decided not to attend the oral proceedings (see appellant's letter dated 4 April 2016).

The Board is of the opinion that the appellant could and should have filed the auxiliary requests 0A, 1A, 2A, 3A, 4A and 5A as a reaction to the summons, or at least following the telephone conversation. By failing

to do so, and by filing these auxiliary requests only during the appeal proceedings, the appellant made it impossible for the Examining Division to decide on auxiliary requests 0A, 1A, 2A, 3A, 4A and 5A. Hence, the Board does not admit those auxiliary requests into the procedure (Article 12(4) RPBA 2007).

6. Auxiliary requests 2, 3, 4, 5

In the contested decision, the Examining Division held that the additional features of claim 1 of the auxiliary request 2 are part of the administrative scheme, that the additional features of claim 1 according to the auxiliary requests 3 and 4 are either notorious technical features (means for displaying data on the interface) or part of the administrative scheme (user feedback exchanged with the other users), and that the amendments made to claim 1 of auxiliary request 5 do not overcome the objection under Article 56 EPC raised against the main request.

The statement of the grounds of appeal does not contain the reasons why the decision under appeal should be reversed and a patent granted based on auxiliary requests 2, 3, 4 and 5. With respect to auxiliary request 2, 4 and 5, the appellant did not submit any arguments. With respect to auxiliary request 3, the appellant merely argued in point 29. that "annotations" done by the user were "stored in the memory of the central information storage system and linked with associated data so that it can be supplied to other users". This argument is clearly not relevant as it relates to a non-claimed feature. Claim 1 does not define "annotations" stored in the memory of the central information system.

The Board noted in its communication pursuant to Article 15(1) RPBA 2020 (point 6) that instead of expressly specifying all facts and arguments, as required by Article 12(2) RPBA 2007 (or Article 12(3) RPBA 2020), the appellant merely referred to paragraph 3.2 of to its letter dated 7 March 2016 filed during the first instance proceedings (see the statement of the grounds of appeal, sections 26. to 34.). As a remark, the Board notes that the same applies for auxiliary requests 1A, 2A, 3A, 4A and 5A.

Since the appellant did not reply to the Board's communication, the Board has no reason to deviate from its provisional opinion, and does not therefore take into account auxiliary requests 2, 3, 4 and 5 under Article 12(4) RPBA 2007 in combination with Article 12(2) RPBA 2007.

7. Auxiliary request 1

Claim 1 according to auxiliary request 1 differs from claim 1 of the main request in that steps c2 and c3 comprise the lookup of the qualification and the vehicle identifier means on the basis of registration information which the user enters upon registering in step c1.

For the appellant, the additional feature contributed "to a synergetic way of solving the objective technical problem".

The Board is of the view that this feature belongs to the administrative scheme. Once a pilot has registered, an aircraft operator necessarily has to look up, i. e. search for, their qualifications and the aircraft identification in order to provide the relevant data to

the pilot. The Board notes that the wording of the claim does not require that the claimed "lookup" is performed at the "central information storage system", contrary to the appellant's argument in the statement of grounds of appeal, page 22 of 26, second paragraph. The appellant's arguments relating to steps a) and b) are therefore not relevant.

Hence, the subject-matter of claim 1 lacks an inventive step for the reasons given for the main request.

8. As no allowable request is on file, the appeal must fail.

Order

For these reasons it is decided that:

The appeal is dismissed.

The Registrar: The Chairman:

S. Sánchez Chiquero S. Ward

Decision electronically authenticated