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**Datasheet for the decision
of 25 January 2024**

Case Number: T 1203/20 - 3.4.03

Application Number: 14163029.3

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IPC: G07F17/12, G06Q10/02

Language of the proceedings: EN

Title of invention:

Method of reserving compartments

Applicant:

Integer.pl S.A.

Headword:

Relevant legal provisions:

EPC Art. 56, 84

RPBA 2020 Art. 13(1), 13(2)

Keyword:

Inventive step - main, first and fourth auxiliary requests (no)
- obvious implementation of non-technical scheme
Claims - clarity - third auxiliary request (no)
Late-filed auxiliary request - admitted (no) - no exceptional
circumstances and against procedural economy

Decisions cited:

Catchword:



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Case Number: T 1203/20 - 3.4.03

D E C I S I O N
of Technical Board of Appeal 3.4.03
of 25 January 2024

Appellant: Integer.pl S.A.
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Decision under appeal: **Decision of the Examining Division of the
European Patent Office posted on 7 January 2020
refusing European patent application No.
14163029.3 pursuant to Article 97(2) EPC.**

Composition of the Board:

Chairman T. Häusser
Members: M. Papastefanou
D. Prietzel-Funk

Summary of Facts and Submissions

- I. The appeal is against the decision of the examining division refusing European patent application No. 14 163 029 on the ground of lack of inventive step of the requests then on file (Articles 52(1) and 56 EPC).
- II. At the end of the oral proceedings before the board, the appellant (applicant) requested that the decision under appeal be set aside and that a patent be granted on the basis of the main request as referred to in the statement setting out the grounds of appeal, which also corresponds to the main request underlying the decision under appeal.

As an auxiliary measure, the appellant requested that the decision under appeal be set aside and a patent be granted on the basis of one of the first auxiliary request, new auxiliary request II, the third or the fourth auxiliary requests. The first, third and fourth auxiliary requests were referred to in the statement setting out the grounds of appeal and correspond to the respective requests underlying the impugned decision, while new auxiliary request II was filed during the oral proceedings before the board.

- III. Reference is made to the following documents, cited also in the decision under appeal:
D1: US 2002/0080030 A1
D4: US 2003/0222760 A1

- IV. Claim 10 (system claim) of the **main request** is worded as follows:

A post system (1) for reserving one or more compartments (8), the post system (1) comprising: a database (4) adapted to store a reservation table including data indicating statuses of a plurality of compartments (8), wherein the post system (1) in communication [sic] with the database (4) and includes a plurality of compartments (8), the post system (1) adapted to receive reservation information indicating a number of compartments (8) to be reserved; wherein the post system is adapted to identify at least one available compartment (8) to be reserved using the reservation table stored at the database (4), and update the reservation table by storing data indicating a reserved status associated with the at least one available compartment (8) to be reserved and a reservation time to establish a compartment reservation; and wherein the post system (1) adapted [sic] to identify at least one record within the reservation table of the database (4) associated with a reserved compartment (8) having a reservation time that is past a current time, and to update the record of the reservation table corresponding to the identified reserved compartment (8) to available, wherein the identifying at least one record further includes comparing the reservation time with the current time and data from a recognition means, the recognition means provided at the one or more compartments (8) and adapted to recognise if a package is deposited in a compartment (8), wherein the record corresponding to the reserved compartment (8) is updated to available if the recognition means do not detect that a package has been deposited in the reserved compartment (8) within the reservation time.

- V. Claim 8 (system claim) of the **first auxiliary request** has the following wording (differences from claim 1 of the main request underlined and stricken-through by the board):

A post system (1) for reserving one or more compartments (8), the post system (1) comprising:

a database (4) adapted to store a reservation table including data indicating statuses of a plurality of compartments (8),

wherein the post system (1) is adapted to receiving a query message, the query message including location data related to at least one location associated with a location of a shop system (2)

wherein the post system (1) is further adapted to search the databases [sic] on the basis of the location data;

transmitting a prioritised list of available compartments (8) based upon the location data indicating at least one location received from a shop system (2);

wherein the prioritised list of available compartments (8) is generated according to a predefined range from a location of the shop system (2), and if no compartment (8) is available within the predefined range, a message is transmitted indicating either; [sic] alternative available compartments (8) outside the predefined range, or an alternative reservation time at which compartments (8) within the predefined range are available;

wherein the post system (1) in communication [sic] with the database (4) and includes a plurality of compartments (8), the post system (1) adapted to receive reservation information indicating a number of compartments (8) to be reserved;

wherein the reservation information includes an indication of a number of compartments (8) to be reserved from the list of prioritised available compartments (8);

wherein the post system (1) is adapted to identify at least one available compartment (8) to be reserved using the reservation table stored at the database (4), and update the reservation table by storing data indicating a reserved status associated with the at least one available compartment (8) to be reserved and a reservation time to establish a compartment reservation; and

wherein the post system (1) adapted [sic] to identify at least one record within the reservation table of the database (4) associated with a reserved compartment (8) having a reservation time that is past a current time, and to update the record of the reservation table corresponding to the identified reserved compartment (8) to available,

the post system (1), further comprising recognition means, the recognition means provided at the one or more compartments (8) and adapted to recognise if a package is deposited in a compartment (8), wherein the post system (1) is adapted to update the record corresponding to the reserved compartment (8) to available if the recognition means do not detect that a package has been deposited in the reserved compartment (8) within the reservation time;

wherein the post system (1) is further adapted to identify the location of a shop system (2) based on the IP-address of the shop system (2).

- VI. Claim 10 (system claim) of **new auxiliary request II** differs from claim 10 of the main request in that the last part of the claim is amended as follows (differences from claim 1 of the main request

underlined and struck through by the board):

... the recognition means comprised in the post system and provided at the one or more compartments (8) and adapted to recognise if a package is deposited in a compartment (8), wherein the record corresponding to the reserved compartment (8) is updated to available if the recognition means do not detect that a package has been deposited in the reserved compartment (8) within the reservation time, wherein the recognition means includes a light beam sensor located in the compartment such that, when a light beam is broken by the presence of a package, the recognition means is adapted to detect that a package is deposited therein.

VII. Claim 10 (system claim) of the **third auxiliary request** differs from claim 10 of the main request in comprising the following additional feature at the end:

... wherein the post system actively manages reservations depending on compartment availability, and storage space of the post system is effectively managed such that the size of the compartment matches the size of the package.

VIII. Claim 8 (system claim) of the **fourth auxiliary request** differs from claim 8 of the first auxiliary request in that the following additional feature inserted as penultimate feature of the claim:

... wherein identify at least one record includes monitoring only reserved compartments (8); and ...

IX. The appellant argued essentially that the claimed system provides a more efficient way of managing the

reservations of the compartments than the prior art. Moreover, D1 did not disclose recognising means adapted to detect whether a package is deposited in the compartment as those of the claimed system.

New auxiliary request II was filed in reaction to the board's preliminary opinion and should be admitted to the proceedings.

Reasons for the Decision

1. The claimed invention

The invention relates to reserving compartments in a post system.

The post system comprises compartments (lockers) which can be reserved by users. The system maintains a database with records including the status of each compartment ("reserved" - "available") and when it receives a request for a reservation it looks for available compartments on the basis of their status as stored in the database.

Reservations are made for a certain period of time, i.e. they have a start and an end time. The system monitors the time and when the end time of a reservation passes, it changes automatically the status from "reserved" to "available" unless it detects that there is a package in the compartment.

2. Main request

2.1 It is common ground that D1 represents a suitable starting point for the assessment of inventive step.

D1 describes a locker system and how it is controlled (see Figure 1). The system comprises several locations with lockers where users can store items. Users can reserve lockers in the system using a terminal, such as a mobile phone (see Figure 7 and paragraph [0140]). The system keeps a status table (database) where the current status of each locker is shown ("available", "occupied"), see Figure 5.

A user can reserve a locker from a specific time onwards. When the locker is freed, the system determines the time period the user kept the locker reserved and bills them a fee (see Figure 15).

2.2 The board agreed with the appellant that the claimed system differed from the system of D1 by the following three features:

- (i) the post system is adapted to identify at least one record within the reservation table of the database associated with a reserved compartment having a reservation time that is past a current time, and to update the record of the reservation table corresponding to the identified compartment to available;
- (ii) wherein the identifying at least one record further includes comparing the reservation time with the current time and data from a recognition means, the recognition means provided at the one or more compartments and adapted to recognise if a package is deposited in a compartment, wherein the record corresponding to the reserved compartment is updated to available if the

recognition means do not detect that a package has been deposited in the reserved compartment within the reservation time; and

- (iii) the post system is adapted to update the reservation table by storing data indicating a reserved status associated with the at least one available compartment to be reserved and a reservation time to establish a compartment reservation.

2.3 The appellant also argued that D1 did not disclose any "recognising means" in the sense of claim 10 of the main request.

2.3.1 According to the appellant, the definition "*the recognition means provided at one or more compartments (8) and adapted to recognise if a package is deposited in a compartment*" in the claim indicated that the recognition means of the claimed system were able to determine whether a package was actually deposited inside the compartment.

In contrast to that, the system of D1 used a sensor to determine when the door of the compartment was opened and closed in order to determine whether there was anything deposited inside the compartment. This determination, however, was based only on an assumption about the deposit of a package inside the compartment. It was possible for example that a user opened and closed the door of the compartment without depositing anything inside.

The determination by the recognition means of the claimed system reflected the "real state of the world", since they recognised (were "adapted to recognise")

that there was indeed a package inside the compartment and did not only make an assumption based on the opening and closing of the compartment door. It could thus not be reasonably be said that D1 disclosed the claimed recognition means.

- 2.3.2 The board does not find this argument persuasive. The claim wording does not provide any information about the recognition means other than that they are provided in each compartment. The same is valid for the door sensors in D1 (see e.g. paragraphs [0183]-[0184]).

Moreover, according to paragraph [0019] of the published application, the *recognition means is not particularly limited to any specific component or software configuration*. As described in this paragraph, the recognition means can be a *sensor adapted to detect the opening of the door to the compartment, or the actuation of actuation means controlling the door*. The recognition means may alternatively include a *light sensor located in the compartment such that, when a light beam is broken by the presence of a package, the recognition means detects that a package is deposited therein*. The recognition means can also be *the user interface of the post box terminal*.

- 2.3.3 The appellant argued that the expression "adapted to recognise if a package is deposited in a compartment" in the claim implied a limitation to recognising means that were actually sensing the package inside the compartment, i.e. to the light beam sensor. However, as the above-cited paragraph describes, the application does not limit the recognition means to any specific implementation. On the contrary, it is also envisaged that the recognition means can be a compartment door sensor as in the system of D1.

The board's view is therefore that the claim wording does not support a limitation of the recognition means to a specific implementation and considers that this feature is disclosed in D1.

- 2.4 The board agrees with the appellant that there is a difference between the claimed system and the system of D1 in that the claimed system receives requests for the reservation of a specific time (period), i.e. with a start and end time, or more precisely at least with an end time. This feature is not explicitly defined in claim 10 of the main request, but the definition that the system compares the current time with a reservation time implies that at least an end time of the reservation must be specified (see also paragraph [0077] of the application).

- 2.4.1 In D1 there is no (end) time associated with the request for a reservation. The concept of the system in D1 is different from the one of the present application, since the system of D1 bills the user for the time a compartment (locker) was reserved. The system logs the start time of the reservation and the time when the user frees the compartment, and calculates a fee to be billed to the user (see paragraphs [0186] to [0199]). In the board's view, there is no interest in the system of D1 to limit the reservations for a specific time (period) since the user pays for the time of the reservation.

In contrast to that, the claimed system does not bill the users for their reservation(s) and thus it sets time limits to the reservation of the compartments so that users reserve them only for as long as they need them. The system monitors the time and when the

reservation time (period) ends, it renders the compartments available for reservation (unless a package is detected inside the compartment).

- 2.4.2 In the board's opinion the claimed system differs from D1 only in the way the compartments and their reservations are managed. This is an administrative/business scheme defined by the manager of the post (locker) system.

Part of this management scheme is also the feature of not rendering a compartment available if it is detected that there is a package in it, even if the reservation time has ended. To the board this is only an aspect of the administrative scheme under which the compartments in the system of claim 10 are managed and does not relate to any technical problem.

- 2.4.3 The system of D1 comprises means for logging the start and end time of a reservation/occupation of a compartment (paragraphs [0193] and [0194]), as well as means for determining whether there is a package inside a compartment. The system of D1 comprises thus all the technical means necessary to implement the management/administration scheme underlying the claimed invention, if the owner/manager wished to change the administrative scheme of managing the compartments.

- 2.5 The appellant argued that the distinguishing features of the claimed system solved the technical problem of *how to overcome the inefficiency of the post system described by D1* (see for example the statement of the grounds of appeal, paragraph [38]).

The board considers this problem to be defined vaguely in the present context, as there is no indication of

why the system of D1 is inefficient and which features of the claimed system might render it more efficient than the system of D1. The board thus does not accept this formulation of the technical problem.

- 2.5.1 As stated previously, the board considers that the difference between the claimed system and the system of D1 lies in the way they are managed. The identified distinguishing features represent thus an implementation of an administrative scheme for managing the compartments.

According to established case law and practice, the board considers that the administrative scheme of managing the compartments will be provided to the skilled person as non-technical constraints for implementation. Any technical problem present would relate merely to how these non-technical constraints are (to be) implemented.

As stated previously, the system of D1 comprises all the necessary technical means for implementing the administrative (business) scheme underlying the claimed system. The board's view is therefore that such an implementation would be obvious to the skilled person using common general knowledge.

- 2.6 In conclusion, the board agrees with the examining division that the subject-matter of claim 10 of the main request does not involve an inventive step (Articles 52(1) and 56 EPC). The same applies for the subject-matter of claim 1 which defines the corresponding method.

3. First auxiliary request

- 3.1 The system of claim 8 of the first auxiliary request (based on claim 10 of the main request) comprises additional features enabling it to receive an indication of the location of the shop system (i.e. the location of the user requesting a reservation) and searching for available compartments within a specific range around that location. It presents the user with a prioritised list of available compartments within this range, and if it does not find any, it proposes alternative available compartments outside this range or alternative reservation times at which compartments within this range will be available. Moreover, claim 8 defines that the system uses the IP address of the shop system to identify its location automatically (i.e. the location of the user requesting the reservation).
- 3.2 The system of D1 also searches for available compartments (lockers) in a predetermined area around a specific location (see e.g. paragraphs [158]-[160]) and if it does not find any in that area, it proposes to look for available compartments outside that area (see e.g. Figure 9B). There is no specific mention of a list of available compartments in D1, but the board considers implicit that, should the system find more than one compartments available, it would present the user with the possibility to select one of them.
- 3.3 The main difference of the claimed system from the system of D1 is that in the latter the location is input by the user, who makes the reservation request (paragraph [158]), while in the claimed system the user's location ("shop location") is identified automatically by the system on the basis of the IP address of the shop's terminal.

3.4 The appellant argued that this distinguishing feature provided for less user interaction with the system. Instead of the user having to input their location, the system recognised it automatically. This distinguishing feature solved thus the technical problem of how to minimise user interaction and facilitate the use of the system.

3.4.1 Moreover, in the present context it was not obvious to use the IP address to identify the location of the user automatically. The straightforward solution for the skilled person would have been to use GPS. However, GPS provided a location accuracy which was not required in this context, as the system needed to know only the approximate location of the user in order to seek for available compartments within a predetermined range around this location.

Furthermore, laptops and computers were not necessarily equipped with a GPS receiver (at least at the application's priority date), so by using the IP address to identify the location, the system provided more flexibility as to what type of terminal the user could use to carry out the reservation procedure.

Using the IP address for the automatic detection of the user's location was thus not a business requirement and not an obvious solution for the skilled person.

3.5 The board does not find these arguments persuasive. Leaving open the question of whether minimising the user interaction with the system represents a technical problem, the board notes that automating steps of a manual process has always been considered a pervasive aim in any technical system.

3.5.1 The board thus considers that the skilled person would inherently seek to automate any step in the compartment reservation procedure described in D1. One of the few user inputs in the reservation procedure is the input of the desired location. It would thus be obvious for the skilled person to try and automate this step of the procedure, i.e. to provide for an automatic identification of the user's location.

3.5.2 In the present context there are not many solutions available to the problem of how to identify the user's location automatically.

The board considers that using the IP address to identify the physical location of a (computer) terminal was generally known and used at the priority date of the application. This is also implied in the application since there are no details of how the user's location is identified by their IP address.

As the appellant explained, not all types of terminals/devices that a user could use were necessarily equipped with a GPS receiver at the priority date of the application. This is also considered to be generally known. For the sake of argument, the board accepts that the most obvious solution for the skilled person would be to use GPS. However, since GPS was not necessarily available in all types of user terminals (mobile phones, computers, laptops, etc.) the skilled person would opt for a solution that accommodates at least all the types of terminals used in the system of D1 (see e.g. paragraph [0140]).

Under these circumstances, it is considered obvious that the skilled person would opt for the known solution based on the use of the user terminal's IP

address to identify their location.

3.6 The board thus reaches the same conclusion as the examining division that the subject-matter of claim 8 of the first auxiliary request does not involve an inventive step (Articles 52(1) and 56 EPC). The same applies for claim 1, which defines the corresponding method.

4. New auxiliary request II

4.1 This request was filed during the oral proceedings to replace the previous second auxiliary request, after the board had expressed its negative opinion regarding the main and the first auxiliary requests.

Compared to claim 10 of the main request, claim 10 of new auxiliary request II limits the recognising means to the embodiment including a light beam sensor for detecting that a package is deposited in the compartment (see point VI. above).

4.2 New auxiliary request II was filed during the oral proceedings before the board and its admittance is thus to be decided according to Article 13(2) RPBA.

4.3 The appellant explained that the filing of this request was a reaction to the board's preliminary opinion conveyed in the communication regarding the broad interpretation of the "recognition means" in the claims. In the decision under appeal, the examining division had held that the recognition means were "implicitly disclosed" in D1 but had not explained in detail why it considered this to be the case. Moreover, the examining division had made reference to document D4, which was held to disclose explicitly recognition

means including a light beam sensor, and had combined this teaching with D1.

It was thus the detailed explanations of the board in its communication why it was considered that document D1 disclosed the claimed recognition means which triggered the filing of new auxiliary request II. These were exceptional circumstances which justified the admittance of this request into the proceedings.

4.4 The board is not persuaded by these arguments.

4.4.1 The examining division had considered the recognition means disclosed in D1 before the decision under appeal was issued, see for example communications issued on 11 November 2019, page 2, paragraph 1 (annex to minutes of a telephone conversation), and on 25 March 2019, page 3, paragraph 6 (annex to the summons to oral proceedings). The objection was also discussed during the oral proceedings, where the appellant (then applicant) had the opportunity to request more detailed explanations from the examining division regarding the implicit disclosure of the recognition means in D1.

Moreover, the appellant had ample opportunity to file the request after having received the board's communication under Article 15(1) RPBA, issued more than four months before the oral proceedings, but chose to file it at the latest possible time, during the oral proceedings and after the main and the first auxiliary requests had been discussed.

4.4.2 The board thus does not see any exceptional circumstances which could justify the admittance of this request into the proceedings at this late stage.

- 4.5 In addition, referring also to the criteria under Article 13(1) RPBA, the board considers that the admittance of this auxiliary request would be against procedural economy.
- 4.5.1 The added features relating to the light beam sensor included in the recognition means have never been part of any claims presented during the prosecution of the application, neither during the search phase nor during the examination phase. The question of whether such features were taken into account during the prior art search thus arises.
- 4.5.2 In the board's view, admitting this request at this stage of the proceedings would have the consequence of adjourning the oral proceedings and remitting the case to the department of first instance in order to carry out a supplementary prior art search. This would clearly be against procedural economy.
- 4.6 Taking into account all the above considerations the board decides not to admit new auxiliary request II into the proceedings under Articles 13(1) and (2) RPBA.
5. Third auxiliary request
- 5.1 Claim 10 of the third auxiliary request comprises the following feature:
wherein the post system actively manages reservations depending on compartment availability, and storage space of the post system is effectively managed such that the size of the compartment matches the size of the package (see also point VII).
- 5.2 The board agrees with the examining division that the term "actively manages" is not clear within the meaning

of Article 84 EPC because it is formulated as a result to be achieved, as there is no indication of what active management of the reservations might be and which features of the claim may achieve it (see also point 15.1 of the reasons for the impugned decision).

Claim 10 provides also no indication about how the post system "knows" the size of the package to be stored into the compartment so that it can select the appropriate compartment. This feature thus lacks clarity, as well.

5.3 The appellant did not comment on these objections by the board.

5.4 The board's conclusion is hence the same with the conclusion of the examining division, i.e. that claim 10 of the third auxiliary request is not clear within the meaning of Article 84 EPC. The same applies for claim 1, which defines the corresponding method.

6. Fourth auxiliary request

6.1 Compared to claim 8 of the first auxiliary request, claim 8 of the fourth auxiliary request defines in addition that the system monitors only reserved compartments when identifying the at least one record (see point VIII. above).

6.2 The appellant argued that by monitoring only reserved compartments, the identification becomes more efficient, since not all compartments have to be monitored (i.e. also those which are not reserved).

6.3 The board notes that in the assessment of inventive step of claimed subject-matter, the comparison is

normally made to the state of the art, in the present case document D1.

The identification of at least one record in the added feature refers to the identification of reserved compartments for which the reservation (end) time has passed so that their status can be returned to "available" (unless it is detected that there is a package inside). Such a function, however, is not disclosed in D1, so there can be no discussion about gains in efficiency with respect to the prior art.

- 6.4 Moreover, the board considers that this feature is implicitly included in claim 10 of the main request (and claim 8 of the first auxiliary request), since only reserved compartments have a reservation (end) time which can be compared to the current time, and it is thus implicit that only reserved compartments have to be monitored in that context. The board's conclusions regarding the corresponding features of claim 10 of the main request applies here, as well.
- 6.5 The appellant had no further comments to the board's objections.
- 6.6 The board thus shares the examining division's conclusion that the subject-matter of claim 8 of the fourth auxiliary request does not involve an inventive step (Articles 52(1) and 56 EPC). The same applies for claim 1, which defines the corresponding method.
7. Since none of the appellant's requests on file is admissible and allowable, the appeal cannot succeed.

Order

For these reasons it is decided that:

The appeal is dismissed.

The Registrar:

The Chairman:



S. Sánchez Chiquero

T. Häusser

Decision electronically authenticated