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**Datasheet for the decision  
of 16 May 2024**

**Case Number:** T 2008/21 - 3.4.03

**Application Number:** 17844409.7

**Publication Number:** 3504668

**IPC:** G06Q10/00

**Language of the proceedings:** EN

**Title of invention:**

CALCULATING INDIVIDUAL CARBON FOOTPRINTS

**Applicant:**

Advanced New Technologies Co., Ltd.

**Headword:**

User behaviour data collection

**Relevant legal provisions:**

EPC Art. 52(1), 54(1), 54(2), 56, 113(1)  
RPBA 2020 Art. 11

**Keyword:**

Novelty - main request (no)  
Inventive step - auxiliary request (no) - obvious solution  
Remittal - no special reasons for remittal - (no)



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Case Number: T 2008/21 - 3.4.03

**D E C I S I O N**  
**of Technical Board of Appeal 3.4.03**  
**of 16 May 2024**

**Appellant:** Advanced New Technologies Co., Ltd.  
(Applicant) Cayman Corporate Centre  
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**Decision under appeal:** **Decision of the Examining Division of the  
European Patent Office posted on 10 June 2021  
refusing European patent application No.  
17844409.7 pursuant to Article 97(2) EPC.**

**Composition of the Board:**

**Chairman** T. Häusser  
**Members:** M. Stenger  
T. Bokor

## **Summary of Facts and Submissions**

- I. The appeal concerns the decision of the Examining Division to refuse European application no. 17 844 409. In the decision, the Examining Division set out that the claims comprised technical and non-technical features. It further set out that the subject-matter of claim 1 of the main request and of the first to third auxiliary requests lacked an inventive step in view of a standard computer network system including display means or in view of D3 (US 2009/0210295 A1) combined, respectively, with the common general knowledge of the skilled person. Documents D1 (US 2010/0250356 A1) and D4 (US 2011/0184784 A1) were mentioned as exemplifying certain features held to be generally known.
- II. In the present decision, reference is also made to the DIN standard 14044 and to the ISO standard 14067.
- III. At the end of the oral proceedings before the board the appellant requested to set aside the contested decision and to grant a patent according to a main request or to one of first to third auxiliary requests. All requests were enclosed with the statement setting out the grounds for appeal and are identical to the corresponding requests filed in response to the summons to oral proceedings before the examining division and underlying the contested decision. In addition, the appellant requested to remit the case to the examining division for further prosecution, to be decided after the discussion of the main request.
- IV. Claim 1 of the main request has the following wording (labelling O, A, ... added by the board in accordance with the contested decision):

**O** A computer-implemented method for processing data and calculating carbon footprints, the method comprising:

**A** acquiring (105) fragmented behavior data of a user, wherein each fragment of the behavior data is generated based on a request for Internet services, wherein the fragments are unrelated to each other and correspond to different types of behavior, wherein each fragment of the behavior data comprises

**A1** a user identification that indicates a user identity and

**A2** identification information that indicates the type of the requested Internet service (202, 212, 222, 232);

**B** determining (110), for each fragment of the behavior data, at least one related preset carbon-saving quantity quantization algorithm according to the identification information of the Internet service;

**C** calculating (115), for each fragment of the behavior data and using the determined related preset carbon-saving quantity quantization algorithm, a carbon-saving quantity of the user according to the fragment of the behavior data;

**D** aggregating the carbon-saving quantity for each fragment of the behavior data with a stored carbon-saving quantity of the user;

**E** processing (120) user data corresponding to the user according to a) the aggregation of the carbon-saving quantities of the user with the stored carbon-saving quantity of the user and b) the user identification, wherein the user data is related to the aggregation; and

**F** providing instructions to display the user data on a user device.

V. Claim 1 of the first auxiliary request differs from claim 1 of the main request in that features O and A are replaced, respectively, by features O' and A' as follows (labeling O', A' added by the board, additions with respect to features O and A underlined by the board):

**O'** A computer-implemented method for processing data and calculating carbon footprints, wherein the method is performed by an application, the method comprising:  
**A'** requesting and acquiring (105), from third-party applications or third-party servers, fragmented behavior data of a user, wherein each fragment of the behavior data is generated based on a request for Internet services provided by the third-party application or the third-party server, wherein the fragments are unrelated to each other and correspond to different types of behavior, wherein each fragment of the behavior data comprises

VI. Claim 1 of the second auxiliary request differs from claim 1 of the first auxiliary request in that feature A' is replaced by feature A'' as follows (label A'' added by the board, additions with respect to feature A' underlined by the board):

**A''** requesting and acquiring (105), from third-party applications or third-party servers with which the application that performs the method is registered in advance, fragmented behavior data of a user, wherein each fragment of the behavior data is generated based on a request for Internet services provided by the third-party application or the third-party server, wherein the fragments are unrelated to each other and correspond to different types of behavior, wherein each fragment of the behavior data comprises

VII. Claim 1 of the third auxiliary request differs from claim 1 of the second auxiliary request in that feature A' is replaced by feature A''' and in that features C1, C2 and C3 are incorporated after feature C as follows (labels A''', C1, C2 and C3 added by the board, additions in feature A''' with respect to feature A' underlined by the board):

**A'''** *requesting and acquiring (105), from third-party applications or third-party servers with which the application that performs the method is registered in advance, fragmented behavior data of a user, wherein each fragment of the behavior data is generated based on a request for Internet services provided by the third-party application or the third-party server, wherein the Internet service comprises at least one of i) an electronic payment service that is used through a payment application corresponding to a payment platform, ii) an online ticketing service that is used through a ticketing application corresponding to a ticketing website, or iii) an online bill payment service that is used through a bill payment application corresponding to a bill payment platform, wherein the fragments are unrelated to each other and correspond to different types of behavior, wherein each fragment of the behavior data comprises*

**C1** *, the calculating comprising*

*i) acquiring, through the payment application, location information of the user when the user uses the online payment service, wherein the payment application includes a locating function capable of determining location information of a user when the user sends an online payment instruction, and determining the carbon-saving quantity according to a geographic region corresponding to the location information of the user,*

**C2** *ii) acquiring, through the ticketing application, the location information of the user when the user uses the online ticketing service, wherein the ticketing application includes a locating function capable of determining location information of a user when the user sends an online ticketing instruction, and determining the carbon-saving quantity according to a geographic region corresponding to the location information of the user, or*

**C3** *iii) acquiring, through the bill payment application, the location information of the user when the user uses the online bill payment service, wherein the bill payment application includes a locating function capable of determining location information of a user when the user sends an online bill payment instruction, and determining the carbon-saving quantity according to a geographic region corresponding to the location information of the user*

VIII. The appellant essentially submitted that the examining division had erred in their assessment concerning the technicality of features. The case should be remitted for further prosecution to an examining division experienced in the field of determining greenhouse gas emissions.

In addition, the subject-matter of the independent method claims of all requests was new and inventive in view of document D3, even when combined with the common general knowledge of the skilled person.

### **Reasons for the Decision**

1. The appeal is admissible.
2. The invention

The invention concerns the determination of quantities related to carbon footprints (see generally paragraph [0007] of the published application). When a user uses an Internet service to perform an activity, a quantity is determined that corresponds to an estimation of the carbon emissions the activity would have caused if it had been performed without using the Internet service ("carbon-saving quantity"). For instance, by using certain Internet services (e.g. online ticketing or online payment services), trips using a vehicle and the printing of paper products can be avoided (idem, paragraph [0029]). The estimations performed for a given user are added up ("aggregated"), may be converted into points and are displayed to the user (idem, paragraph [0040]). Incentives may be provided to individuals or enterprises to adopt environment-friendly behaviours and thereby to achieve carbon emission control (idem, paragraph [0018]).

3. The prior art

D3 concerns the determination of carbon credits for a user. For this purpose, activities performed by the user are monitored (see e.g. paragraph [0021]). Such activities may be Internet activities (for instance, telecommuting, online meetings and sending documents electronically, see paragraph [0022]). The carbon credits are calculated from information that includes (monitored) activity data and baseline data for this activity (see paragraph [0042]). The carbon credits may be used in a marketplace or through exchange or credit with other parties (see paragraph [0031]).

4. Main request, claim 1

4.1 The examining division set out that the subject-matter of claim 1 of the main request differed from D3 by features A1 and E (point 32 of the reasons for the contested decision).

4.2 The appellant submitted that claim 1 required that the behaviour data is generated based on a request for Internet services. This allowed using data that was under functional and operational control of the Internet service provider, not of the user. This corresponded to the "site specific data" mentioned in section 6.3.5 of ISO standard 14067. In contrast thereto, D3 did not disclose requesting of services. All the information used in D3 was under the control of the user or the user's device.

In addition, D3 only disclosed dedicated monitoring of single activities and not of fragmented behaviour. This implied that D3 also did not disclose the identification of the Internet service and the determination of a related preset carbon-saving quantity algorithm as defined in the claim.

4.3 The board's view

4.3.1 The examples of the monitored activities given in D3 include telecommuting, online meetings, and electronic sending of documents and electronic communications (see paragraph [0022] and claim 6). These are all "Internet services" and the board has difficulties to imagine how these activities could be performed by the user without being requested beforehand. For example, "Zoom meetings" have to be requested by (one of) the participants. D3 thus discloses requesting of services, contrary to the submission of the appellant.

In addition, generating behaviour data on the basis of a request for Internet services does not imply that this data is (based on information which is) under the functional and operational control of the Internet service provider, contrary to the submission of the appellant. Rather, it could well be under the functional and operational control of the user.

Moreover, according to D3, see paragraph [0025], the "monitor 110 may receive input from the user that (i) identifies an activity that the user has selected to participate in". In the opinion of the board, this sentence would make no sense if only single activities were monitored in a dedicated manner. Instead, the skilled person would read D3 with the understanding that the user can choose from a number of the activities mentioned as examples in this document. Therefore, D3 discloses monitoring of a variety of activities or, in the words of the application, fragmented behaviour, contrary to the submissions of the appellant.

Furthermore, since D3 discloses monitoring of fragmented behaviour, it is indispensable that the activities monitored are identified and a corresponding algorithm is selected (see also paragraph [0029] of D3) for the purpose of calculating the carbon credits.

- 4.3.2 For the reasons set out above, the board does not accept the stated arguments of the appellant. Instead, the board holds that D3 discloses, in the wording of claim 1 of the main request (the comments and passages in parentheses refer to D3):

**O** *A computer-implemented method for processing data and calculating carbon footprints (abstract and [10]), the method comprising:*

**A** *acquiring fragmented behaviour data of a user ("activity monitor" in [19], see also [25]), wherein each fragment of the behaviour data is generated based on a request for Internet services, wherein the fragments are unrelated to each other and correspond to different types of behaviour ("multiple kinds of events" in [22]), wherein each fragment of the behaviour data comprises*

**A1** *a user identification that indicates a user identity and (since the activity of a user is monitored, it is inevitable that the user is identified)*

**A2** *identification information that indicates the type of the requested Internet service (activities are selected, see [22]; without the activity being identified, it would not be possible to calculate corresponding carbon credits; in addition, the user may actively identify activities as described in [25]);*

**B** *determining, for each fragment of the behaviour data, at least one related preset carbon-saving quantity quantization algorithm according to the identification information of the Internet service ("The Carbon Credit calculator 120 may select a formula, algorithm or other means by which Carbon Credits 122 can be determined for the user 111 performing the activity" in [29]);*

**C** *calculating, for each fragment of the behaviour data and using the determined related preset carbon-*

*saving quantity quantization algorithm, a carbon-saving quantity of the user according to the fragment of the behaviour data (determination of Carbon Credits 122, e.g. in [29]);*

**D** *aggregating the carbon-saving quantity for each fragment of the behaviour data with a stored carbon-saving quantity of the user (explicitly mentioned for the driving activity in [33]; in addition, this is implicit from the use of the Carbon Credits in a marketplace according to [11]);*

**E** *processing user data corresponding to the user according to a) the aggregation of the carbon-saving quantities of the user with the stored carbon-saving quantity of the user and b) the user identification, wherein the user data is related to the aggregation (according to [40] and [41] of the published application, this corresponds to a conversion of the carbon-saving quantity into "points". The Carbon Credit calculation of D3 also comprises such a conversion into "points" or corresponding processing of user data as required by feature E since the Carbon Credits can be "monetized" or exchanged according to D3, [11] and [43]); and*

**F** *providing instructions to display the user data on a user device (this is inevitable since according to D3, the user has to be made aware of its Carbon Credits as it can monetize or exchange them).*

Thus, D3 discloses all the features of claim 1 of the main request, contrary to the finding of the examining division and the arguments of the appellant. The subject-matter of this claim is therefore not new (Articles 52(1) and 54(1) and(2) EPC).

4.3.3 Since D3 discloses all the features of claim 1 of the main request, the question which of these features have technical character and which do not (also discussed in the proceedings before the division) can be left open.

5. Request for remittal to the examining division

5.1 The appellant set out that significantly new issues were raised at the appeal stage. During the proceedings before the examining division, the application had been assigned to a directorate normally treating business method cases. They were not familiar with the technical aspects of quantification of greenhouse gas emissions. This was apparent, e.g. from sections 31, 37 and 38 of the reasons for the contested decision according to which the only technical aspects of the invention related to the automation of an overall non-technical aim. This was in contradiction to DIN 14044 which was prepared by technical committees and according to which products and services were defined to have a technical effect because they caused CO<sub>2</sub> emissions (page 9, point 3.9 of that norm). Such services could relate to hotel reservations and tax returns; this was similar to the online ticketing referred to in the application. Thus, the application was treated by an examining division which was not qualified in the technical area of the application.

In addition, the first examiner had been replaced on the day before the oral proceedings. It stood to reason that the examiner did not have the time to form a full and independent opinion on the relevant matter.

For these reasons, the application should be remitted to a properly qualified examining division for further prosecution.

- 5.2 According to Article 11 RPBA, the Board shall not remit a case unless special reasons present themselves for doing so. As a rule, fundamental deficiencies in the proceedings before the department whose decision was appealed constitute such special reasons.

Such a fundamental deficiency would e.g. be a violation of the right to be heard under Article 113(1) EPC. However, the board is not aware of any such fundamental deficiency. In particular, the appellant's subjective impression that the examining division was not qualified in the field of the application does not establish such a violation. The board is also not convinced that the division was not properly qualified.

The examining division may have put a lot of emphasis on the assessment of whether certain features are technical or not, in line with the submissions of the appellant. Nevertheless, it also provided a feature analysis with respect to D3 (see point 32 of the reasons for the contested decision). Hence, no significantly new issues were raised, contrary to the submission of the appellant. In any case, errors in the assessment of the technicality of features would amount to errors of judgment and would not constitute a procedural violation justifying remittal of the case.

The board notes that the mere fact that a service or activity causes the emission of CO<sub>2</sub> does not mean that this service or activity is automatically to be considered as "technical" in the framework of the EPC, even if such a service or activity is listed in a norm

prepared by a technical committee, contrary to the submissions of the appellant.

For example, preparing an income statement needed to prepare a tax return may well be referred to in section 3.9 of DIN 14044 as causing the emission of CO<sub>2</sub>, as submitted by the appellant. Nevertheless, this activity *per se* would be considered as being a business method *per se* and thus be excluded from patentability under Articles 52(2) and (3) EPC. The same holds for a hotel reservation *per se*, which could be performed by a person at the reception of a hotel.

Concerning the replacement of examiners prior to the oral proceedings before the examining division, the board notes that the first examiner having signed the contested decision is the same as the examiner mentioned on the search report. Thus, contrary to the submission of the appellant, she was not replaced. Instead, the second examiner was replaced before the oral proceedings before the examining division. This may not be ideal, but it is deemed to be within the limits that must be considered acceptable for various organisational reasons. In any case, the then applicant had the opportunity to present the complete case to the entire division taking the decision, including the replaced second examiner, during the oral proceedings.

It follows from the above that the board does not see any special reasons under Article 11 RPBA that would justify a remittal of the case. The appellant's request to remit the case to the examining division for further prosecution is therefore refused.

6. First auxiliary request

6.1 The examining division set out that the added parts of features O' and A' corresponded to processes well-known to the person skilled in the art (sections 45 and 46 of the reasons for the contested decision).

6.2 The appellant submitted that the added features that an application requested and acquired fragmented behaviour data from the (same) third-party applications or third-party servers which provided the Internet services was not disclosed in D3.

The Internet service providers had more detailed information concerning the CO<sub>2</sub> emission caused by the behaviour of the users, because they could take into account the context in which the requested Internet service, e.g. a Zoom conference, was performed. Thus, the added features had the effect that the fragmented behaviour data provided insights into the downstream consequences of the user behaviour. This increased the quality of the data, which was of fundamental importance.

Moreover, the Internet service providers could easily transmit to the application the detailed information that was only available to them. This made the system additionally more easily scalable.

6.3 The board's view

6.3.1 The board notes that according to D3, the activity of users is monitored by a monitor 110 which may be a web interface and/or a program, i.e. an application (see paragraph [0025]). The presence of an application as defined in feature O' is thus disclosed in D3 and cannot constitute a distinguishing feature over D3.

6.3.2 Concerning requesting and acquiring the fragmented behaviour data, the board notes that the claim does not define the context in which the requested Internet service was performed or that any detailed information available only to the Internet service provider is taken into account for determining the fragmented behaviour data. Therefore, the quality of this data is not increased by the claimed features, contrary to the submission of the appellant. Furthermore, since no particular information only available to the Internet service providers is used to determine the fragmented behaviour data, acquiring it from the Internet service providers (as opposed to from any other entity) does not have any particular technical effect. Thus, the scalability of the system is not improved, either, contrary to the submission of the appellant.

It follows from the above that the effects referred to by the appellant are not achieved by the claimed features. An objective technical problem can therefore not be formulated on the basis of these effects. Instead, such effects are only considered to result from the concrete implementation of the method disclosed in document D3.

6.3.3 The board notes that D3 is silent on how the activities pertaining to the mentioned Internet services (see section 4.3.1 above) are monitored, in other words, how the necessary data is acquired. Thus, the skilled person, when trying to put into practice the teaching of D3, would have to solve the problem of filling that gap in the teaching of D3.

Information about an activity can only be acquired from an entity to which this information is available. In the case of the activities pertaining to Internet

services of D3, this may only be the user's device(s) or the Internet service providers. The board holds that the skilled person would choose one of these possibilities according to the circumstances without exercising any inventive skill.

Therefore, the feature that the fragmented behaviour data is requested and acquired from the same third-party applications or third-party servers which provide the requested Internet services does not render the subject-matter of claim 1 of the first auxiliary request inventive over D3 combined with the common general knowledge of the skilled person (Articles 52(1) and 56 EPC).

As a side remark, the board notes that D3 suggests for various (non-Internet) activities to request and acquire the activity data from an external computer (e.g. onboard computer of a vehicle) or a component interfacing with other, that is third-party, systems (see paragraph [0027]). D3 therefore even suggests to the skilled person to request and acquire the activity data from third-party applications or servers.

## 7. Second auxiliary request

7.1 The examining division set out that the added part of feature A' that "the application that performs the method is registered in advance" with the third-party applications or third-party servers, was - in the absence of any further technical details in the claim - a non-technical administrative specification that would be automated in a straightforward manner.

7.2 The appellant submitted that the quality of the data was of fundamental importance. This was apparent, for

example, from pages 16-17 of ISO 14067, according to which primary data that were not site-specific data had to undergo third-party review. The registration of the application ensured the quality of the data by enabling control of the data.

- 7.3 The board accepts that the registration of the application enables control of the data as submitted by the appellant. However, contrary to the appellant's submission, the board is not aware how this control could possibly increase the quality of the data like a (third-party) review would. That is, registering the application does not make the data more accurate, reliable or realistic. Instead, controlling the data by registering the application only ensures that the access to the fragmented behaviour data is controlled.

Controlling access to, for example data, services, locations, events or vehicles, by registering the entities or persons to whom access is to be granted, is one of the most straightforward solutions for doing so and therefore generally known to the skilled person. Thus, the amended part of feature A'' cannot be the basis for recognising an inventive step (Articles 52(1) and 56 EPC).

It is therefore irrelevant whether or not the registration of the application is *per se* a non-technical administrative specification which would be automated in a straightforward manner, as found by the examining division, or not.

8. Third auxiliary request

- 8.1 The examining division essentially set out that the added parts of features A''', C1, C2 and C3 merely mentioned well-known technical features. The skilled person would consider incorporating them in the method of D3 as well-known alternatives.
- 8.2 The appellant submitted that D3 did not disclose any of the specific Internet services referred to in the amended part of feature A''' and in features C1, C2 and C3. Consequently, D3 did not disclose the use of any location information of the user in relation to these services, either.

In addition, the geographic parameters referred to in D3 with respect to other activities, for example public transport, were not specific to the aggregated activity data, but related only to the baseline and thus represented a hypothetical value as disclosed in paragraphs [0033] and [0041] of D3.

Moreover, D3 did not disclose when and by which entity the location of the user was determined. The location information could thus be an average, calculated from locations determined only from time to time. For example, the GPS mentioned in paragraph [0038] of D3 with respect to the behaviour of the user driving a vehicle was only used to calculate the speed and the mileage as disclosed in paragraph [0033].

In contrast thereto, according to the claim, the location was determined instantaneously when the user requested a service. Thus, the location was determined more accurately and could, for instance, take into account that the user was moving. Thus, the accuracy of the calculation of the carbon-saving quantity was improved.

Furthermore, to calculate the carbon savings of an avoided trip, the start and end points of the trip needed to be known. Thus, the use of a carbon saving algorithm according to the claim implied that the location of the Internet service provider was taken into account as well as the location of the user. Therefore, according to claim 1 of the third auxiliary request, location information from the user and the Internet service provider were combined to calculate carbon savings. In contrast, D3 only disclosed the use of local data monitored by a local computer.

### 8.3 The board's view

8.3.1 The board accepts that D3 does not disclose any of the Internet services listed in claim 1 of the third auxiliary request, namely an electronic payment service, an online ticketing service and an online bill payment service, as submitted by the appellant. Obviously, the board also accepts that the geographic parameters mentioned in paragraph [0041] of D3 do not relate to these kinds of Internet services, as submitted by the appellant. The corresponding objective technical problem is to provide an alternative method.

The Internet services mentioned in paragraph [0022] and claim 6 of D3 (referred to above, see section 4.3.1) are presented only as "[e]xamples of activities" and not as part of an exhaustive list. Thus, the skilled person, starting from D3, would consider what other (Internet) activities could be included in the scheme disclosed in D3.

The three services listed in claim 1 were generally well-known at the priority date of the application. The skilled person would therefore have regarded them as obvious alternatives to be added to the activities

explicitly disclosed in D3, in line with the arguments of the examining division.

The skilled person, starting from D3, would thus also include the amended part of feature A''' into the method of D3 without involving an inventive step.

- 8.3.2 In addition, the "geographic parameters" mentioned in paragraph [0041] and the "geographic designation or location" defined in claim 10 of D3 are disclosed in a general manner and not only in relation to one or more particular activities. Thus, once the skilled person considers adding one of the Internet services claimed to the activities disclosed in D3, it would obviously also consider to use the geographical location of the user in relation to the added Internet services.

When doing so, the skilled person would use the geographical location of the user in the same manner as it is used in relation to the activities explicitly mentioned in D3. In particular, it would use the geographical location of the user in determining the baseline, as disclosed in paragraph [0041] and claim 10, in line with the submissions of the appellant. The baseline is then used in D3 to calculate the carbon credits (see, e.g. paragraphs [39] and [41] and claim 7, last feature).

The board notes that this corresponds to what is done in the application, according to which the geographic region corresponding to the location information of the user is also used to determine a "baseline emission factor" (see the last three sentences of paragraph [0031] and Table 1), which is then used to calculate the carbon-saving quantity.

It follows from the above that the skilled person, starting from D3, would determine the carbon credits related to the added Internet services according to the geographical location of the user, and therefore "according to a geographic region corresponding to the location information of the user" as defined in the last parts of features C1, C2 and C3 without the exercise of inventive skills.

- 8.3.3 The GPS mentioned in D3 in relation to driving a vehicle can be used to calculate some average information, as submitted by the appellant. In general, however, D3 is simply not very specific as to when and by which entity the user's location is determined, also in line with the appellant's submissions.

In particular, D3 is not very specific as to the entity that determines the location of the user when the monitored activity relates to an Internet service. Since the skilled person would also determine the credits according to the geographical location of the user for Internet activities (as explained above, see section 8.3.2), it would also have to find a way to do so.

As set out above (see section 6.3.3), it would be obvious for the skilled person to put into practice the teaching of D3 such that information about the user's activity, which is to be used for calculating the carbon credits, is acquired from the Internet service providers. As also set out above (see section 8.3.2), it would be equally obvious to the skilled person to use the geographical location of the user in the calculation of the carbon credit. It would then only be natural to include the geographical location of the user in the information about the user's activity

acquired from the Internet service provider, which implies that the geographical location of the user must first be acquired and determined by the Internet service provider.

Thus, once the skilled person considers that the information about the user's activity is to be acquired from the Internet service provider and the geographical location of the user is to be used together with the information about the user's activity for calculating the carbon credits, it would also be obvious for the skilled person to acquire and determine the location of the user by the Internet service provider, i.e. the application corresponding to the requested service.

As mentioned above, the geographic parameters referred to in D3 may possibly represent some kind of average when the baseline to be determined is derived from the driving of a vehicle, as submitted by the appellant. For other activities, however, there is no hint in D3 that the geographic parameters represent an average. On the contrary, for the activity where documents are sent electronically (i.e. where a corresponding package is not sent), the route taken for individual packages is taken into account (see paragraph [0030]). This implies that the route and therefore the location information of the user must be determined for each request. The only reasonable manner would be to do so at the same time as the request is made.

The board notes that in the case of this example, the route of the package (sent or unsent) and therefore its start and end points are known. This implies that the location information of the user (the potential sender of the package) and the location information of the addressee are combined to calculate the carbon credits.

D3 therefore does not disclose only local data monitored by a local computer, contrary to the submission of the appellant.

On the other hand, the location of the Internet service provider, which is also referred to by the appellant, is not relevant for the calculation of the CO<sub>2</sub> savings. If at all, the location of the physical ticket office or the physical bank premises might be relevant for calculating the CO<sub>2</sub> emissions saved by not having to travel to them.

It follows from the above that the skilled person, when starting from D3 and attempting to provide an alternative method, would therefore also (in the wording of features C1, C2 and C3) acquire, through the application corresponding to the requested Internet service, location information of the user when the user uses the online payment or ticketing service, wherein the application corresponding to the requested Internet service includes a locating function capable of determining location information of a user when the user sends an instruction corresponding to the requested Internet service.

That is, no inventive step can be acknowledged on the basis of the first parts of features C1, C2 and C3, either.

8.3.4 As a consequence of the above, the subject-matter of claim 1 of the third auxiliary request does not involve an inventive step (Articles 52(1) and 56 EPC).

9. Conclusion

The subject-matter of claim 1 of the main request is not new under Article 54 EPC in view of D3. The subject-matter of the independent claims of the first, second and third auxiliary request do not involve an inventive step in view of D3 combined with the skilled person's common general knowledge (Article 56 EPC).

In addition, the board is not aware of any special reasons that would justify a remittal of the case to the examining division for further prosecution.

For these reasons, the appeal must be dismissed.

## Order

### **For these reasons it is decided that:**

The appeal is dismissed.

The Registrar:

The Chairman:



S. Sánchez Chiquero

T. Häusser

Decision electronically authenticated