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**Datasheet for the decision
of 10 March 2022**

Case Number: T 1909/19 - 3.5.07

Application Number: 14854011.5

Publication Number: 3058488

IPC: G06F17/30, G06F21/34, G06Q10/08

Language of the proceedings: EN

Title of invention:
Systems and methods for confirming an identity of an individual, for example, at a locker bank

Applicant:
United Parcel Service Of America, Inc.

Headword:
Confirming identity at locker bank/UPC

Relevant legal provisions:
EPC Art. 56

Keyword:
Inventive step - main request (no) - auxiliary request (no)



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Case Number: T 1909/19 - 3.5.07

D E C I S I O N
of Technical Board of Appeal 3.5.07
of 10 March 2022

Appellant: United Parcel Service Of America, Inc.
(Applicant) 55 Glenlake Parkway N.E.
Atlanta, GA 30328 (US)

Representative: Zacco Sweden AB
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Decision under appeal: **Decision of the Examining Division of the
European Patent Office posted on 7 February 2019
refusing European patent application
No. 14854011.5 pursuant to Article 97(2) EPC**

Composition of the Board:

Chair J. Geschwind
Members: P. San-Bento Furtado
C. Barel-Faucheux

Summary of Facts and Submissions

- I. The appeal lies from the decision of the examining division to refuse European patent application No. 14854011.5, which was published as international application WO 2015/057734.

The following documents are cited in the decision:

D1: US 2012/0062362 A1, published on 15 March 2012;

D11: US 2013/0262311 A1, published on 3 October 2013.

The examining division decided that the subject-matter of the claims of the sole request was not inventive over document D1 in combination with commonplace features used to fulfil non-technical requirements. The distinguishing features of claim 1 were also considered obvious in view of the disclosure of document D11.

- II. In the statement of grounds of appeal, the appellant requested that the decision under appeal be set aside and that a patent be granted on the basis of the request considered in the appealed decision.
- III. In a communication accompanying a summons to oral proceedings, the board expressed its preliminary opinion that claim 1 did not fulfil the requirements of clarity under Article 84 EPC and that the subject-matter of the claims was not inventive over document D1.
- IV. With a letter of reply the appellant submitted an auxiliary request and arguments in favour of patentability of both requests.

V. In a further letter the appellant informed the board that it would not attend the oral proceedings. The board cancelled the oral proceedings.

VI. The appellant's final requests were that the contested decision be set aside and that a patent be granted on the basis of the main request or the auxiliary request.

VII. Claim 1 of the main request reads as follows (itemisation added by the board):

"A computer-implemented method for directing one or more parcels having a consignee to a suitable locker bank location and facilitating a release of the one or more parcels from the suitable locker bank location, the method comprising:

- (a) at a logistics server, having one or more processors, that is associated with a carrier responsible for handling the one or more parcels, receiving from a mobile computing device a first indication that delivery of the one or more parcels is not possible to the consignee at a primary delivery location, the one or more parcels having associated tracking information stored on computer-readable media;
- (b) at the logistics server, based on receiving the first indication from the mobile computing device associated with the carrier, determining a suitable locker bank location based at least in part on the primary delivery location;
- (c) at the logistics server, facilitating delivery of the parcel to the suitable locker bank location;
- (d) at the logistics server, receiving from a computing device associated with the suitable locker bank location, a first request to deliver the one or more parcels to the suitable locker bank location, wherein the first request is received in

response to a selection of a touch-screen indicia presented on a touch-screen associated with the suitable locker bank location and in communication with the computing device associated with the suitable locker bank location;

- (e) at least partially in response to receiving the first request, providing access to one or more lockers at the suitable locker bank location, wherein providing access to the one or more lockers comprises the computing device associated with the suitable locker bank location unlocking one or more locking mechanisms securing the one or more lockers;
- (f) at the logistics server, receiving a second indication that the one or more parcels have been placed in a particular one of the one or more lockers;
- (g) at the logistics server, at least partially in response to receiving the second indication, associating the one or more parcels with the particular one of the one or more lockers by storing an update to the tracking information on the computer-readable media;
- (h) receiving from an individual at the computing device associated with the suitable locker bank, a second request to retrieve the one or more parcels from the particular one of the one or more lockers, the second request received at the computing device associated with the suitable locker bank by the individual;
- (i) at least partially in response to receiving the second request at the computing device associated with the suitable locker bank, confirming an identity of the individual as the consignee or an individual authorized to pick up the one or more parcels for the consignee from the suitable locker

bank location, wherein confirming the identity comprises:

- (i.1) receiving a current location of the individual from a computing device associated with the individual;
- (i.2) using the current location of the individual to confirm that the individual is at the suitable locker bank location;
- (i.3) at least partially in response to confirming that the individual is at the suitable locker bank location, confirming the identity of the individual; and
- (j) at least partially in response to confirming the identity of the individual, facilitating the release of the one or more parcels from the particular one of the one or more lockers to the individual, wherein facilitating the release of the one or more parcels comprise[sic] the computing device associated with the suitable locker bank location unlocking one or more locking mechanisms securing the one or more lockers."

VIII. Claim 1 of the auxiliary request differs from claim 1 of the main request in that the following text was added at the end of (i.3):

"by confirming that the computing device is associated with the consignee or an individual authorized to retrieve a parcel by the consignee".

IX. The appellant's arguments, where relevant to this decision, are addressed in detail below.

Reasons for the Decision

Application

1. The invention concerns delivery of parcels to consignees when an initial delivery attempt is unsuccessful (see page 1, first text paragraph of the international publication).
- 1.1 The application discloses a system for facilitating delivery of parcels via a carrier (e.g. logistics company, courier, authorised agent) to alternate delivery locations in response to an unsuccessful delivery attempt to a primary delivery address (e.g. the intended parcel recipient's residence). An alternate delivery location may be a locker bank comprising a plurality of secure lockers at any suitable location, such as at a stand-alone facility or another facility such as, for example, a retail store, a gas station or a pharmacy (page 2, last full paragraph, to page 3, second line).
- 1.2 The system as illustrated in Figure 1 includes a computer network facilitating communication between a logistics server, a database, a locker bank computer, a locker bank, and remote computing devices such as a tablet computer, a desktop or laptop computer, or a handheld computing device, such as a cellular phone (page 5, last full paragraph).
- 1.3 In particular embodiments, as described on page 3, first full paragraph, when the driver representing a carrier arrives at a locker bank to deliver a parcel to the locker bank: (1) the driver indicates, via a system directly accessed at the locker location and/or via a

portable computing device, that the parcel is to be delivered; (2) an appropriate locker is selected by the system or the driver, for instance based on a size of the parcel, time of day, type of package or special handling instructions for the parcel; (3) the driver places the parcel in the chosen locker; (4) the computer system associated with the locker bank sends an electronic notification to the parcel's shipper, consignee, carrier and/or third party that the parcel is in the locker bank; and (5) the locker bank holds the parcel until it is retrieved from the locker, or until a predetermined amount of time passes.

Admissibility - auxiliary request

2. The auxiliary request was submitted in reaction to the objection under Article 84 EPC raised for the first time in the board's preliminary opinion that features (i.1) to (i.3) were unclear. The amendment introduced with the auxiliary request corresponds to a genuine attempt to overcome that objection and is not unjustifiably detrimental to procedural economy. The board considers these to be exceptional circumstances under Article 13(2) PRBA 2020 justifying taking into account the amendment. In view of that the board admits the auxiliary request into the proceedings.

Claim interpretation - claim 1 of both requests

3. In its reply to the board's preliminary opinion, the appellant contested the board's objection that features (i.1) to (i.3) of claim 1 of the main request were unclear because they merely confirmed that the individual at the suitable locker bank location (which was not limited to the consignee or an individual authorised to retrieve a parcel by the consignee) was there. In the appellant's opinion, it was clear from

features (i) to (i.3) that the method confirmed that the individual at the suitable locker bank location was the consignee or an individual authorised by the consignee.

3.1 The appellant nevertheless introduced in claim 1 of the auxiliary request a feature in order to render irrelevant the board's clarity objection, and submitted that its arguments for inventive step for the main request applied equally to the auxiliary request. In particular, claim 1 of the auxiliary request adds to feature (i.3) that confirmation of the identity of the individual is done by confirming that the computing device (which the board assumes to refer to the one associated with the individual) is associated with the consignee or an individual authorised to retrieve a parcel by the consignee.

3.2 In accordance with the appellant's submissions, the board interprets claim 1 of both requests in the same manner and, in particular, features (i) to (i.3) as confirming that the individual at the suitable locker bank location is the consignee or an individual authorised by the consignee to pick up the parcels. For the inventive-step assessment, the board interprets these features in light of the description. In view of the negative outcome of the inventive-step assessment detailed below, the board does not have to decide whether claim 1 of either request is clear within the meaning of Article 84 EPC.

4. Claim 1 covers a method for delivering a parcel to a consignee, in particular when delivery to a primary delivery location is not possible. The underlying idea of the method is that when a carrier cannot deliver a parcel to a consignee at a primary delivery location (step (a)), a suitable locker bank location is

determined based on the primary delivery location (step (b)) and the parcel is placed in a locker in the suitable locker bank (steps (c) to (g)), where the consignee or an authorised individual can retrieve the parcel (features (h) to (j)).

5. As the board explained in its preliminary opinion, it interprets step (c), of facilitating delivery of the parcel to the suitable locker bank location, as being further described by features (d) to (g), which essentially consist of receiving at the logistics server a first request to deliver the parcel to the suitable locker bank location, and providing access to a locker at the suitable locker bank location. Access to a locker is provided by unlocking the locker, receiving at the logistics server a second indication that the parcel has been placed in the locker and, in response, associating the parcel with the particular locker by updating tracking information stored on a computer-readable media.

Inventive step - claim 1 of both requests

6. Document D1 concerns the efficient management of package deliveries in a system for controlling access to one or more secured areas (paragraphs [0005] and [0014]).
 - 6.1 With reference to Figure 4 reproduced below, document D1 discloses a system 400 including a wide area network 422 coupled to two local networks 402 and 412, a system controller 424 and an associated memory 426. In the first local network 402 a data entry device 404 equipped with a touch screen and locking arrangements (e.g. electronic locks) at lockers 406 are communicatively coupled. Each of the plurality of locking arrangements 406 secures a storage space. The

second local network includes a data entry device 421 with a touch screen, and locking arrangements at lockers 414, facility 416 and storage facility 418 (paragraphs [0063] and [0064]).

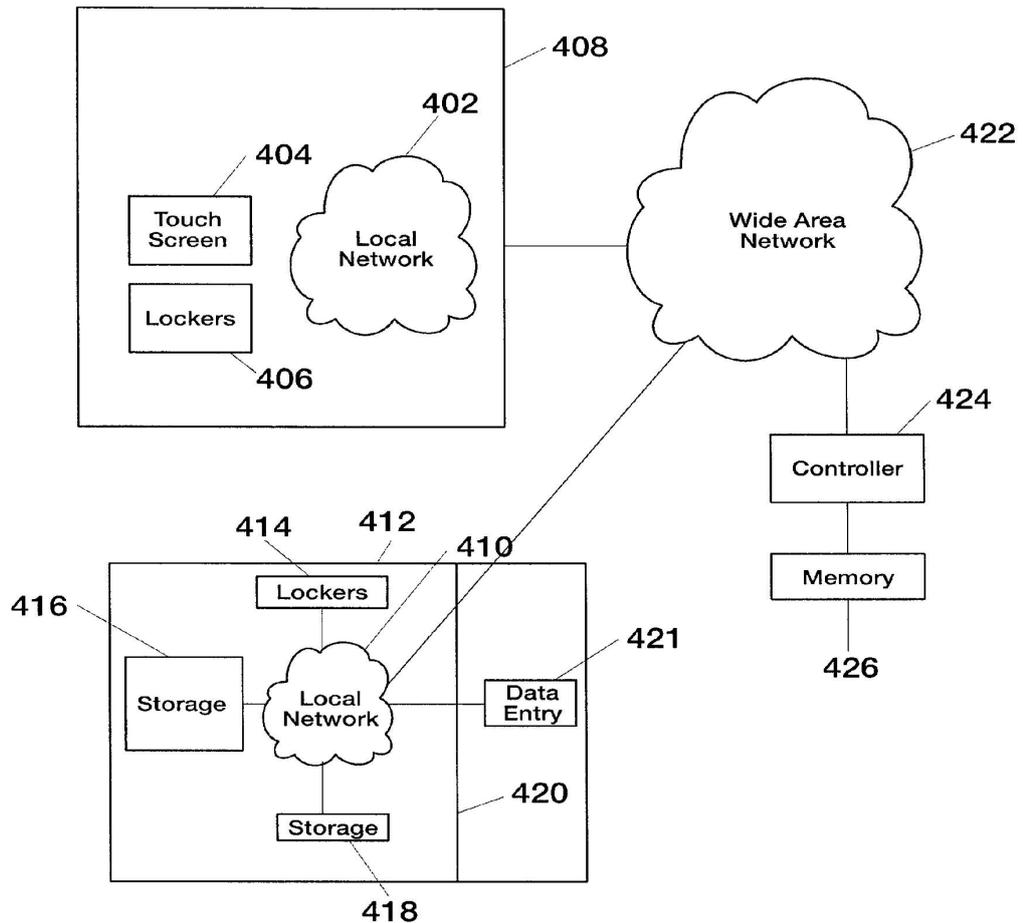


Figure 4

The data entry devices 404 and 421 receive, for example from a delivery person, an indication that a packaged asset is available for delivery to an intended recipient, together with an indication of asset size, and an identity of the intended recipient. The system controller 424 receives this information, determines an available storage space (in a group of lockers 406 or 414), based at least in part upon the asset size and the identity of the intended recipient, and transmits

to the intended recipient an access code to open a locking arrangement securing the available storage space (paragraphs [0065] and [0066]).

Therefore, document D1 discloses a method for directing one or more parcels to a suitable locker bank (corresponding to lockers 406 or 414) in a system including a logistics server (corresponding to the system controller 424) which facilitates the delivery of the parcels to the locker bank, as specified in feature (c) of claim 1.

6.2 In its grounds of appeal the appellant essentially argued that document D1 only disclosed feature (c) (see pages 4 and 5 of the statement of grounds of appeal).

In reply to the board's preliminary opinion, the appellant argued that document D1 did not disclose at least features (a), (b), (c), (e), (g) and (i) (see page 3, first paragraph, to page 4, first six lines), and parts of features (d), (h) and (j). The appellant submitted that in the system of D1 the delivery person chose a locker bank and entered information via the particular data entry device 404 or 421 connected to the locker bank disposed in a building, and that document D1 was silent about the selection of a suitable locker bank as described in features (a) to (c).

The board agrees with the appellant that D1 does not disclose in paragraphs [0063] to [0072] with reference to Figure 4, that it is the system controller which chooses a suitable locker bank location. The suitable locker bank location may be chosen by a person, for example. Thus, document D1 does not disclose the logistics server receiving a first indication that delivery is not possible at a primary location and

determining a suitable locker bank location (part of features (a) and features (b)).

However, feature (c) is unrelated to the step of choosing a suitable locker bank location and, as explained above, it is disclosed in document D1. The board further notes that feature (c) merely specifies that the logistics server facilitates "delivery [...] to the suitable locker bank location". Such a functionality is disclosed in paragraph [0065] of document D1, which explains that the system controller determines an available storage space (in a group of lockers corresponding to the suitable locker bank location) based at least in part upon the asset size and the identity of the intended recipient.

- 6.3 The functionality disclosed in paragraphs [0065] and [0066] of document D1, namely the system controller receiving the indication that a packaged asset is available for delivery, determining an available storage space and transmitting the access code, also corresponds to steps (d) and (e) of claim 1. The system controller (corresponding to the logistics server) receives a first request to deliver a parcel to the bank of lockers (the suitable locker bank location) and in response provides access to a locker.

In its letter of reply the appellant conceded that paragraph [0065] seemed to disclose a feature similar to feature (d) but argued that D1 did not disclose that the computer device was at a suitable locker location as specified in feature (d) nor that the computing device associated with the suitable locker bank location unlocked the locking mechanism of the lockers (as described in feature (e)).

The board notes however that, as explained in paragraph [0065] of D1, the delivery person may enter the delivery information via the devices 404 or 421. The data entry device 404 may be equipped with a touch screen and is communicatively coupled with locking arrangements (e.g. electronic locks) for lockers 406 in the first local network 402. Each of the plurality of locking arrangements 406 secures a storage space. The same applies for data entry device 421 and lockers 414 in the second local network 410 (paragraphs [0063] and [0064]). The recipient can obtain the package from the locker by entering the access code at the device 404 or 421 (paragraphs [0066]). Therefore, each of the devices 404 and 421 is a computing device associated with the suitable locker bank (the lockers 406 and 414) which has an associated touch screen and unlocks the locking mechanisms of the locker bank. In the board's view, paragraphs [0065] and [0066] implicitly disclose the possibility that the delivery person unlocks the lockers using access codes, especially since paragraph [0066] describes the generation of access codes and paragraph [0046] explicitly discloses access codes being used by both the recipient and the delivery person.

Therefore, document D1 also discloses features (d) and (e).

- 6.4 The system controller of document D1 keeps several logs, including a log of received packages, in a memory 426 coupled to it (paragraphs [0052] and [0072]). Therefore, contrary to the appellant's argument, document D1 discloses storing tracking information associated with the parcels in a computer-readable media (the memory 426 in D1) for keeping the

tracking information as specified in features (a) and (g).

Since the system controller determines an available storage space (paragraph [0065]), transmits the access code to the user (paragraph [0066]), and keeps information regarding drop off times (paragraph [0072]), the board considers that features (f) and (g) are at least implicitly disclosed in document D1.

The appellant's argument that the lockers in D1 are personal and associated with the recipient is not relevant since claim 1 does not exclude personal lockers.

- 6.5 In order to retrieve their parcel, the recipient enters the access code in the data entry device 404 or 421 to open the locking arrangement (paragraph [0066]). In the board's view, entering the access code in the method of D1 corresponds to "confirming an identity of the individual as the consignee or an individual authorised to pick up the one or more parcels for the consignee from the suitable locker bank location" of feature (i), since the access code is sent to the consignee (the recipient in D1) and used to confirm that the person entering the access code is the consignee or an authorised person to whom the consignee provided the access code.

In view of this, features (h), (i) and (j) are also known from document D1.

7. It follows from the above that the subject-matter of claim 1 differs from the method of document D1 in that it includes features (b), (i.1) to (i.3) and the following feature:
(a") at the logistics server, receiving from a mobile computing device a first indication that delivery of the one or more parcels is not possible at a primary delivery location.
8. The appellant argued that features (a), (b) and (c) had the technical effect of providing a method for delivery of a package to a recipient for automatic retrieval and solved the technical problem of finding an alternative to placing the packages in a mail room if no lockers were available.

The board is however of the opinion that distinguishing features (a") and (b) concern the non-technical requirement of giving preference to delivery of the one or more parcels to a primary delivery location before delivering to one of the locker banks and of selecting a suitable locker bank location based at least in part on the primary delivery location. The board notes that the choice of a delivery location can be based on non-technical business considerations and constraints or preferences of the recipient (such as a preference for a specific location for picking up the packet, e.g. a locker near the recipient's residence or the workplace). In the context of solving the problem of meeting those non-technical requirements in the system of document D1, the minor technical options reflected in features (a") and (b), namely using the logistics server (corresponding to the system controller of D1) for determining the suitable locker bank location and a mobile computing device associated with the carrier for transmitting to the logistics server the indication

that delivery is not possible at a primary delivery location, are obvious.

9. The appellant argued that features (i), (i.1), (i.2), and (i.3) provided the technical effect of enabling a secure delivery of packages and solved the objective technical problem of providing a secure delivery at an alternative location. The person skilled in the art would get no guidance from D1 to solve the problem. The skilled person would not turn to D11 at all in trying to solve that problem because D11 related to the use of a credit card at a payment terminal.

In the board's opinion, distinguishing features (i.1) to (i.3) correspond to an alternative way of identifying the individual at the suitable locker bank location, and do not interact with features (a") and (b). In particular, the method chosen to identify the individual at the locker bank location is unrelated to the way a suitable locker bank location is chosen. Combining features (a") and (b) with features (i.1) to (i.3) does not result in any synergistic effect.

- 9.1 It is questionable whether the concept of confirming the identity of the individual on the basis of the individual's location is technical. Its implementation using a computing device in the ways described in the application would have been obvious for the skilled person at the priority date of the present application, as the use of mobile devices with advanced location technology had already become ubiquitous, and location-based services were widely used.
- 9.2 Moreover, the board agrees with the examining division that document D11 discloses using such an approach in the validation of the user's identity (see paragraphs [0003] and [0011]) and that the skilled

person would combine those features of D11 with the method of D1.

9.3 The board does not find the appellant's argument convincing that the person skilled in the art would not turn to D11 at all in trying to solve the problem of finding a secure way of delivering packages because D11 related to the use of a credit card at a payment terminal. In the board's opinion, validating identity is used in all sorts of different computer applications and the skilled person would have considered using the concepts and techniques of other areas in which identity validation was needed. Furthermore, the board notes that document D11 discloses these techniques in general terms, mentioning different areas of application (see paragraph [0008]).

9.4 The appellant also argued that even if the skilled person took the disclosure of D11 for finding a solution, the skilled person would not have arrived at the claimed solution because in D11 the terminal knew its own location and made a comparison with the location of the wireless device associated with the individual, as identified by information on the credit card inserted into the terminal. This was different from the claimed solution, where the confirmation of the identity of the consignee (individual) comprised features (i.1) to (i.3).

The board does not find these arguments persuasive. Document D11 discloses "comparing the location of the wireless device obtained from the wireless network with the location where the user of the wireless device is attempting to engage in a secure transaction or activity", where the location of the wireless device is used as providing information about the location of the individual (paragraph [0011]). This corresponds to the

features disclosed in the description on page 40 of the present application according to which the system may "use the [consignee's] mobile phone number to obtain information regarding the current physical location of the mobile phone [and] compare the current physical location of the mobile phone with a known location of the locker bank" for confirming the identity of the individual as the consignee. There seems to be no difference with respect to the terminal "knowing its own location". In both cases, the comparison may be done by the (computing device associated with) the suitable locker bank/terminal.

Moreover, once faced with the basic idea of paragraph [0011] of D11, the skilled person would have considered using the computing device of the individual, and other computing devices associated with the different entities in the system of D1, for confirming the individuals identity in a number of different ways.

10. Therefore, the subject-matter of claim 1 of the main and auxiliary requests is not inventive (Article 56 EPC).

Conclusion

11. Since none of the requests on file is allowable the appeal is to be dismissed.

Order

For these reasons it is decided that:

The appeal is dismissed.

The Registrar:

The Chair:



S. Lichtenvort

J. Geschwind

Decision electronically authenticated