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**Datasheet for the decision  
of 11 July 2013**

**Case Number:** T 0972/07 - 3.5.01

**Application Number:** 01130959.8

**Publication Number:** 1220127

**IPC:** G06F17/60

**Language of the proceedings:** EN

**Title of invention:**

System and method of assisting goods collection

**Applicants:**

Ricoh Company, Ltd.  
CANON SALES CO., INC.  
FUJI XEROX CO., LTD  
Japan Business Machine Makers Association

**Headword:**

Goods collection/RICOH

**Relevant legal provisions:**

EPC 1973 Art. 56

**Keyword:**

Inventive step - system for collecting and distributing goods  
(no - non-technical administrative scheme)

**Decisions cited:**

**Catchword:**



**Beschwerdekammern  
Boards of Appeal  
Chambres de recours**

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Case Number: T 0972/07 - 3.5.01

**D E C I S I O N  
of Technical Board of Appeal 3.5.01  
of 11 July 2013**

**Appellant:**  
(Applicant 1)

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**Appellant:**  
(Applicant 2)

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**Appellant:**  
(Applicant 3)

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**Appellant:**  
(Applicant 4)

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**Representative:**

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**Decision under appeal:**

**Decision of the Examining Division of the  
European Patent Office posted on 9 January 2007  
refusing European patent application No.  
01130959.8 pursuant to Article 97(1) EPC 1973.**

**Composition of the Board:**

**Chairman:** S. Wibergh  
**Members:** W. Chandler  
P. Schmitz

## **Summary of Facts and Submissions**

I. This appeal is against the decision of the examining division to refuse the European patent application No. 01130959.8. It concerns a goods collection system to help manufacturers recycle products such as copying machines.

II. The search division issued a declaration of no search under Rule 45 EPC 1973 and the examining division did not consider it appropriate to carry out an additional search. The examining division decided that claim 1 of the main and auxiliary request did not involve an inventive step (Article 56 EPC 1973). The division argued as follows:

1.1.1 The present application addresses the problem of managing goods collection and redistribution, which is an organisational/administrative problem. Such management applies in the context of recycling used goods; basically manufacturers want to retrieve the used goods they produced, dismantle them and reuse parts in the manufacture of new goods.

1.1.2 On an administrative level, the proposed solution is as follows: manufacturers collect used goods from business entities and transport the ones they did not produce to an exchange center. At this exchange center an inventory of the collected goods is maintained and the manufacturers of the goods are periodically notified about goods they manufactured which are stored at the center. The manufacturers can then go to retrieve them at the exchange center. The different transportation phases (from the transporters to the exchange center and vice-versa) are scheduled according to the goods to bring in and to retrieve.

In an alternative embodiment, there may be more than one exchange center and a plurality of collection depots is associated with each exchange center. The manufacturers bring collected goods to a collection depot; the goods are then transferred to the exchange center associated to the collection depot. Retrieval of used goods from an exchange center by a manufacturer is then operated in a manner similar to the single exchange center organisational model. This multiple exchange center based organisation has been introduced for logistic reasons in order to provide a proximity service. Therefore this multiple exchange center organisation is also administrative.

1.1.3 Such protocol for collecting and distributing goods is administrative in nature. This protocol is automated by the use of a computer system which allows manufacturers and the exchange center to communicate.

Basically, the computer of the exchange center allows to notify a manufacturer of the list of its products currently stored at the exchange center. The manufacturer, by means of its computer, transmits to the exchange computer the list of goods it is going to bring to the exchange center and the list of items it is going to take back from the exchange center. The computer at the exchange center also allows to manage the goods inventory, schedule the transportation phases, generate reports and bills for charging the use of the exchange.

1.2 Claim 1 addresses the problem described above at item 1.1.1 which is administrative in nature and therefore is not relevant for assessing inventive step. The solution to this problem defined in claim 1 stands

on the goods exchange protocol as described above at item 1.1.2, which is administrative in nature and therefore is not relevant for assessing inventive step.

Claim 1 further defines the use of processing means in order to assist the administrative goods exchange protocol. It is noted that the use of computers in order to support administrative protocols is common practice and cannot be deemed inventive.

Having regard to the technical means involved in the realisation of this support system, the closest prior art appears to be a networked computer system which was common knowledge in the field of computers at the priority date of the application.

Starting from this prior art, the only technical problem that the division can derive resides in the implementation of the goods exchange protocol under consideration. This would then be the task of the person skilled in the art of software programming who is given the specification of the administrative protocol for goods exchange.

The technical features of the implementation follow directly from the requirements of the specification concerning the goods exchange protocol under consideration. Any technical consideration which might be involved in implementing the administrative steps on the computer system derives in a straightforward way from the specification of the exchange protocol. The proposed solution does not go beyond the concept of a mere automation of the constraints imposed by the administrative aspects.

The different data inputs relate to the administrative recording of actions taking place during an exchange. They would be implemented in a straightforward way by the person skilled in the art.

Particular details relating to the database organisation are derivable from the administrative constraints of the administrative protocol or are a mere matter of choice that the person skilled in the art would realise and implement without exercise of an inventive step. Messages, relating to what goods need to be transferred, transmitted between the different parties involved in the goods collection are immediately derivable from the administrative exchange scheme.

Defining the schedule of the different transportation phases according to bring-in and retrieve procedures would be a routine activity for the skilled person.

In consequence the subject-matter of claim 1 of the Main Request is not deemed inventive (Article 56 EPC).

- III. In the statement of grounds of appeal, the appellants requested that the decision under appeal be set aside and that a patent be granted on the basis of the main, first, or second auxiliary request filed with the statement setting out the grounds of appeal, the main and first auxiliary request corresponding to the refused requests. The appellants also requested oral proceedings.
- IV. The Board issued a communication under Rule 100(2) EPC in which it tended to agree with the examining division's findings. In a reply, dated 15 March 2012, the appellants requested that the decision under appeal

be set aside and that a patent be granted on the basis of the sole request containing the following claim 1:

"A goods collection assisting system said goods collection assisting system assists a work of allowing each of a plurality of business entities to exchange used goods of other business entities which are collected with sales of goods of said each business entity with said other business entities and take back goods of said each business entity, and said system comprising:

one or a plurality of exchange centers (exchange means) (20; 300) for storing collected goods;

collected goods information input means (11, 27; 110, 410) for inputting collected goods information representing collected goods to be stored in said exchange center (20);

an information processing system (21; 500) for storing said collected goods information input from said collected goods information input means (11, 27; 110, 410), processing said stored collected goods information, preparing stored goods information indicating collected goods to be taken back by each of said plurality of business entities from said exchange center and notifying each business entity of said stored goods information;

receiver information processing means (11; 110) for receiving said stored goods information from said information processing system (21; 500), via a communication network to output said stored goods information and inputting desired goods-to-take-back information associated with collected goods each business entity wants to take back from said exchange center;

exchange center information processing means (21; 410, 420) for outputting said desired goods-to-take-



back information input from said receiver information processing means (11; 110); and

taken-back goods information input means (11, 27; 110, 410) for inputting information associated with collected goods actually taken back by each business entity from said exchange center,

said collected goods information (21) includes information for specifying a manufacturer of said goods;

said information processing system (21; 500) includes stored goods information preparing/notifying means for preparing said stored goods information about said collected goods stored in said exchange center based on said collected goods information for each manufacturer independently and notifying said prepared stored goods information to a business entity associated with said manufacturer, and actual performance information generating/sending means for generating actual performance information about collected goods which have been collected, stored, and taken back and sending said generated actual performance information to each business entity;

wherein said exchange center includes plural first exchange centers (200) and one or plural second exchange centers (300), provided one for a plurality of said first exchange centers (200), for stocking said collected goods stored in said plurality of first exchange centers (200);

wherein each said first exchange center (200) has said collected goods information input means, means for storing collected goods information input from said collected goods information input means, out-transportation information input means for inputting out-transportation information about collected goods to be transported to said second exchange center (300), of said collected goods indicated by said stored collected

goods information, and said exchange center information processing means; and

each said second exchange center (300) has in-transportation information input means for inputting in-transportation information about collected goods transported from said first exchange center (200), and said exchange center information processing means."

V. The Board summonsed the appellants to oral proceedings. In the accompanying annex, the Board still tended to consider that the invention was a non-technical process carried out on conventional hardware. In a response, the appellants' representative stated that he would not be attending oral proceedings and requested a decision on the basis of the state of the file.

VI. The oral proceedings were cancelled.

### **Reasons for the Decision**

1. The Board cannot see any prejudicial error in the examining division's conclusion that the invention does not involve an inventive step (Article 56 EPC 1973).
2. The appellants consider that the invention "deals with a technical object on the basis of technical features". In particular, optimised recycling, or indeed any kind of recycling is seen as such a technical object. The Board agrees in general that the actual process of recycling might be technical in so far as it uses some machine. However, the present invention is essentially concerned with logistical matters of collecting and distributing goods prior to the recycling process. It is these logistics that must be examined for technical effect, not the recycling process, which is not

- claimed. The Board agrees with the examining division that in the present case they are administrative in nature and do not have a technical character.
3. The appellants argue that the sporadic approaches in the prior art had failed to achieve the object. However, in the Board's view, if one looks at these approaches more closely, the non-technical nature of the invention becomes even more apparent. In particular, the approach in paragraph [8] of the published application was for processing laboratories to collect dispensable cameras and send them back to the respective manufactures for salvaging the lenses. This was said to be a problem for larger items. Thus the invention is essentially a computerised version of the same idea applied to larger items.
  4. The appellants argue that the physical entities such as the "business entities" and the exchange centre(s) are actually technical entities. Even if this is true, it is their role in the recycling process that must be determined. Since these entities only collect and distribute goods, the Board agrees with the examining division that this role is a business or administrative role that does not contribute to the technical character of the invention.
  5. As far as the use of communication networks, computers and databases are concerned, the Board agrees that they are technical means, but agrees with the examining division that they do not contribute to the technical character of the invention, but only the implementation of the collection and distribution process which is an obvious use of this technology. These technical aspects of the solution cannot "leak" back to establish a technical aspect in the problem to be solved.

6. The appellants consider that the information processing corresponds to a kind of electronic filter of information, which is technical. However, this filter essentially boils down to sending only information that a business entity has previously said that it is interested in. In the Board's view this is purely a matter of user-preference and has no technical character. Only its implementation in the form of communication over the network has technical character, but is an obvious measure as stated by the examining division.
7. The appellants consider that the technical considerations would have been more apparent if a search had been performed. However, according to the jurisprudence of the boards of appeal, the technical character of an invention is independent of the prior art. In fact, a search could only reveal that some of these non-technical aspects were actually known, thus reducing the potentially inventive content still further.
8. In appeal, the appellants amended claim 1 by adding the features of former claim 6, which relate to using a plurality of exchange centres instead of just one ([79] of the application as published). However, in the Board's view these features do not overcome the arguments already given since they are a refinement of the administrative scheme to enable it to work at the regional level, which is still not a technical effect.
9. In response to these arguments in the summons, the appellants repeated the argument that the filtering function was technical because it reduced the amount of data to be processed. However, as mentioned previously,

in the Board's view, the effect of this filtering is to send only desired information, which is not a technical effect.

10. Accordingly, claim 1 of the sole request does not involve an inventive step (Article 56 EPC 1973), so that the appeal must be dismissed.
11. The appellants' representative replied to the summons to oral proceedings by stating that he would not attend. This is to be considered as a withdrawal of the request for oral proceedings and thus the Board could decide without them.

## Order

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

The appeal is dismissed.

The Registrar:

The Chairman:



T. Buschek

S. Wibergh

Decision electronically authenticated