

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

PCT

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY
(PCT Rule 43*bis*.1)

To:

see form PCT/ISA/220

Date of mailing
(day/month/year) see form PCT/ISA/210 (second sheet)

Applicant's or agent's file reference
see form PCT/ISA/220

FOR FURTHER ACTION
See paragraph 2 below

International application No.
PCT/US2018/052862

International filing date (day/month/year)
26.09.2018

Priority date (day/month/year)
27.09.2017

International Patent Classification (IPC) or both national classification and IPC
INV. G06Q30/06 G06Q30/02 G06Q30/08

Applicant
CARRIER CORPORATION

1. This opinion contains indications relating to the following items:

- Box No. I Basis of the opinion
- Box No. II Priority
- Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- Box No. IV Lack of unity of invention
- Box No. V Reasoned statement under Rule 43*bis*.1(a)(i) with regard to novelty, inventive step and industrial applicability; citations and explanations supporting such statement
- Box No. VI Certain documents cited
- Box No. VII Certain defects in the international application
- Box No. VIII Certain observations on the international application

2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1*bis*(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

Name and mailing address of the ISA:



European Patent Office
P.B. 5818 Patentlaan 2
NL-2280 HV Rijswijk - Pays Bas
Tel. +31 70 340 - 2040
Fax: +31 70 340 - 3016

Date of completion of
this opinion

see form
PCT/ISA/210

Authorized Officer

Lutz, Andreas

Telephone No. +31 70 340-0



Box No. I Basis of the opinion

1. With regard to the **language**, this opinion has been established on the basis of:
 - the international application in the language in which it was filed.
 - a translation of the international application into , which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1 (b)).
2. This opinion has been established taking into account the **rectification of an obvious mistake** authorized by or notified to this Authority under Rule 91 (Rule 43bis.1(a))
3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, this opinion has been established on the basis of a sequence listing:
 - a. forming part of the international application as filed:
 - in the form of an Annex C/ST.25 text file.
 - on paper or in the form of an image file.
 - b. furnished together with the international application under PCT Rule 13ter.1(a) for the purposes of international search only in the form of an Annex C/ST.25 text file.
 - c. furnished subsequent to the international filing date for the purposes of international search only:
 - in the form of an Annex C/ST.25 text file (Rule 13ter.1(a)).
 - on paper or in the form of an image file (Rule 13ter.1(b) and Administrative Instructions, Section 713).
4. In addition, in the case that more than one version or copy of a sequence listing has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that forming part of the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
5. Additional comments:

Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	<u>1-20</u>
	No: Claims	
Inventive step (IS)	Yes: Claims	
	No: Claims	<u>1-20</u>
Industrial applicability (IA)	Yes: Claims	<u>1-20</u>
	No: Claims	

2. Citations and explanations

see separate sheet

Re Item V

Reasoned statement with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

- 1 Reference is made to the following documents:
- D1 US 2011/055046 A1 (BOWEN MARK BARON [US] ET AL) 3 March 2011 (2011-03-03)
- D2 US 2006/010037 A1 (ANGERT CHARLES D [US] ET AL) 12 January 2006 (2006-01-12)
- 2 The subject-matter of claim 20 is unclear in the sense of Article 6 PCT, as it is defined as a method claim but refers back to claim 12 which is a system claim.
- 3 The present application does not meet the criteria of Article 33(3) PCT, because the subject-matter of claims 1-20 does not involve an inventive step.
- 3.1 In order to allow an informed response the examiner would note that the present application and the independent claims 1 and 12 in particular relate to a non-technical, administrative scheme of providing a marketplace for selecting a transport service

Claim 12 which is considered to include the most technical features (compared to independent claim 1) comprises a mix of technical and non-technical features:

The following technical features (marked **bold** below) are identified:

A system for providing cold transportation comprising:

*a **digital marketplace operable to execute on a computer processor and accessible via a mobile electronic device;***

*wherein the **digital marketplace** is configured to:*

*receive a registration of a transportation provider on a **digital marketplace;***

verify capabilities of the transportation provider;

*receive a transportation request from a requestor;
make the transportation request available to multiple transportation providers;
receive a claim request from the transportation provider, wherein the claim indicates a desire
to fulfill the transportation request; and
arrange for payment of the transportation request between the transportation provider and the
requestor.*

This non-technical scheme which comprises all the features above, that are non-marked, is given to the skilled person in order to provide an implementation of an automation of the given non-technical scheme.

The implementation according to claim 8 however merely includes the following technical features (summarised from above):

- digital (software, i.e. the marketplace is implemented by software)
- execute (the marketplace, i.e. software) on a computer processor and accessible via a mobile electronic device

Therefore, the closest prior art is considered to be a network of general purpose computers (e.g. a client-server network) which is notoriously known and which inherently includes the processing of instructions, i.e. software.

The non-technical features which are defined by the non-marked features above cannot contribute an inventive step and are therefore not assessed for examining a lack of an inventive step.

The implementation of these non-technical requirements by using the closest prior art in order to solve the technical problem to automate the given non-technical scheme does not require to overcome an inventive step.

It is also noted that the steps are merely combined due to non-technical requirements.

For the sake of completeness it is to be noted that examples of employing such an infrastructure (client-server architecture) in a similar context as the present application were widely available at the date of priority of the current application, as exemplified by any of the documents D1 and D2.

Accordingly, although the limited contribution of the technical features to technical character is judged sufficient, it is to be noted that the defined subject matter in any case lacks inventive step, as no technical solution to a realised technical problem has been proposed and no technical effect or result which would be unexpected or surprising to the person skilled in the art is apparent.

It should be noted that the person skilled in the art, with general knowledge of the technical field and normal access to examples and textbooks, would apply the measures as described in the present application and defined in its claims without the use of inventive skill to arrive at the desired result.

Moreover, it is noted, that the description also discloses that the transport provider (e.g. a truck) can be tracked by using a smart phone with satellite connection.

This subject-matter however is also notoriously known and is also exemplified by D1 and D2.

Hence, the the introduction of features including this subject-matter into the claims would not render them inventive.

Therefore, the subject-matter of independent claims 1 and 13 does not involve an inventive step.

- 3.2 Dependent claims 2-11 and 13-20 do not contain any features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT in respect of inventive step as they merely relate to further non-technical features (e.g. determining the price, etc.).