

**DECLARATION**

which under Rule 63 of the European Patent Convention shall be considered, for the purposes of subsequent proceedings, as the European search report

Application number:

EP 18 87 24 96

**Classification of the application (IPC):**

B63H 3/10, F02D 29/02, G05B 17/02, F02D 41/14

**Technical fields searched (IPC):**

F02D, B63H

**The Search Division considers that the present application does not comply with the provisions of the EPC to such an extent that it is not possible to carry out a meaningful search into the state of the art on the basis of all claims**

**Reason:**

**[0001]** 1 Invitation under Rule 63(1) EPC On 1 September 2021, an invitation under Rule 63(1) EPC was issued. The applicant replied to the invitation with the letter received 9 November 2021 comprising an annex with amended claims.

**[0002]** With a notification dated 16 November 2021, the applicant was informed that these claims were received prior to your receipt of the (supplementary) European search report and are not considered as amended claims (Rule 137 (1) EPC), but merely as an indication of the subject-matter to be searched in respect of the claims as originally filed, or serving as the basis for the supplementary European search (Rule 161 (2) EPC).

**[0003]** 2 Limitations of search as indicated by the applicant With the letter and annex filed on 9 November 2021, the following definitions were made.

**[0004]** 2.1 The "All other data", now include, according to the potential claims "engine RPM, propeller pitch, fuel consumption, torque, main engine load, and speed through water".

**[0005]** 2.2 For the metadata, the potential claims as filed with the annex include a definition on page 35, lines 29-30 "draught, trim, apparent wind and direction of wind" and on page 36, lines 20-21 "time, draught, trim, sailing direction and wind speed". However, the letter filed on 9 November 2021 refers to "UTC time, vessel heading, vessel position, vessel motion (Euler angles X, Y, Z) and, (if available) wave height/direction, swell height/direction and wind speed/direction". The partially contradicting definitions in the letter and annex as filed on 9 November 2021 do therefore not allow to identify the kind of metadata to which the search should be limited.

**[0006]** 2.3 Even under consideration of the applicant's submission, it is still unclear how the best torque is determined. The potential claims appear to have not been amended with this regard and the letter comprises a definition ("the best torque is determined as the set of parameters that at a given engine RPM gives the highest torque for least fuel (most power per kg. fuel)" that is not comprised in the application documents as originally filed. Furthermore, it is not clear how this definition can be used to determine the best torque in a certain column (bin). In addition, no clarification is given to the meaning of "statistically relevant" in this regard.

**[0007]** 2.4 Furthermore, in the letter the applicant explains that the term "tessellation" should be understood as "Delauney tessellation". However, from the application documents as originally filed, no such limitation is directly and unambiguously derivable. Hence a limitation to the search as indicated by the applicant could not lead to a corresponding limitation of the claims in view of the requirements with regard to Article 123(2) EPC.

**[0008]** 3 No meaningful search possible In view of the above, even under consideration of the applicant's submission filed on 9 November 2021, the non-compliance with the substantive provisions is such that no meaningful search of claims 1-8 could be carried out at all (Rule 63 EPC).

The applicant's attention is drawn to the fact that a search may be carried out during examination following a declaration of no search under Rule 63 EPC, should the problems which led to the declaration being issued be overcome (see EPC Guideline C-IV, 7.2).

Place of search  
The Hague

Date of completion of the search  
10 January 2022

Examiner  
Röttger, Klaus