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Datasheet for the decision of 12 September 2019

Case Number: T 0164/17 - 3.4.02

Application Number: 13168571.1

Publication Number: 2639555

IPC: G01D1/00, G06F15/00, G06M11/04, G01D9/00, G06Q10/08

Language of the proceedings: EN

Title of invention:
Methods and systems for providing sensor data using a sensor web

Applicant:
Federal Express Corporation

Headword:

Relevant legal provisions:
EPC Art. 123(2), 52(1), 54

Keyword:
Amendments - added subject-matter (no)
Novelty - main request (no) - auxiliary request (no)

Decisions cited:

Catchword:

Europäisches Patentamt
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Boards of Appeal

Chambres de recours

Boards of Appeal of the
European Patent Office
Richard-Reitzner-Allee 8
85540 Haar
GERMANY
Tel. +49 (0)89 2399-0
Fax +49 (0)89 2399-4465

Case Number: T 0164/17 - 3.4.02

D E C I S I O N
of Technical Board of Appeal 3.4.02
of 12 September 2019

Appellant: (Applicant)	Federal Express Corporation 3610 Hack's Cross Road Memphis TN 38125 (US)
Representative:	Zacco Denmark A/S Arne Jacobsens Allé 15 2300 Copenhagen S (DK)
Decision under appeal:	**Decision of the Examining Division of the European Patent Office posted on 4 August 2016 refusing European patent application No. 13168571.1 pursuant to Article 97(2) EPC.**

Composition of the Board:

Chairman	R. Bekkering
Members:	C. Kallinger
	G. Decker

Summary of Facts and Submissions

I. The appellant lodged an appeal against the decision of the examining division refusing European patent application No. 13 168 571.1.

II. The appellant requested that the decision under appeal be set aside and that a patent be granted on the basis of the claims according to the main request or, in the alternative, according to an auxiliary request, both claim sets filed with the statement of grounds of appeal dated 14 December 2016.

III. In reply to the observations made by the board in a communication pursuant to Article 15(1) RPBA, the appellant filed with a letter dated 3 September 2019 a set of amended claims forming the basis of a new auxiliary request I. The former auxiliary request was to be considered as auxiliary request II.

IV. In a reply dated 11 September 2019 the appellant informed the board that auxiliary request I filed on 3 September 2019 was to replace the current main request.

V. Oral proceedings were held on 12 September 2019. During the oral proceedings the appellant filed two further sets of claims according to a "New Main Request" and a "New Auxiliary Request" replacing all previous requests.

VI. Final requests

The appellant's final **main request** is that the decision under appeal be set aside and that a patent be granted

on the basis of the claims of the *"New Main Request"* filed at the oral proceedings on 12 September 2019. As an **auxiliary request**, the appellant requests that the decision under appeal be set aside and that a patent be granted on the basis of the claims of the *"New Auxiliary Request"* filed at the oral proceedings on 12 September 2019.

VII. The following document is referred to in this decision:

D1 WO 03/060752 A1.

VIII. Claim 1 of the main request reads as follows:

"1. A method for providing sensor data pertaining to tracked items, the method comprising:

receiving (402), by a tracking center (108), a request for sensor data from a client (110), the request including a triggering parameter, wherein the triggering parameter relates to location, temperature, light level, humidity, pressure, gas level, airflow, vibrations, or other environmental conditions;

determining (404), by the tracking center (108), whether real-time sensor data is required based on the request for sensor data;

searching (406), by the tracking center (108), for information identifying a set of devices that meet the triggering parameter, wherein the set of devices that meet the triggering parameter are selected from a plurality of item tracking devices (102a, ..., 102n) attached to or included in items that are to be tracked, a plurality of beacon devices (104a, ..., 104n) located in various sites along a delivery path of an item to be tracked, or a plurality of user tracking devices (112a, ..., 112n) attached to or placed near specific users, wherein at least some of the devices

that meet the triggering parameter are capable of measuring one or more environmental conditions such as location, temperature, light level, motion, pressure, humidity, gas level, airflow, or vibration,

retrieving (408), by the tracking center (108), the requested sensor data, the requested sensor data corresponding to the set of devices that meet the triggering parameter,

wherein, if real-time sensor data is required, retrieving the requested sensor data comprises requesting and receiving sensor data from the set of devices; and if real-time sensor data is not required, retrieving the requested sensor data comprises retrieving sensor data from entries in [sic] *database corresponding to the set of devices; and*

determining, based on the database, whether the client (110) has authorization to access each portion of the retrieved sensor data from the set of tracking devices that meet the triggering parameter; and

returning (418), by the tracking center (108), a portion of the requested sensor data for which the client (110) has authorization to the client (110)."

IX. Claim 1 of the auxiliary request differs from claim 1 of the main request in that the last two paragraphs have been amended as follows:

"...

determining whether the client (110) has authorization to access all, a portion or none of the retrieved sensor data from the set of tracking devices that meet the triggering parameter; and

returning (418), by the tracking center (108), the authorizied [sic] *portion of the requested sensor data for which the client (110) has authorization to the client (110)."*

Reasons for the Decision

1. Main request - Novelty with respect to D1 - Article 54 EPC

The subject-matter of claim 1 of the main request does not meet the requirements of Article 52(1) EPC because it is not new within the meaning of Article 54 EPC.

1.1 Document D1 discloses a method for providing sensor data pertaining to tracked items (see title and abstract lines 1 to 4), the method comprising (see figures 1, 31, 33, pages 1 to 14: "Summary of the invention" and pages 80 to 85: "4.2 Integration Engines"):

- receiving, by a tracking center (108, 3110), a request for sensor data from a client (112, 3130), the request including a triggering parameter, wherein the triggering parameter relates to location, temperature, light level, humidity, pressure, gas level, airflow, vibrations, or other environmental conditions (see page 5, lines 26 to 31 and page 81, line 3 to page 83, line 11)
- determining, by the tracking center, whether real-time sensor data is required based on the request for sensor data and, if real-time sensor data is required, retrieving the requested sensor data comprises requesting and receiving sensor data from the set of devices; and, if real-time sensor data is not required, retrieving the requested sensor data comprises retrieving sensor data from entries in the database corresponding to the set of devices (see page 4, lines 19 to 23, page 5, lines 26 to 28 and page 81, lines 12 to 13)

- searching, by the tracking center, for information identifying a set of devices that meet the triggering parameter (see page 83, lines 27 to 34), wherein the set of devices that meet the triggering parameter are selected from a plurality of item tracking devices (102, 104, 3120) attached to items that are to be tracked, wherein at least some of the devices that meet the triggering parameter are capable of measuring one or more environmental conditions (see page 10, lines 19 to 22 and page 81, lines 3 to 12)
- retrieving, by the tracking center, the requested sensor data corresponding to the set of devices that meet the triggering parameter (see page 83, lines 27 to 34),
- determining, based on the database, whether the client has authorization to access each portion of the retrieved sensor data from the set of tracking devices that meet the triggering parameter; and
- returning, by the tracking center, a portion of the requested sensor data for which the client has authorization to the client (see page 13, lines 31 to 34 and page 92, line 26 to page 93, line 19: "Controlling Access to Tracking Information").

1.2 The appellant argued that the subject-matter of claim 1 differed in the following two aspects:

(a) According to claim 1, the tracking center's determination whether real-time sensor data was required (step (404)) was based on the request for sensor data which in turn included a triggering parameter relating to an environmental condition. Therefore, the user's request of a certain environmental condition defined whether real-time

data or historical data was required. The appellant argued that this was not disclosed in D1.

(b) With respect to authorization, claim 1 defined that it was determined whether the client (110) had authorization to access each portion of the retrieved sensor data. This was to be understood such that a user needed authorization to access all retrieved sensor data provided by a certain sensor in order to access part of it. The appellant argued that this was not disclosed in D1.

1.3 The board is not persuaded by the appellant's arguments.

(a) According to the description of the application, the determination whether real-time data is required (step (404)) can be based on *"the type of information requested, user choice, the programming of rules engine 208, or an application being run on client 110"* (see paragraph [0064]). In addition, figure 4 of the application shows that the determination step 404 checks whether real-time data is *"desired"*. This also shows that the determination is based upon a user choice. Such a determination based on a user's choice is disclosed in D1 (see page 5, lines 26 to 28), where the system receives and responds to a query (i.e. request including a user's choice) concerning the status of an item (i.e. sensor data associated with said item) at a current or past time (i.e. real-time vs. historic data).

(b) The appellant was not able to give a basis in the application for its interpretation of the feature relating to authorization. The board interprets

this feature such that a user is granted access to the portion of sensor data for which he has authorization. This interpretation is in line with the description (see paragraph [0070]).
Such a handling of access rights is disclosed in D1 (see page 13, lines 31 to 34 and page 92, lines 26 to 34: *"Controlling Access to Tracking Information"*).

Thus, document D1 discloses all features of claim 1.

1.4 The same reasoning applies to the corresponding independent claims 5 and 9 which are directed at a system for providing sensor data and a computer-readable medium containing instructions for performing a method for providing sensor data, respectively.

2. Auxiliary request - Novelty with respect to D1 - Article 54 EPC

The subject-matter of claim 1 of the auxiliary request does not meet the requirements of Article 52(1) EPC because it is not new within the meaning of Article 54 EPC.

2.1 With respect to the auxiliary request, the appellant argued that the tracking information disclosed in D1 in the passage bridging pages 92 and 93 was *"attributes of the goods (e.g., color, price)"* and therefore different from the claimed sensor data.
The appellant further argued that although D1 disclosed the use of sensors, this was in embodiments which were separate from the embodiment disclosed in the passage bridging pages 92 and 93. Combining teachings from

separate embodiments of a single document, however, was a question of inventive step and not one of novelty. Furthermore, D1 disclosed (see page 13, lines 31 to 34 and page 92, line 26 to page 93, line 19) the sending of an encoded document including all information. Only by providing differing coding schemes to respective customers was access to this information controlled according to their authorization. This was different from the now claimed access control, which provided only the portion of requested sensor data for which the user had authorization.

2.2 The board is not persuaded by the appellant's arguments.

The appellant's argument that features from separate, non-related embodiments are combined is not convincing because from the overall content of D1 it is clear that tracking information relates, amongst others, to sensor data related to the tracked items. In the general part of the description (see page 10, lines 1 to 22) it is explicitly disclosed that tracking information can include data from sensors. The same disclosure can be found in the general description of the *"integration engine 3110"* (see page 81, lines 3 to 13 and figure 31). The board is therefore of the opinion that the section *"Controlling Access to Tracking Information"* (starting on page 92, lines 26) relates also to controlling access to tracking information which includes sensor data.
As this passage relates to different degrees of access (see page 92, lines 28 to 29) and explicitly discloses to control access to tracking information *"by providing the consumer with only a portion of the document"* (see page 92, lines 33 to 34), the board is of the opinion that D1 discloses the claimed access control according

to which the tracking center returns to the client "*the authorized portion of the requested sensor data for which the client (110) has authorization*".

Thus, document D1 discloses all features of claim 1.

2.3 The same reasoning applies to the corresponding independent claims 5 and 9 which are directed at a system for providing sensor data and a computer-readable medium containing instructions for performing a method for providing sensor data, respectively.

Order

For these reasons it is decided that:

The appeal is dismissed.

The Registrar: The Chairman:

M. Kiehl R. Bekkering

Decision electronically authenticated