

Internal distribution code:

- (A) [-] Publication in OJ
- (B) [-] To Chairmen and Members
- (C) [-] To Chairmen
- (D) [X] No distribution

**Datasheet for the decision
of 3 June 2026**

Case Number: T 1150/25 - 3.2.01

Application Number: 19857258.8

Publication Number: 3847070

IPC: B60W40/09, B60W30/08,
B60W50/14, G06K9/00, G06N20/00,
G06F16/55, G06F16/583

Language of the proceedings: EN

Title of invention:

SYSTEMS AND METHODS FOR CLASSIFYING DRIVER BEHAVIOR

Applicant:

Cambridge Mobile Telematics, Inc.

Headword:

Relevant legal provisions:

EPC Art. 123(2)

Keyword:

Amendments - extension beyond the content of the application
as filed (yes) - intermediate generalisation (yes)

Decisions cited:

Catchword:



Beschwerdekammern

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

Case Number: T 1150/25 - 3.2.01

D E C I S I O N
of Technical Board of Appeal 3.2.01
of 3 June 2026

Appellant: Cambridge Mobile Telematics, Inc.
(Applicant) 314 Main Street, Suite 1200
Cambridge, MA 02142 (US)

Representative: Mewburn Ellis LLP
Aurora Building
Counterslip
Bristol BS1 6BX (GB)

Decision under appeal: **Decision of the Examining Division of the
European Patent Office posted/electronically
transmitted on 7 April 2025 refusing European
patent application No. 19857258.8 pursuant to
Article 97(2) EPC.**

Composition of the Board:

Chairman G. Pricolo
Members: A. Wagner
A. Jimenez

Summary of Facts and Submissions

- I. The appeal was filed by the applicant against the decision of the examining division to refuse the patent application No. 19857258.8 pursuant to Article 97(2) EPC.
- II. In its decision, which was issued after a request to decide according to the state of the file, the examining division held that the main request as well as auxiliary requests 1 to 7 did not meet the requirements of Article 123(2) EPC.
- III. With the statement of the grounds of appeal, the applicant (appellant) requested that the decision under appeal be set aside and a patent be granted or remitted to the examining division for further prosecution on the basis of the main request, or as an auxiliary measure, on the basis of one of the auxiliary requests 1 to 7, all requests filed with the statement of grounds of appeal.
- IV. On 28 October 2025, the Board summoned to oral proceedings and issued a communication pursuant to Article 15(1) RPBA reflecting the preliminary opinion of the Board that the appeal is likely to be dismissed.
- V. Oral proceedings by videoconference were held before the Board on 3 June 2026. No one appeared on behalf of the appellant. At the end of oral proceedings, a decision was taken in accordance with Article 15(3) RPBA.
- VI. The **main request** comprises three independent claims 1, 11 and 14. The claims read as follows with a feature

numbering added by the Board.

Claim 1:

1. A computer implemented method comprising:

1.1 receiving i) image data (112) captured by a camera (102) mounted on or in a vehicle (118) during operation of the vehicle and ii) telematics data (114) captured by one or more sensors (104) at the vehicle during operation of the vehicle, wherein the image data comprises a series of images or a video;

1.2 detecting, at a local processing system or at a remote computing environment, based on the telematics data, at least one event at the vehicle, wherein detecting the at least one event at the vehicle comprises detecting one or more time periods for the at least one event;

1.3 selecting, at the local processing system, based on the at least one event at the vehicle, a subset of frames of the received image data for processing, wherein selecting the subset of frames comprises filtering the received image data based on the detected one or more time periods for the at least one detected event at the vehicle; and

1.4 processing, at the local processing system or at the remote computing environment, a combination of the telematics data and the selected subset of frames of the received image data, the processing comprising:

1.4.1 generating, depending on the selected subset of frames of the image data and the telematics data captured during the operation of the vehicle, features associated with the at least one event,

- 1.4.2** determining a classification metric for each of the features,
- 1.4.3** assigning to each feature, depending on the classification metric of the respective feature, a prediction weight, and
- 1.4.4** determining, based on the prediction weights assigned to the features, a prediction value indicative of a predicted likelihood of the at least one event occurring.

Claim 11:

- 11.** A data-processing system comprising:
 - 11.1** a camera configured to capture image data;
 - 11.2** one or more sensors configured to capture telematics data;
 - 11.3** a feature classification engine configured to generate classification metrics for a feature vector by performing operations comprising; and
 - 11.4** a prediction engine configured to generate a prediction value indicative of a predicted likelihood of an event of interest occurring;
 - 11.5** wherein the data-processing system is configured to perform the method of any one of claims 1 to 10.

Claim 14:

- 14.** A non-transitory computer-readable storage medium having instructions executable by one or more processors to cause the processors to perform operations to perform the method of claims 1-10.

For the auxiliary requests, amendments to the claims are indicated below by striking through and underlining.

In **auxiliary request 1**, feature 1.4.4 of claim 1 is amended as follows:

1.4.4¹ determining, based on the prediction weights assigned to the features, a prediction value indicative of a ~~predicted likelihood of~~ contextual classification ~~for the at least one event occurring.~~

Feature 11.4 in claim 11 is amended accordingly:

11.4¹ a prediction engine configured to generate a prediction value indicative of a ~~of~~ contextual classification for a predicted likelihood of an event of interest ~~occurring;~~

Auxiliary request 2 is based on auxiliary request 1 with additional feature 1.3 being amended as follows:

1.3² selecting, at the local processing system, based on the at least one event at the vehicle, a subset of frames of the received image data for processing, wherein selecting the subset of frames comprises selecting the frames from ~~filtering the received image data based on~~ the detected one or more time periods for the at least one detected event at the vehicle; and

Auxiliary request 3 is based on auxiliary request 2 with additional feature 1.4 being amended as follows:

1.4³ ~~processing, at the local processing system or at the remote computing environment, a combination of the telematics data and the selected subset of frames of the received image data, the processing comprising:~~

Auxiliary request 4 is based on the main request with features 1.2 to 1.4.1 and 1.4.4 amended in claim 1 as follows:

1.2⁴ detecting, at a local processing system or at a remote computing environment, based on the telematics data, ~~at least one event at the vehicle, a time period of interest wherein detecting the at least one event at the vehicle comprises detecting one or more time periods for the at least one event;~~

1.3⁴ ~~selecting~~ extracting, at the local processing system, ~~based on the at least one event at the vehicle, a the subset of frames of from the received image data for processing, wherein selecting the subset of frames comprises filtering the received image data based on the detected one or more time periods for the at least one detected event at the vehicle that were captured during the time period of interest;~~ and

1.4⁴ processing, at the local processing system or at the remote computing environment, a combination of the telematics data and the ~~selected~~ extracted subset of frames of the received image data, the processing comprising:

1.4.1⁴ generating features from ~~depending on the selected extracted subset of frames of the image data and the telematics data captured during the operation time period of interest of the vehicle, features associated with the at least one event,~~

1.4.4⁴ determining, based on the prediction weights assigned to the features, a prediction value indicative of a predicted likelihood ~~of~~ that a contextualized

driving behavior occurred during the time period of interest ~~the at least one event occurring.~~

Feature 11.4 in claim 11 is amended accordingly:

11.4⁴ a prediction engine configured to generate a prediction value indicative of a predicted likelihood ~~of an event of interest occurring~~ that a contextualized driving behavior occurred during a time period of interest;

Auxiliary request 5 is based on auxiliary request 4 wherein in claim 1 features 1.2⁴, 1.4.1⁴ and 1.4.4⁴ are modified as follows:

1.2⁵ detecting, at a local processing system or at a remote computing environment, based on the telematics data a time period ~~of interest~~ during which a subset of the telematics data is indicative of an occurrence of a risk event at the vehicle;

1.4.1⁵ generating, ~~features~~ features from the extracted subset of frames of the image data and the subset of the telematics data ~~captured during the time period of interest~~ features associated with the time period,

1.4.4⁵ determining, based on the prediction weights assigned to the features, a prediction value indicative of a contextual classification for the risk event ~~predicted likelihood that a contextualized driving behavior occurred during the time period of interest.~~

Feature 11.4 of claim 11 is amended accordingly:

11.4⁵ a prediction engine configured to generate a prediction value indicative of a ~~predicted likelihood~~

~~of an event of interest occurring contextual~~
classification of a risk event;

Auxiliary request 6 is based on auxiliary request 5 wherein in claim 1 features 1.2⁵, 1.3⁴ 1.4.1⁵ and 1.4.4⁵ are amended as follows:

1.2⁶ detecting, at a local processing system or at a remote computing environment, based on the telematics data, a time period during which a subset of the telematics data ~~is indicative of an occurrence of a risk event at the vehicle~~ indicates that a driver of the vehicle engaged in a risky driving behavior;

1.3⁶ extracting, at the local processing system, the subset of frames of from the received image data that were captured by the camera during the time period;

1.4.1⁶ generating, from the extracted subset of frames of the image data and the subset of the telematics data features associated with the ~~time period~~ risky driving behaviour,

1.4.4⁶ determining, based on the prediction weights assigned to the features, a prediction value indicative of a contextual classification for the ~~risk event~~ risky driving behavior.

Feature 11.4 of claim 11 is amended accordingly:

11.4⁶ a prediction engine configured to generate a prediction value indicative of a ~~predicted likelihood of an event of interest occurring~~ contextual classification for a risky driving behavior;

Auxiliary request 7 is based on auxiliary request 4 wherein in claim 1 features 1.2⁴, 1.3⁴, 1.4⁴, 1.4.1⁴ and 1.4.4⁴ are amended as follows:

1.2⁷ detecting, at a local processing system or at a remote computing environment, based on the telematics data, a set of time periods of interest;

1.3⁷ extracting, at the local processing system, the subset of frames from the received image data that were captured during each of the set of the time periods of interest; and

1.4⁷ processing, at the local processing system or at the remote computing environment, a combination of the telematics data and the extracted subsets of frames of the received image data, the processing comprising:

1.4.1⁷ generating features from the extracted subsets of frames of the image data and the telematics data captured during the set of time periods of interest,

1.4.4⁷ determining, based on the prediction weights assigned to the features, a prediction value indicative of a predicted likelihood of that a contextualized driving behavior occurringed during the time periods of interest.

Feature 11.4 of claim 11 of the main request is amended accordingly:

11.4⁷ a prediction engine configured to generate a prediction value indicative of a predicted likelihood of ~~an event of interest occurring~~ a contextualized driving behavior occurring during a time periods of

interest.

The wording of **claim 14 of all auxiliary requests** is identical to that of claim 14 of the main request.

Reasons for the Decision

1. Main request - Article 123(2) EPC

1.1 The patent application aims to provide data processing techniques to classify how a vehicle is being operated by a driver.

To achieve this aim, image data (e.g. red light, pedestrian crossing, animal) obtained from a camera is processed to provide a context for telematics data obtained from sensors (e.g. position data, speed data, acceleration data). The contextualized data is then classified to identify risky or safe driving behaviour, or to score driving quality of the driver, see the international publication WO 2020/051168 A1 of the original patent application, page 2, line 25 to page 3, line 1; page 3, lines 22 to 24; page 4, lines 8 to 21.

1.2 The main request in appeal corresponds to auxiliary request 5 in examination proceedings. The Board confirms the findings of the examining division (impugned decision, points 2.1 and 8) that claim 1 contravenes Article 123(2) EPC.

1.3 In the following, reference is made to the original application published as WO 2020/051168 A1.

1.4 According to the applicant, basis for claim 1 could be found in original claim 9 for features 1.4 to 1.4.4 and in figure 2, page 10, line 4 and the section "*Handling Image data on Mobile computing systems*" (starting on

page 21, line 19 of the original application) for features 1.2 and 1.3.

- 1.5 The Board is not convinced that claim 1 of the main request finds basis in the application as originally filed.
- 1.6 For illustrative purpose only, claim 1 of the main request is reproduced below with the amendments made to original claim 9 indicated by striking through and underlining. It is noted that the original application does not contain a literal basis for the added wording.

A computer implemented method comprising:

1.1 receiving i) image data (112) captured by a camera (102) mounted on or in a vehicle (118) during operation of the vehicle and ii) telematics data (114) captured by one or more sensors (104) at the vehicle during operation of the vehicle, wherein the image data comprises a series of images or a video;

—

1.2 detecting, at a local processing system or at a remote computing environment, based on the telematics data, at least one event at the vehicle, wherein detecting the at least one event at the vehicle comprises detecting one or more time periods for the at least one event;

—

1.3 selecting, at the local processing system, based on the at least one event at the vehicle, a subset of frames of the received image data for processing, wherein selecting the subset of frames comprises filtering the received image data based on the detected one or more time periods for the at least one detected

event at the vehicle; and

1.4 processing, at the local processing system or at the remote computing environment, a combination of the telematics data and the selected subset of frames of the received image data, the processing comprising

1.4.1 generating, depending on ~~received~~ the selected subset of frames of the image data and telematics data captured during operation of a vehicle, features associated with the at least one events of the image data and the telematics data;

1.4.2 determining a classification metric for each of the features; and

1.4.3 assigning to each feature, depending on the classification metric of the feature, a prediction weight;

1.4.4 determining, based on the predication weight assigned to the features, a prediction value depending on prediction weights for the features; and generating indicative of a predicted likelihood of one of the at least one events occurring depending on the prediction weights.

1.7 **The term "event" in features 1.2, 1.3, 1.4.1 and 1.4.4**

- 1.7.1 The term "event" in feature 1.4.4 was originally used in claim 9 as filed. According to original feature 1.4.1 the "event" is an event *"of the image data and the telematics data"*.
The "event" in features 1.4.1 and 1.4.4 is thus the telematic data which is set in context to the respective image data (e.g. hard braking, i.e. telematic data, because of an animal, i.e. image data).

This understanding complies with the appellant's view

according to which the "*at least one event*" in the claim corresponds to the driver behaviour detected by the telematic data and contextualized by the use of the image data (statement of grounds of appeal, point 4.4). Furthermore, this understanding of the term "event" in original claim 9 is supported by the original description, e.g. page 9, lines 3 to 10, page 9, line 29 to page 10, line 3, or - as referred to by the appellant - page 10, line 13 to page 11, line 2.

1.7.2 Opposed to original claim 9, feature 1.2 requires to detect "*at least one event based on the telematic data*". However, this "event" is not the event that considers both, the telematic data and the image data.

1.7.3 The appellant argued that feature 1.2 only required detecting a time period for the event, not the event itself.

This understanding of feature 1.2 might correspond to what is originally disclosed, e.g. on page 22, lines 14 to 19, but it is not what is claimed. The claim wording explicitly requires "*detecting [...] based on the telematics data, at least one event at the vehicle, [...]*".

However, the original disclosure does not provide a basis for the event that is detected on the basis of the telematics data only.

1.7.4 As basis for features 1.2 and 1.3, the applicant mentioned during examination in a letter dated 15 November 2023

- page 23, lines 11 to 14

and in a letter dated 17 March 2025 (see the Fifth Auxiliary Request) additionally

- page 21, lines 29 to 32,
- page 22, lines 14 to 22 and

- figure 2.

1.7.5 However, none of these passages support the use of the term "event" in the sense of features 1.2 and 1.3.

(a) As elaborated by the examining division (decision points 3.5 to 3.7), the passage on page 23, lines 11 to 14, is not in the context of detecting an event but in the context of data reduction used for processing.

(b) The passages on pages 21 and 22 do not mention the term "event" at all. As held by the examining division (impugned decision, points 3.14 to 3.17), instead of disclosing a "detection of an event", an *"identification of time ranges of interest"* (page 21, line 30) based on the telematic data (e.g. hard braking, excessive speeding, turning) is described. Page 22 then further discloses that the video, i.e. the image data, from the *"interesting time periods"* is processed. The same is shown in figure 2, to which the passage on page 22 refers to.

(c) In the passage starting from page 21, line 19, the term "event" is mentioned on page 23, lines 4, 5 and lines 22, 23 but not as being detected based on the telematics data.

1.7.6 Consequently, the main request is not allowable under Article 123(2) EPC because of the use of the term "event" in features 1.2 and 1.3.

2. Auxiliary requests 1 to 3

Auxiliary requests 1 to 3 are new in appeal and not allowable under Article 123(2) EPC at least for the same reason as the main request. In these requests,

claim 1 comprises the term "event" in the same manner as claim 1 of the main request.

3. Auxiliary requests 4 to 7

3.1 Auxiliary requests 4 to 7 are new in appeal. In the communication pursuant to Article 15(1) RPBA, the Board raised inter alia an objection under Article 123(2) EPC for independent claims 11 and 14. As the appellant neither attended the oral proceedings nor submitted written comments or responded in any other way, the Board sees no reason to depart from its preliminary opinion, which is hereby confirmed as follows.

3.2 Independent claims 11 and 14

3.2.1 Claims 11 and 14 of auxiliary requests 4 to 7 contravene Article 123(2) EPC.

3.2.2 Claim 11 is based on original claim 1.

3.2.3 Original claim 1 is directed to a data processing system and defines that the feature classification engine is able to perform operations comprising:

- *"generating based at least partly on the image data and telematics data, the feature vector, with the feature vector comprising features representing events of interest of the image data and the telematics data; and*
- *determining, using machine learning logic, a classification metric for each feature of the feature vector".*

Furthermore, it is defined that the prediction engine is configured

- to assign to each feature the prediction weight and
- to determine the prediction value.

3.2.4 Claim 11 of each of the auxiliary requests 4 to 7 only defines that "a feature classification engine [is] configured to generate classification metrics for a feature vector" without any further definition of the feature vector.

Furthermore, the prediction engine is only defined as being "*configured to generate the prediction value*". Claim 11 then further defines that the data-processing system is configured to perform the method of claim 1. However, also claim 1 of each of the auxiliary requests 4 to 7 fails to define the feature vector as well as to assign the steps 1.4.1 to 1.4.4 properly to any one of the classification engine or the prediction engine as it was previously done in original claim 1.

3.2.5 Therefore, claim 11 introduces an unallowable intermediate generalisation.

3.2.6 The same applies to claim 14 of each of the auxiliary requests 4 to 7 which is based on original claim 16.

3.2.7 Original claim 16 is directed to a non-transitory computer readable storage medium having instructions to perform the operations of the data processing system of original claim 1.

Original claim 16 refers back to original claim 1 by repeating the wording of original claim 1 adapted to operational steps.

3.2.8 Claim 14 of of each of the auxiliary requests 4 to 7 only defines the non-transitory computer readable storage medium having instructions to perform the

method of claim 1.

- 3.2.9 However original claim 16 included the same further technical limitation as original claim 1, e.g. the generation of *"the feature vector, with the feature vector comprising features representing events of interest of the image data and the telematics data,"* and *"determining, using machine learning logic, a classification metric for each feature of the feature vector"*.

Original claim 16 also included the assignment of operational steps to the classification engine and to the prediction engine.

- 3.2.10 As all these features are omitted in claim 14, the amendments made in auxiliary requests 4 to 7 introduce an unallowable intermediate generalisation.

- 3.3 It is noted that the objection regarding claims 11 and 14 applies mutatis mutandis to the main request and the auxiliary requests 1 to 3.

Order

For these reasons it is decided that:

The appeal is dismissed.

The Registrar:

The Chairman:



M. Schalow

G. Pricolo

Decision electronically authenticated