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**Datasheet for the decision
of 5 July 2022**

Case Number: T 1777/18 - 3.5.03

Application Number: 09836472.2

Publication Number: 2356830

IPC: H04W4/02, G01S5/02, G08G1/123

Language of the proceedings: EN

Title of invention:

Computer system and method for jurisdictionwide registering
and monitoring of vehicle locations

Applicant:

Hembury, Christine M.

Headword:

Monitoring vehicle locations/HEMBURRY

Relevant legal provisions:

EPC Art. 84
RPBA Art. 12(4)

Keyword:

Clarity - main and auxiliary requests 1 and 2 (no)
Admittance of requests filed with the appeal - auxiliary
requests 3 and 4 (no): "fresh case"



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Case Number: T 1777/18 - 3.5.03

D E C I S I O N
of Technical Board of Appeal 3.5.03
of 5 July 2022

Appellant: Hembury, Christine M.
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Representative: Marks & Clerk LLP
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Decision under appeal: **Decision of the Examining Division of the
European Patent Office posted on 23 January 2018
refusing European patent application
No. 09836472.2 pursuant to Article 97(2) EPC.**

Composition of the Board:

Chair K. Bengi-Akyürek
Members: K. Schenkel
C. Heath

Summary of Facts and Submissions

I. The appeal is against the decision of the examining division to refuse the present European patent application. The examining division stated in its decision that it informed the applicant in its communication dated 17 November 2017 that the application did not meet the requirements of the EPC and that in response the applicant requested a decision according to the state of the file. The appealed decision is based on a single claim request filed on 17 September 2015. The ground for refusal was lack of inventive step (cf. examining division's communication of 21 September 2017).

II. Oral proceedings were held before the board on 5 July 2022 by videoconference.

The appellant's final requests were that the decision under appeal be set aside and that a patent be granted on the basis of a **main request**, or one of **auxiliary requests 1 to 4**, all filed with the statement of grounds of appeal. Claim 1 of the main request is identical to claim 1 of the sole claim request underlying the appealed decision.

At the end of the oral proceedings, the board's decision was announced.

III. Claim 1 of the **main request** reads as follows (board's labelling):

(a) "A method of registering and monitoring locations of vehicles in a jurisdiction, the method comprising the steps of:

- (b) inputting into a computer system one of a plurality of applications for registration of a vehicle in the jurisdiction or entering the jurisdiction at a border point;
- (c) processing by said computer system said application and notifying an applicant to take the vehicle for which registration was applied to an inspection/installation facility;
- (d) said computer system notifying at least one of a plurality of vehicle inspection/installation facilities of a vehicle identification code for said registration applied for vehicle;
- (e) inputting data into said computer from a notified inspection/installation facility that a GPS receiver and wireless transmitter are installed on said vehicle for which registration was applied for and said transmitter is continuously transmitting current location information of said vehicle derived from said GPS receiver on said vehicle along with said vehicle identification code;
- (f) providing a memory in said computer system for storing for a predetermined period of time data relating to the location of said vehicle identification code;
- (g) continuously storing in said memory for each instant of time, time and location data for said vehicle identification code in substantially real time for said predetermined period of time;
- (h) inputting into said computer system selectively a request for vehicle location information for a particular time or times from an authorized user,
- (i) processing by said computer system said inputted request for information and said computer system providing a response to the authorized user in response to said request;

- (j) repeating the aforesaid steps of inputting an application into said computer system, processing by said computer system, notifying by said computer system, inputting data to said computer system, and storing in said memory in said computer system for substantially all vehicles registered in the jurisdiction or entering the jurisdiction at a border point;
- (k) and energizing an alarm as a result of the detection of a loss of signal from said vehicle transmitter or the detection of a tampering signal generated as a result of tampering with said GPS receiver and/or wireless transmitter located on said vehicle."

IV. Claim 1 of **auxiliary request 1** differs from claim 1 of the main request in that feature (k) now reads as follows (board's labelling and highlighting of amended text):

- (k1) "and energizing an alarm at the said computer system as a result of the detection of a loss of signal from said vehicle transmitter or the detection of a tampering signal generated as a result of tampering with said GPS receiver and/or wireless transmitter located on said vehicle."

V. Claim 1 of **auxiliary request 2** differs from claim 1 of auxiliary request 1 in that features (f) and (k1) now read as follows (board's labelling and highlighting of amended text):

- (f1) "providing a memory in said computer system for storing for a predetermined period of time data relating to the location of said vehicle identification code, wherein said memory comprises

an alarm detection circuit, and wherein the alarm detection circuit comprises a circuit configured to detect a loss of signal from said vehicle;"

(k2) "and energizing an alarm at the said computer system as a result of the detection of the alarm signal by the detection circuit ~~a loss of signal from said vehicle transmitter or the detection of a tampering signal generated as a result of tampering with said GPS receiver and/or wireless transmitter located on said vehicle.~~"

and in that the following feature has been added between features (j) and (k2):

(l) "detecting, by a detection system provided on said vehicle, the removal or tampering with of the GPS receiver or the vehicle identification code of said vehicle;
sending, via the wireless transmitter, an alarm signal to the said memory of the computer system;
detecting, by the alarm detection circuit of the said memory, the alarm signal; and".

VI. Claim 1 of **auxiliary request 3** differs from claim 1 of auxiliary request 2 in that features (f1) and (k2) now read as follows (board's labelling and highlighting of amended text):

(f2) "providing a memory in said computer system for storing for a predetermined period of time data relating to the location of said vehicle identification code, wherein said memory comprises an alarm detection circuit, and wherein the alarm detection circuit comprises a circuit configured to

detect a loss of signal from said vehicle;"

(k3) ~~"and~~ energizing an alarm at the said computer system as a result of the detection of the alarm signal by the detection circuit; and further energising an alarm at the said computer system as a result of a detection of a loss of signal from said vehicle by the circuit configured to detect a loss of signal of the alarm detection circuit."

VII. Claim 1 of **auxiliary request 4** differs from claim 1 of auxiliary request 3 in that features (h) and (i) now read as follows (board's labelling and highlighting of amended text):

(h1) "inputting into said computer system selectively a request via a wireless communication line for continuous vehicle location information at ~~for~~ a particular time or times in the past within the predetermined period of time, from an authorized user, for monitoring one or more of movement and location of said vehicle at those particular time or times in the past, wherein the request comprises an identification code;"

(i1) "processing by said computer system said inputted request for information, wherein processing said request comprises checking the validity of the request identification code, and, if the request identification code is valid, said computer system providing a response to the authorized user in response to said request via a communication line;".

Reasons for the Decision

1. *Main request, auxiliary requests 1 and 2 - clarity (Article 84 EPC)*

1.1 Claims 1 of the main request and of auxiliary requests 1 and 2 refer in **features (h) and (i)** to an "authorized user" without further specifying this expression. In particular, this "authorized user" is associated with two relevant method steps, namely inputting a request *from* that user and providing a response to that user.

It is however not possible to delimit which "user" is indeed authorised and which user is not, since the term "authorized" without further details is unspecific. In other words, the skilled reader is in the dark as to whether this person is supposed to be e.g. the registrant of the vehicle, a user who has been authorised by the registrant of a vehicle or a representative of the "jurisdiction". The expression "authorized user" is thus unclear.

1.2 Furthermore, **feature (c)** of claim 1 of the aforementioned claim requests includes "notifying an applicant". Even assuming that the term "applicant" refers to a person, it is unclear which person indeed qualifies as an applicant since the term "applicant" is bound to an application of the respective person as to which claim 1 is silent. The term "applicant" is therefore also unclear.

1.3 The appellant argued that the details of the involved parties, i.e. whether these were persons or authorities, were not relevant. It was rather essential that there were different entities, in particular the

vehicle holder and the computer system providing vehicle location information. Claim 1 was therefore clear for a skilled reader.

1.4 The board however holds that the "authorized user" and the "applicant" are elements of claim 1 involved in the respective method steps and therefore need to be precisely determinable. Otherwise, for example, it would not be possible to direct the different notifications to the "applicant" or the "authorized user" (see features (c), (i) and (j) of claim 1).

1.5 In view of the above, claims 1 of the main request and of auxiliary requests 1 and 2 lack clarity (Article 84 EPC).

2. *Auxiliary requests 3 and 4 - Admittance (Article 12(4) RPBA 2007)*

2.1 Claims 1 of **auxiliary requests 3 and 4** in feature (k3) limit the causes for an alarm to a loss of signal from the vehicle transmitter.

2.2 Independent claim 1 underlying the appealed decision specified two independent causes for an alarm, namely the "loss of signal" from the vehicle transmitter and the "tampering" of the GPS receiver or the wireless transmitter in an "OR" combination. The then applicant, consequently, left it to the discretion of the examining division as to which of both causes to examine. The examining division in its communication only considered the *second* cause ("tampering") and did not express its view on the "loss of signal" from the vehicle transmitter.

- 2.3 By reducing the causes for an alarm to the detection of the "loss of signal" from the vehicle, this feature, which during examination was permissibly disregarded as optional, now has to be considered as necessary. It is noted that the detection of a "loss of signal" from the vehicle transmitter is detected at the *computer system side* and does not require any modification of the vehicle, making it substantially different from the detection of "tampering" at the *vehicle side*.
- 2.4 The board therefore concludes that, apart from the clarity issues (Article 84 EPC) as set out in point 1 above, auxiliary requests 3 and 4 entail a "fresh case", the examination of which being generally not the purpose of the appeal proceedings (cf. Article 12(2) RPBA 2020).
- 2.5 Hence, the board decided not to admit auxiliary requests 3 and 4 into the appeal proceedings under Article 12(4) RPBA 2007.
3. Since there is no allowable claim request on file, the appeal has to be dismissed.

Order

For these reasons it is decided that:

The appeal is dismissed.

The Registrar:

The Chair:



S. Lichtenvort

K. Bengi-Akyürek

Decision electronically authenticated