Datasheet for the decision
of 6 May 2010

Case Number: T 0736/07 - 3.5.02
Application Number: 03791017.1
Publication Number: 1532602
IPC: G08G 1/123
Language of the proceedings: EN

Title of invention:
Traffic scheduling system

Applicant:
Itis Holdings Plc

Headword:
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Relevant legal provisions:
EPC Art. 54, 56

Relevant legal provisions (EPC 1973):
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Keyword:
"Novelty (yes)"
"Inventive step (no)"

Decisions cited:
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Catchword:
Case Number: T 0736/07 - 3.5.02

DECISION
of the Technical Board of Appeal 3.5.02
of 6 May 2010

Appellant: Itis Holdings Plc
The Warrent House
1 High Street
Altrincham
Cheshire WA14 1PZ (GB)

Representative: Hill, Justin John
McDermott Will & Emery UK LLP
7 Bishopsgate
London EC2N 3AR (GB)


Composition of the Board:
Chairman: M. Ruggiu
Members: J.-M. Cannard
E. Lachacinski
Summary of Facts and Submissions

I. The appellant contests the decision of the examining division of 9 February 2007 to refuse European patent application No. 03 791 017.1. The reason for the refusal was that the subject-matter of claim 1 then on file was not inventive (Article 56 EPC).

II. The prior art documents:

D1: US2002/0055818 A1, and

D2: US-A-5 724 243,

considered in the first instance, remain relevant to the present appeal.

III. With a communication dated 1 February 2010 annexed to summons to oral proceedings, the Board observed, inter alia, that the subject-matter of independent claim 1 of the amended set of claims filed with the statement of grounds of appeal in a letter dated 10 April 2007 did not appear to involve an inventive step having regard to documents D1 and D2 taken in combination.

IV. With a letter received on 9 April 2010, the applicant announced that they would not attend the scheduled oral proceedings and requested that the case be decided based on the written arguments submitted to date.

V. The applicant did not attend the oral proceedings before the Board which were held on 6 May 2010. It can be understood from the file as it stands that the appellant
requests that the decision under appeal be set aside and that a patent be granted on the basis of the amended set of claims 1 to 17 filed with the statement of grounds of appeal in a letter dated 10 April 2007.

VI. Claim 1 filed with the statement of grounds of appeal reads as follows:

"A method of operating a traffic scheduling computer system for planning journeys for delivery resources comprising multiple elements considered as separate but inter-related resources, each journey having a plurality of transit points, the method comprising:

receiving scheduling criteria including transit point data and availability data of the separate but inter-related resources;

receiving map data, said map data comprising one or more routes, each route defined by a plurality of route-sections;

receiving forecast speed information for a traffic unit on each said route-section, the forecast speed for a given route-section depending on historical speed data for that route-section at a predetermined time on a particular day; and

planning a journey including a plurality of transit points in dependence on the scheduling criteria and forecast speed information."
The other claims of the appellant's request do not need to be considered in this decision and, therefore, are not reproduced here.

VII. The appellant's arguments can be summarized as follows:

The closest prior art document D1 did not disclose planning journeys "for delivery resources comprising multiple elements considered as separate but inter-related resources" or when planning journeys using "availability data of the separate but inter-related resources". The technical effect of these features was that it was possible to more accurately plan journeys and the objective problem addressed by the application was to more accurately plan journeys.

However, neither D1 nor document D2 discussed the possibility of considering the driver and the vehicle as separate entities having different availability data in order to increase the accuracy. The distinguishing features were advantageous because they enhanced re-planning and offered many alternatives in the event of unpredicted traffic delays and when the total driving time in a day was restricted by law, as in many countries. Therefore, the invention recited in independent claim 1 provided an inventive step over the systems disclosed in D1 and D2, and over a combination thereof.

Reasons for the Decision

1. The appeal is admissible.
2. Document D1 (figures 1 to 5; paragraphs [0016], [0017], [0030]) discloses a method of operating a traffic scheduling computer system (host 140) for planning journeys for delivery resources comprising multiple elements (i.e. "vehicles"), each journey having a plurality of transit points (i.e. "destinations"), which comprises the following features of claim 1:

- receiving scheduling criteria including transit point data and availability of vehicles (page 4, left column, lines 5 to 20 and 54 to 57; figure 2);

- receiving map data, said map data comprising one or more routes, each route defined by a plurality of route-sections (page 4, left column, line 61 to right column, line 6);

- receiving forecast speed information for a traffic unit on each said route-section and historical travel times for that route-section (page 4, right column, lines 25 to 35: "estimated speed" and "past travel times"); and

- planning a journey including a plurality of transit points in dependence on the scheduling criteria and forecast speed information (paragraphs [0042] and [0043]).

3. The multiple elements of the delivery resources which in claim 1 are specified as "separate but inter-related resources" can be the "trailer, prime mover and driver" of a traffic unit (vehicle) as this appears from the original application (page 8, lines 16 to 18, page 13,
Accordingly, the method according to present claim 1 differs from the method disclosed in D1 only in that (a) it is suitable for planning journeys for delivery resources whose elements are considered as separate but inter-related resources and it comprises scheduling criteria that include availability data of the separate but inter-related resources, and (b) the forecast speed for a given route-section depends on historical speed data for that route-section at a predetermined time on a particular day. Therefore, the subject-matter of claim 1 can be regarded as new.

Having regard to features a), the objective technical problem addressed by the invention, starting from D1 can be seen as improving the planning of journeys, as specified in the application. The method of D1 takes into account data about the availability of vehicles, which are contained in a database (see page 4, lines 54 to 57). It is also well known that the availability of vehicles depends on the availability of the drivers for the vehicles, especially because the availability of drivers is limited by law (see for instance document D2, columns 5 and 6, bridging paragraph) and by contractual arrangements (e.g. holidays). D2, more specifically, indicates that stationary intervals including mandatory driver rest periods may impact the calculation of expected time of arrival. Therefore, it would be obvious to the skilled person, starting from D1 and aware of D2, to also take into account the availability of drivers and vehicles as separate criteria. Hence, features (a) do not appear to involve an inventive step.
6. According to paragraph [0043] of D1, the computer system (host 140) performs the planning (arrival and departure times) based on "mileage, past travel times, speed limits" and provides an "estimated speed" of the vehicle. Document D2 indicates at column 5, lines 53 to 63 that calculating the expected time of arrival may in particular consider the time of the day during which the vehicle is travelling. Having regard to features b), it would thus be obvious for the skilled person to use mileage and past travel times to provide estimated speeds of the vehicle, in particular based on historical data at a predetermined time on a particular day for each route-section to provide precise forecast speed information for the traffic unit. Accordingly, distinguishing features (b) do not appear to involve an inventive step.

7. As the skilled person aware of D1 would consider the features a) and b) independently from each another and, doing so, arrive in an obvious way at the subject-matter of present claim 1, said subject-matter does not involve an inventive step (Article 56 EPC).

8. Since the application does not meet the requirements of the EPC, the appeal has to be dismissed.
Order

For these reasons it is decided that:

The appeal is dismissed.

The Registrar: The Chairman:

U. Bultmann M. Ruggiu