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**Datasheet for the decision  
of 7 May 2024**

**Case Number:** T 1637/20 - 3.5.01

**Application Number:** 16200908.8

**Publication Number:** 3327649

**IPC:** G06Q30/00

**Language of the proceedings:** EN

**Title of invention:**

ELECTRONIC PRICE LABEL AND ELECTRONIC PRICE LABEL SYSTEM

**Applicant:**

MariElla Labels Oy

**Headword:**

Displaying inventory instructions on electronic price labels/  
MariElla

**Relevant legal provisions:**

EPC Art. 56

**Keyword:**

Inventive step - use of electronic price labels for displaying  
inventory instructions (no - non-technical)

**Decisions cited:**

T 0641/00, T 1670/07



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Case Number: T 1637/20 - 3.5.01

**D E C I S I O N**  
**of Technical Board of Appeal 3.5.01**  
**of 7 May 2024**

**Appellant:** MariElla Labels Oy  
(Applicant) Pohjantähdentie 17  
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**Representative:** Berggren Oy  
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**Decision under appeal:** **Decision of the Examining Division of the  
European Patent Office posted on 9 March 2020  
refusing European patent application No.  
16200908.8 pursuant to Article 97(2) EPC.**

**Composition of the Board:**

**Chairman** M. Höhn  
**Members:** R. Moser  
E. Mille

## Summary of Facts and Submissions

- I. This case concerns the applicant's appeal against the decision of the examining division to refuse European patent application No. 16200908.8.
- II. The examining division found that claim 1 of the main request was not inventive over D1 (WO 2015/136146 A1). In their view, the distinguishing features related to a non-technical inventory management scheme, which did not contribute to inventive step, and well-known implementation options such as electronic price labels with LEDs - it was *inter alia* referred to D2 (EP 0 837 439 A2), column 3, line 35 to column 5, line 8 (see point 21 of the decision).

The examining division further considered that the features added to claim 1 of the then second auxiliary request related to a conventional user device (computer) programmed to execute a set of non-technical requirements (points 46 to 48 of the decision).

- III. In the statement setting out the grounds of appeal, the appellant requested that the decision be set aside and that a patent be granted on the basis of the refused main or second auxiliary request, re-filed with the grounds of appeal as the main and first auxiliary request, respectively. The appellant also made an auxiliary request for oral proceedings.

The appellant argued, *inter alia*, that the claimed interaction of an electronic price label system with electronic price labels and an inventory management system for managing and controlling inventory checks had technical character and was neither known nor

common practice.

The first auxiliary request further provided a solution to the problem of assisting store personnel to find the location of products to be inventoried.

- IV. In a communication under Rule 100(2) EPC, dated 10 February 2023, the Board tended to agree with the examining division's conclusion. In particular, the Board considered that the distinguishing features boiled down to a non-technical inventory management task. In the Board's view, the technical features for implementing such a task were known from either document D1 or D2.
- V. In a response, dated 9 June 2023, the appellant provided further arguments in favour of inventive step and maintained the requests as filed with the statement of grounds of appeal.

In particular, the appellant argued that neither D1 nor D2 disclosed an electronic price label system connected to an inventory management system comprising a product database for carrying out inventory checks. Furthermore, guiding a person to a specific location "by indicating a route and/or a direction to the product and/or to electronic label relating to the product" was a technical solution and not disclosed by the cited prior art documents.

- VI. With letter dated 6 September 2023, the Board summoned the appellant to oral proceedings. In the accompanying communication it maintained its preliminary view that the objective of the invention, which was to furnish inventory instructions to store personnel, was an administrative rather than technical task. Furthermore,

the Board considered that the guidance provided by claim 1 of the first auxiliary request was of an administrative nature.

VII. With letter dated 22 April 2024, the appellant stated that "neither the applicant nor their representative [would] attend the oral proceedings. At the same time the applicant ... [withdrew] the request for oral proceedings".

VIII. With letter dated 24 April 2024, the oral proceedings were cancelled.

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

*An electronic price label system characterized in that: the system comprises an electronic price label, the electronic price label (3) comprising:*

- a communication module for receiving product related information,*
- a display (2) for displaying product related information,*
- indication means which are configured to indicate that the products related to electronic price label have to be inventoried,*
- wherein the indication means is implemented by altering the colours of the display (2) of the electronic price label (3) by inverting the colours, or*
- the indication means is a light source such as a LED-light source and indication can be implemented by turning on or off and/or flashing the light source,*

*the system further comprises at least one base station (4) configured to send and receive information with any of the electronic price labels, and*

*wherein the electronic price label system and/or the base station (4) of the electronic price label system is configured to send an inventory indication command to the at least one electronic price label for the electronic price label, the command indicating that the products related to the specific electronic price label have to be inventoried, and*

*the electronic price label (3) is configured to turn the indication means to activated state, e.g. turn indication light source on and/or use inverted colours on the display, based on a received inventory indication command,*

*wherein the system is configured to send an inventory indication stop command to the at least one electronic price label based on information that products relating to the specific electronic price label have been inventoried, and*

*the electronic price label (3) is configured to turn the indication means to deactivated state, e.g. indication light source off and/or normal colours on the display, based on a received inventory indication stop command, and*

*wherein the electronic label system is connected to an inventory management system which comprises a product database in which products are listed and which product database includes information about the number of products.*

- X. Claim 1 of the first auxiliary request adds the following features:

*and the system further comprises a user device and the user device is configured to receive a number of certain products as an input from a user of the user device and the user device is further configured to send the received number of products to the system and/or a product database, and*

*wherein the user device is configured to indicate where the products and/or electronic labels to be inventoried are located by indicating a route and/or a direction to the product and/or electronic label relating to the product.*

## **Reasons for the Decision**

### **The invention**

1. The invention concerns electronic price labels that indicate to store personnel which products require inventory.
2. Conventional inventory management systems lack the capability to identify products needing inventory or conduct ongoing inventory assessments without closing the store (paragraphs [0005] and [0006] of the published application).
3. An electronic price label system transmits an instruction ("inventory indication command") to an electronic price label which, for example, inverts the display colors or activates an LED (paragraphs [0009] to [0011]). In this way store personnel are informed that the products associated with the price label require inventorying (paragraph [0012]). Once the inventory check is completed, the electronic price

label receives an instruction ("inventory indication stop command") to revert to its normal colors or switch off the LED, signalling that the products have been inventoried.

**Main request, inventive step (Article 56 EPC)**

4. The appellant essentially argued that the cited prior art documents D1 and D2 failed to disclose an electronic price label system connected to an inventory management system with a product database, nor did they relate to the performance of inventory checks, let alone the display of such checks through electronic price labels.

In the appellant's view, the claimed interaction of an electronic price label system with electronic price labels and the inventory management system had technical character and was not merely an automation of a business scheme. Furthermore, this approach was neither known nor common practice at the filing date in 2016.

The technical problem to be solved was therefore "how to provide an electronic price label system which enables carrying out inventory checks reliably and for example during opening hours of the store" (second paragraph on page 6 of the statement of grounds of appeal).

5. The Board is not convinced by the above arguments and judges, as concluded by the examining division, that claim 1 is not inventive over D1.
6. D1 discloses an electronic price label system comprising electronic price labels and a base station,



for providing and displaying product related information, e.g. a price, promotion or discount (see page 7, lines 6 to 10, page 12, lines 10 to 14 and Figure 3).

The Board agrees with the appellant that D1 does not disclose the use of the electronic price label system for displaying inventory information or its connection to an inventory management system with a product database. Furthermore, D1 does not disclose the manner in which the inventory information is displayed, i.e. by "turn[ing] indication light source on and/or us[ing] inverted colours on the display".

7. The Board, however, judges that these distinguishing features are essentially non-technical requirements which, in line with the Comvik approach (see T 641/00 - *Two identities/COMVIK*), are given to the technically skilled person to implement.

Typically, inventory management is the responsibility of a store manager. For example, the manager instructs staff to conduct routine inventory checks, such as counting the daily inventory of milk cartons and updating the inventory database accordingly. These instructions might be communicated verbally or in writing, such as through a note affixed to the shelf containing the products.

The store manager is familiar with conventional electronic price labels and their use for providing and displaying product-related information, such as pricing, promotions or discounts (see D1, page 7, lines 6 to 10). The use of electronic labels as opposed to paper labels offers the advantage, also known to the manager, that manual work and errors are reduced.

Therefore, the Board judges that the store manager would come up with the idea of using this well-known advantage also in the area of inventory management, in particular to indicate to store personnel the need for stocktaking for certain products.

8. In light of the foregoing, the Board concludes that the desire to use electronic price labels for informing store personnel about inventory tasks can be included in the problem formulation. In other words, the store manager would ask the technical expert in electronic (shelf) labels to supplement the price information with an indication that the products associated with the electronic price label must be inventoried.
9. Faced with this task, given the electronic price label system of D1, the skilled person would have arrived at the claimed solution without involving an inventive step.

He would use the central computer for transmitting data/control instructions, specifically inventory indications, to be displayed on electronic price labels (see D1, page 12, lines 10 to 14 and Figure 3). Notably, the claim does not specify the trigger for sending these instructions - this could be done manually by the store manager. Additionally, the skilled person would recognise the necessity for the central computer to be connected to the system required to provide the necessary inventory data, for example an inventory management system with a product database.

Moreover, the Board judges that the way in which inventory instructions are visually displayed, whether through inverting display colors or activating LEDs,

depends on subjective preferences, such as what store staff or managers find visually appealing. Implementing such visual displays would have been obvious to the skilled person - see also D1, page 7, lines 20 to 23 or D2, column 3, lines 35 to 49.

10. The inventory task itself, i.e. manually counting products on a shelf, lacks a technical aspect. Thus, a visual prompt to execute such a task cannot be deemed technical either, unlike assisting a person in performing a technical task. In particular, the Board cannot see how this would facilitate conducting inventory checks with reliability from a technical standpoint, as the determination to conduct the checks and the accuracy of the counting rests entirely with the store personnel. Moreover, executing the inventory task while the store remains open is unrelated to the manner in which the inventory instructions are communicated to store personnel.
  
11. In conclusion, the main request is not allowable under Article 56 EPC.

**First auxiliary request, inventive step (Article 56 EPC)**

12. The appellant argued that the additional features, relating to a user device for entering and transmitting an inventory count to the product database and indicating a route/direction where the products to be inventoried are located, solved the technical problem of "how to reliably guide a person (e.g. store personnel) to a specific location where his actions are needed".
  
13. The Board judges that these additional features cannot substantiate an inventive step.

First, the use of a user device to automate (manual) inventory taking, i.e. to transmit inventory figures to a database, cannot be considered inventive (see Case Law Book, 10th edition 2022, I.D.9.21.6). This is all the more true in the present case, where the automation means do not go beyond a generic, technically unspecified user device.

Second, the indication of "a route and/or a direction" informing store personnel where the products to be inventoried are located does not necessarily imply a real-time navigation system. Such an indication could also be a static text of the type "Dairy products are located on the third row of shelves" and therefore of a purely administrative, non-technical nature. The display of such a text to store staff does not provide reliable (in the technical sense) guidance and therefore has no technical effect (see e.g. T 1670/07 - *Shopping with mobile device/NOKIA*, reasons, point 6). Even if the user device offered real-time navigation functionality, this was well-known at the time of filing in 2016.

14. The Board therefore concludes that the first auxiliary request lacks an inventive step in the sense of Article 56 EPC.

## **Order**

### **For these reasons it is decided that:**

The appeal is dismissed.

The Registrar:

The Chairman:



T. Buschek

M. Höhn

Decision electronically authenticated