

Internal distribution code:

- (A) [-] Publication in OJ
- (B) [-] To Chairmen and Members
- (C) [-] To Chairmen
- (D) [X] No distribution

**Datasheet for the decision
of 3 March 2022**

Case Number: T 0345/19 - 3.4.03

Application Number: 17152210.5

Publication Number: 3176764

IPC: G07F11/68, G07F17/00, B26D5/00

Language of the proceedings: EN

Title of invention:

METHOD FOR A MEDICATION DISPENSER TO OBTAIN INFORMATION FROM A
MEDICATION PACKAGE, AND MEDICATION DISPENSER

Applicant:

Evondos Oy

Headword:

Relevant legal provisions:

EPC Art. 56

Keyword:

Inventive step - (no) - common general knowledge - obvious
modification

Decisions cited:

Catchword:



Beschwerdekammern
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 0345/19 - 3.4.03

D E C I S I O N
of Technical Board of Appeal 3.4.03
of 3 March 2022

Appellant: Evondos Oy
(Applicant) Salorankatu 5-7
24240 Salo (FI)

Representative: Berggren Oy
P.O. Box 16
Eteläinen Rautatiekatu 10A
00101 Helsinki (FI)

Decision under appeal: **Decision of the Examining Division of the
European Patent Office posted on 19 September
2018 refusing European patent application No.
17152210.5 pursuant to Article 97(2) EPC.**

Composition of the Board:

Chairman M. Papastefanou
Members: J. Thomas
T. Bokor

Summary of Facts and Submissions

- I. The appeal is against the decision of the examining division to refuse European patent application No. 17 152 210 on the grounds that the subject-matter of the only request then on file did not comply with Articles 84 and 52(1) EPC in combination with Article 56 EPC.
- II. At the end of the oral proceedings held by video conference before the board the appellant requested the following:
- the decision under appeal be set aside, and
 - a patent be granted on the basis of claims 1 to 14 of the main and sole request, re-filed with the statement setting out the grounds of appeal, also underlying the appealed decision
- III. The following document is referred to below:
D1: EP 2 457 550 A1
- IV. Claim 1 of the sole request on file reads as follows:
- A method for a medication dispenser (100) to obtain information from a medication package (103), comprising:*
- *providing an image of the medication package (103);*
- characterised** *in that the method comprises:*
- *analysing the image to determine positions and formats of patterns (304, 305, 306) in the image,*
 - *selecting a layout, which has similar pattern formats in the same positions as the image, from a set of layouts stored in the medication dispenser (100),*

the selected layout defining the type of information for each pattern (304, 305, 306) in the image, and

- *interpreting the information contained in at least one of the patterns (304, 305, 306) of the image by linking the content of the pattern (304, 305, 306) to the type of information defined in the selected layout.*

V. The appellant's arguments, insofar as they are relevant to the present decision, may be summarised as follows:

The subject-matter of claim 1 was new and inventive over the teaching of document D1. In contrast to the teaching of document D1, the claimed invention defined not simply a pattern matching, but an analysing of the image according to the positions and types of formats. The pattern formats were related to text, or a one or two dimensional bar code. Based on the positions of the different formats, a layout was selected from a set of stored layouts. These stored layouts linked directly the image's content to a specific type of information contained in the image. Thereby, the selected layout allowed a direct link between a detected format of patterns and the type of information contained therein. In this way, the extraction process of the information of the label was simplified and would need less memory space. In contrast, document D1 taught a pattern matching. The interpretation of the information contained in the pattern and the subsequent extraction of this information on the basis of the type of information determined was not disclosed by document D1.

Reasons for the Decision

1. The appeal is admissible.
2. Background

The claimed subject-matter concerns a method for a medication dispenser which allows an automatic extraction of information from a medication package using an automated image processing technique. This involves analysing the image of the medication package to determine positions and formats of image parts (patterns) within the image, e.g. a text or a bar code. Based on the positions and formats, the images can be directly linked to the type of information it contains by comparing them to prestored layouts, because this type of information is stored in combination with the stored layouts.

3. Inventive step
- 3.1 Closest prior art

Document D1 represents the closest prior art since it deals with a method for a medication dispenser in order to obtain information from a medication package similar to the claimed invention.

Document D1 discloses, using the wording of present claim 1 (the references in parentheses in the following paragraph refer to document D1, the passages strike-through are not disclosed in document D1), a method for a medication dispenser (abstract, [0003] to [0007], [0312]) to obtain information from a medication package ([0317] to [0319]), comprising:

- providing an image of the medication package (Fig. 50; [0353]); the method comprises:
 - analysing the image to determine positions and formats of patterns ([0323]; [0353]) in the image,
 - selecting a layout ([0323]; [0353]; "pattern matching"), which has similar pattern formats in the same positions as the image, from a set of layouts stored in the medication dispenser ([0353]; comparison of "the areas of the vial's label to a set of predefined or trained images"), ~~the selected layout defining the type of information for each pattern in the image,~~ and
 - interpreting the information contained in at least one of the patterns ([0353], [0354]) of the image ~~by linking the content of the pattern to the type of information defined in the selected layout.~~

3.2 Differentiating features

The features not disclosed in document D1 concern the specification of the selected layout and the link between the selected layout and the type of information stored in the respective pattern. The board considers that these differences relate to an intermediate step between the image analysis (pattern recognition) and the step of extracting information from the image of the medication package.

3.3 Technical effect

The technical effect provided by these differentiating features can be seen in an easy access to the information contained in the recognized pattern of the medication package's image.

3.4 Obviousness

The board notes that the identified technical effect is also the objective of the method disclosed by document D1. The objective of the pattern matching in document D1 is to derive some content information from the package label. Document D1 does not go in detail how this information is derived. Document D1 indicates in paragraph [0354] that the pattern matching software allows the recognition of a bar code, so that "[t]he pattern match may be combined with reading a bar code from one or more of the vial images". In the board's understanding, if the pattern match allows the reading of a bar code, it means that the method knows that a bar code must be read and not e.g. a text field. It must also be implicitly understood that the system should know which kind of specific information this bar code provides, otherwise the reading of the bar code and the obtained information would be worthless.

Therefore, the solution which is explicitly defined by the differentiating features should be at least considered as the most obvious, if not standard solution for the skilled person when starting from the disclosure of document D1. If a match between the actual pattern of the image and a stored layout, interpreted in its broadest sense, is determined, the further link of the pattern to any type of content (like e.g., a name, a number or any further information) must be an immediate logical consequence in order to derive some useful information from the pattern. Hence, a link between the pattern matched and the type of information of the content must be foreseen in document D1 in order to allow an automated access to the content. Only such a link between the type of information and the stored layouts would make possible to extract the desired information from the recognised

pattern or matched image. Hence, the board's conclusion is that even if this is not explicitly discussed in detail in document D1, it must be considered as an immediate and obvious consequence of the teaching of document D1.

With respect to the appellant's arguments the following is noted. The definitions of "positions and formats of patterns", "layout", "pattern format" or "type of information" have to be interpreted in their broadest possible interpretation. In document D1, information sought must be extracted from the recognised pattern as soon as the pattern match exceeds a threshold value (of similarity). If the drug name, the drug manufacturer or the drug code can be extracted from the image by pattern recognition (see [0353]), and if a bar code reading is possible (see [0354]), a link between the recognised pattern and the type of information contained in the bar code must also be provided. In the board's view, therefore, the pattern matching software mentioned in document D1 must include the possibility to distinguish between a text field, a number field or a bar code, in order to correctly extract a specific information from the image of the medication package. This is especially true if the entire process is automated, as stated in document D1.

Finally, the argument that the claimed invention would require less storage space than the method discussed in document D1 remains without any evidence and is therefore not convincing.

Hence, an inventive step cannot be based on the above indicated differentiating features which are considered obvious to the skilled person when starting from document D1 and using common general knowledge.

4. Conclusion

Since the subject-matter defined in claim 1 of the appellant's sole request does not involve an inventive step contrary to the requirements of Article 52(1) EPC in conjunction with Article 56 EPC, the appeal must fail. The question of clarity (Article 84 EPC) needs not be dealt with.

Order

For these reasons it is decided that:

The appeal is dismissed.

The Registrar:

The Chairman:



S. Sánchez Chiquero

M. Papastefanou

Decision electronically authenticated