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**Datasheet for the decision
of 28 June 2024**

Case Number: T 0805/22 - 3.5.01

Application Number: 16177414.6

Publication Number: 3113089

IPC: G06Q10/06, G06Q10/08,
G06Q50/04, G06Q50/28

Language of the proceedings: EN

Title of invention:

METHOD, SYSTEM AND APPARATUS FOR MULTI-SITE PRODUCTION
SCHEDULING

Applicant:

Nulogy Corporation

Headword:

Multi-site production scheduling/NULOGY

Relevant legal provisions:

RPBA 2020 Art. 11, 12(4), 12(6)

Keyword:

Amendment to case - amendment within meaning of Art. 12(4) RPBA
Late-filed request - should have been submitted in first-
instance proceedings (yes)
Remittal - special reasons for remittal (no)



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Case Number: T 0805/22 - 3.5.01

D E C I S I O N
of Technical Board of Appeal 3.5.01
of 28 June 2024

Appellant: Nulogy Corporation
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Decision under appeal: **Decision of the Examining Division of the
European Patent Office posted on 2 November 2021
refusing European patent application No.
16177414.6 pursuant to Article 97(2) EPC.**

Composition of the Board:

Chairman W. Zubrzycki
Members: I. Kürten
E. Mille

Summary of Facts and Submissions

- I. The appeal is against the decision of the examining division to refuse the application for lack of inventive step (Article 56 EPC).
- II. The appellant requested that the decision to refuse the application be set aside and that the case be remitted to the examining division to complete the examination based on a new claim request filed with the statement setting out the grounds of appeal.
- III. In a communication accompanying the summons to oral proceedings, the Board set out its preliminary opinion that the sole request appeared neither admissible under Articles 12(4) and (6) RPBA nor allowable under Article 56 EPC.
- IV. In a reply, the appellant informed the Board that it would not be attending the oral proceedings and provided no further arguments.
- V. The oral proceedings took place as scheduled in the absence of the appellant. At the end of the oral proceedings, the chairman announced the Board's decision.
- VI. Claim 1 of the appellant's sole request reads as follows (marked-up changes vis-à-vis claim 1 of the refused request):

A computing device (200) for generating a production schedule for manufacturing articles at a plurality of production sites (104-1, 104-2), each production site (104-1, 104-2) comprising one or more production lines

~~(108-1, 108-2, 108-3, 108-4, 108-5)~~, the computing device (200), comprising:

a communications interface (332);

a memory (304) storing:

an items database (312) containing a plurality of item records; ~~;~~

a production lines database (316) containing a plurality of line records, each line record containing a line identifier (108-1, 108-2, 108-3, 108-4, 108-5) and one or more equipment indicators attributes of a production lines (108-1, 108-2, 108-3, 108-4, 108-5); ~~;~~ and

a site database (320) containing a plurality of site records, each site record containing attributes of a production sites (104-1, 104-2), each site record containing and identifiers of a subset of the production lines line identifiers (108-1, 108-2, 108-3, 108-4, 108-5); ~~;~~

a processor (300) interconnected with the communications interface (332) and the memory (304), the processor (300) configured via execution of computer-readable instructions of a scheduling application in order to generate a production schedule for manufacturing articles at the plurality of production sites (104-1, 104-2), to:

receive order data associated with an order for an article, the order data including an item identifier corresponding to an item record associated with the article;

store, in the memory (304), the order data;

determine whether to schedule the order by determining whether a predefined time period has elapsed since generating a previous production schedule for orders for articles;

in response to determining that the predefined time period has elapsed since generating a previous production schedule for orders for articles, generate the production schedule for the order, the production schedule including a plurality of project assignment records, by:

retrieving at least one of the site records from the site database (320);

retrieving from the item database (312) the item record corresponding to the item identifier associated with the article, and

retrieving from the production line database (316) the line records corresponding with the line identifiers (108-1, 108-2, 108-3, 108-4, 108-5) identified in the at least one retrieved site records;

selecting one of the retrieved line identifiers (108-1, 108-2, 108-3, 108-4, 108-5) for the order based on the retrieved site records, the retrieved item record and the retrieved line records;

retrieving from the site database (320) a site identifier corresponding to the selected one of the line identifiers (108-1, 108-2, 108-3, 108-4, 108-5),

generating a project assignment record including the plurality of the line identifiers (108-1, 108-2, 108-3, 108-4, 108-5) and the item identifier associated with the article; and

transmitting, using the communication interface (332) and a network (202), a portion of the production schedule, the portion of the production schedule containing the project assignment records corresponding to one of the site identifiers, to a site computing device (204-1, 204-2) corresponding to said one of the site identifiers to manufacture the article at the one or more production lines (108) at the production site associated with the site computing device (204-1, 204-2).

Reasons for the Decision

1. Admittance - Article 12(4), (6) RPBA
- 1.1 The appellant's sole request was filed for the first time with the statement setting out the grounds of appeal. Thus, it constitutes an amendment to the appeal

case and may only be admitted at the Board's discretion (Article 12(4) RPBA).

According to Article 12(6) RPBA, second sentence, the Board shall not admit requests that should have been submitted in the first instance proceedings unless the circumstances of the case justify their admittance.

- 1.2 The Board judges that in this case there are no such circumstances.

The appellant itself did not provide any reasons for the late filing, and the Board cannot identify any impediments that could have prevented the appellant from filing the present request already during the first instance proceedings.

Independent claim 1 adds features from the description to the refused claim 1 (see claim wording above). The Board takes from the grounds of appeal that these amendments address objections raised in point 3.15 of the appealed decision. However, these objections were communicated to the appellant (then applicant) several weeks before the scheduled oral proceedings. Instead of responding with the present set of claims and discussing them with the examining division, as could and should have been done, the appellant decided not to attend the oral proceedings and to file the amendments on appeal.

- 1.3 Therefore, the Board exercises its discretion under Articles 12(4) and (6) RPBA and does not admit the present request.

2. As the appellant's sole request is not admitted, there are no special reasons for remitting the case to the

examining division (Article 11 RPBA). Consequently, the appeal has to be dismissed.

Order

For these reasons it is decided that:

The appeal is dismissed.

The Registrar:

The Chairman:



T. Buschek

W. Zubrzycki

Decision electronically authenticated