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

**Case Number:** T 0800/20 - 3.5.01

**Application Number:** 12779033.5

**Publication Number:** 2912615

**IPC:** G06Q20/38

**Language of the proceedings:** EN

**Title of invention:**

METHOD AND SYSTEM FOR AUTHORISING ACCESS TO GOODS AND/OR  
SERVICES AND CORRESPONDING ACCESS VOUCHER

**Applicant:**

Microtronic AG

**Headword:**

Restricted voucher redemption/MICROTRONIC

**Relevant legal provisions:**

EPC Art. 56, 84

**Keyword:**

Inventive step - restricting a voucher to one vending machine  
and setting its validity time (no - business method) -  
encoding the vending machine identifier and the validity time  
on the voucher (no - obvious implementation)

**Decisions cited:**

T 0641/00, T 1463/11



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Case Number: T 0800/20 - 3.5.01

**D E C I S I O N**  
**of Technical Board of Appeal 3.5.01**  
**of 10 October 2022**

**Appellant:** Microtronic AG  
(Applicant) Dünnerstrasse 32  
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**Representative:** BOVARD AG  
Patent- und Markenanwälte  
Optingenstrasse 16  
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**Decision under appeal:** **Decision of the Examining Division of the  
European Patent Office posted on 14 November  
2019 refusing European patent application No.  
12779033.5 pursuant to Article 97(2) EPC.**

**Composition of the Board:**

**Chair** A. Wahrenberg  
**Members:** W. Zubrzycki  
D. Rogers

## **Summary of Facts and Submissions**

- I. This is an appeal against the decision of the examining division to refuse the European patent application No. 12779033.5 for lack of inventive step (Article 56 EPC).
- II. The examining division held that the subject-matter of claim 1 of the main request did not involve an inventive step over D1 (US 2005/098625 A1) or, alternatively, over D1 in combination with D6 (WO 2011/085241 A1) and/or D7 (US 2006/047570 A1). The additional features of the auxiliary requests were obvious over D1, or, alternatively, over the combination of D1 and one of D2 (US 2011/047010 A1), D6, and D7.
- III. In the statement setting out the grounds of appeal, the appellant requested that the decision be set aside and a patent be granted on the basis of the refused main request or one of the first to fifth auxiliary requests.
- IV. In the communication accompanying the summons to oral proceedings, the Board expressed its preliminary view that all the requests lacked an inventive step over D1. Furthermore, the Board considered that the second to fifth auxiliary requests lacked clarity (Article 84 EPC).
- V. Oral proceedings were held on 10 October 2022 by videoconference. The appellant's final requests were identical to those filed in the statement setting out the grounds of appeal.

VI. Claim 1 of the main request reads:

*"Method for authorising access to goods and/or services (11, 12) at a point of sale (10), in which access to goods and/or services (11, 12) is authorised based on an access voucher (40, 50), characterised in*

*that the access voucher (40, 50), comprising at least an identification (31) of the goods and/or services and an identification (32) of a point of sale, is issued by a voucher issuing means (30),*

*that the access voucher (40, 50) is presented to a reading means (16) of the point of sale (10), at least the identification (31) of the goods and/or services and the identification (32) of the point of sale being transferred by the reading means (16) to a processing unit (20) of the point of sale (10),*

*that the processing unit (20) comprises a database (201) with at least one stored identification (21) of goods and/or services and a database (202) with a stored identification (22) of the point of sale (10), and*

*that the processing unit (20) compares the transferred identification (31) of the goods and/or services and the transferred identification (32) of the point of sale with the at least one stored identification (21) of goods and/or services and the stored identification (22) of the point of sale, the access to goods and/or services at a point of sale being authorised only based on the information contained in the access voucher and the data stored in the point of sale itself, and the access to goods and/or services (11, 12) being authorised if the transferred identification (31) of the goods and/or services matches one identification (21) of goods and/or services stored in the database (201) and if the transferred identification (32) of the point of sale*

*matches the identification (22) of the point of sale stored in the database (202)."*

- VII. Claim 1 of the first auxiliary request adds at the end of claim 1 of the main request:  
*"wherein the database (201) with at least one stored identification (21) of goods and/or services and the database (202) with a stored information (22) of the point of sale (10) are provided at the point of sale (10)."*
- VIII. Claim 1 of the second auxiliary request adds at the end of claim 1 of the main request:  
*"wherein the access voucher (40, 50) further comprises a time identification (34), that the time identification (34) is transferred to the processing unit (20) of the point of sale (10) when the access voucher (40, 50) is presented to the reading means (16) of the point of sale (10),  
that the processing unit (20) comprises a time information means (204),  
and that the processing unit (20) compares the transferred time identification (34) with the time information provided by the time information means (204), the access to goods and/or services (11, 12) being authorised if the transferred time identification (34) matches the time information of the time information means (204)."*
- IX. Claim 1 of the third auxiliary request adds at the end of claim 1 of the second auxiliary request:  
*"and wherein the time identification comprises the issuing time of the voucher."*
- X. Claim 1 of the fourth auxiliary request adds at the end of claim 1 of the second auxiliary request:

*"and wherein the time identification comprises the expiry time of the voucher."*

XI. Claim 1 of the fifth auxiliary request adds at the end of claim 1 of the second auxiliary request:

*"and wherein the time identification comprises the issuing time and the expiry time of the voucher."*

XII. The appellant argued as follows:

As was stated in the decision, D1 did not disclose storing the identifiers of served goods in a vending machine. Rather, it implicitly disclosed that these identifiers were provided in a database outside the vending machine. This interpretation of D1 was supported by paragraphs [122] to [126], which disclosed a voucher database located at a POS terminal or a central controller.

While restricting a voucher to one vending machine and limiting its validity time could be regarded as part of the business requirement given to the skilled person to implement, the decisions to store the vending machine's identifier in the vending machine itself and to encode this identifier and the voucher's validity times on the voucher were part of the technical implementation. Due to preventing a fraudulent voucher use, these features increased security which was a technical effect.

D1 taught away from the offered solution. Paragraphs [122] to [126] would have incited the skilled person to maintain the vending machine identifiers and the voucher's validity times in the database at the POS terminal or the central controller rather than providing this in the vending machine and on the voucher.

Claim 1 of the fifth auxiliary request complied with the requirements of Article 84 EPC, because the skilled reader would have understood that the vending machine accepted the voucher only for a predetermined period after its issuing time and/or only until the time of expiry.

## **Reasons for the Decision**

### 1. The Invention

1.1 The invention concerns a method for obtaining goods from a vending machine using a prepaid voucher (originally filed application, page 7, lines 10 to 12 and page 8, lines 8 to 14) and seeks to ensure that the vending machine accepts only vouchers directed to it and restricted to goods which it serves (page 11 lines 12 to 24; page 14, lines 14 to 22).

1.2 Claim 1 of the main request concerns a method carried out by the vending machine ("point of sale" in the claim) upon reading such a restricted voucher.

Looking at Figure 2, the voucher comprises the identifiers of goods for which it can be redeemed (31) and the identifier of a vending machine to which it is directed (32; page 9, lines 20 to 30). While not claimed, the identifiers might be, for example, encoded in a scannable QR code (page 8, lines 15 to 28).

The vending machine stores the list of identifiers of served products (21) and its own identifier (22) in databases 201 and 202 (page 10, lines 18 to 22). Upon reading the voucher, the vending machine extracts the identifiers 31 and 32 and compares them with the stored identifiers 21 and 22 (page 10, lines 23 to page 11,



line 5). If the corresponding identifiers match, the product can be dispensed ("the access to goods...being authorised"), see page 11, lines 6 to 10.

2. Main request, Article 56 EPC

2.1 The examining division considered that the subject-matter of claim 1 of the main request lacked an inventive step over the disclosure of D1.

D1 discloses a retail establishment in which a point of sale (POS) terminal, e.g. a cash register, provides a customer with a voucher that may be redeemed at a vending machine (paragraphs [26] and [41]).

D1 and the claim use different terminology: the point of sale terminal in D1 corresponds to the voucher issuing means in claim 1 and the vending machine in D1 corresponds to the point of sale in claim 1. In order to avoid confusion, in the following the Board refers to the point of sale in claim 1 as a vending machine.

2.2 While the decision did not clearly indicate which of the disclosed embodiments constituted the starting point for assessing inventive step, the Board considers that the embodiment set out in paragraphs [127] to [128] and [150] to [151] is closest to the invention and, hence the appropriate starting point. In this embodiment the voucher comprises all the relevant redemption features, including the identifiers of products for which it can be redeemed.

2.3 Contrary to the appellant's and the examining division's view, the Board judges that D1 discloses that the vending machine stores the identifiers of the served goods in its internal storage.

Paragraph [151], first sentence, discloses that when a voucher specifying one product is presented to the vending machine, the vending machine dispenses the product. In the Board's opinion, this implies that the vending machine stores the identifiers of the served products and compares these identifiers to the product identifier read from the voucher.

- 2.4 The Board is not persuaded by the appellant's argument that this passage should be read in the light of paragraphs [122] to [126] as meaning that the product identifiers are stored in the POS terminal or the central controller (see section XII, above).

The Board notices that the cited paragraphs disclose an alternative to the embodiment that the Board uses as the starting point. This alternative embodiment uses the voucher database located at the POS terminal or the central controller; the voucher itself comprises only an identifier with which to query the database for the voucher's redemption features (see D1, [122] and [123]).

However, given that, firstly, the voucher database is part of the alternative embodiment and, secondly, it does not store the vending machine's operational parameters, the Board cannot see why the cited paragraphs should suggest that the Board's reading of paragraph [151] is wrong.

- 2.5 Accordingly, using the numbering of the features in point 3.2 of the decision under appeal, the Board considers that the subject-matter of claim 1 differs from D1 in that:
- i) The voucher and the vending machine comprise the

identifier of the vending machine.

ii) The vending machine authorises the access to goods if the identifier of the vending machine read from the voucher matches the corresponding identifier stored in the vending machine.

2.6 Applying the COMVIK approach (T 641/00 - Two identities/COMVIK), it is common ground that the distinguishing features implement a non-technical administrative requirement whose specification is given to the skilled person within the framework of the technical problem to be solved. The point of dispute is the scope of this requirement specification.

2.7 The examining division argued that providing the vending machine's identifier on the voucher was part of the requirement specification (decision, point 3.2). The appellant argued that this feature was part of the technical implementation.

2.8 In the Board's view, restricting the redemption of a voucher to a particular machine is not a technical problem, and providing an identifier, such as a name or a number, for identifying the machine is an administrative matter. Thus, it follows that the non-technical requirement specification dictates that the voucher should be associated with a vending machine identifier, and this identifier should be compared with the identifier of a vending machine to which the voucher is presented.

2.9 By contrast, the choice of where a particular computation is carried out in a distributed system and the provision of a particular transmission path for communicating are technical matters (cf. T 1463/11 - *Universal merchant platform/CardinalCommerce*, reason

21). It follows that the decisions to store the vending machine's identifier in the vending machine, to include the corresponding identifier on the voucher - being in this case a transmission medium - and to perform the comparison of those identifiers at the vending machine, are technical implementation choices which are up to the skilled person. The appellant asserts that these features increase security, and should thus be considered technical for this reason as well. The Board does not need to decide whether increased security makes these features technical as the Board has already found them to be technical for the reasons given above.

- 2.10 In their ancillary line of reasoning, the examining division argued that, even assuming that the decision to provide the vending machine identifier in the voucher had technical character, it was still an obvious design option. The same held for providing the identifier in the vending machine (decision, point 5).

The Board agrees and judges that starting from the embodiment of D1 in which the voucher has all the relevant redemption features and given the problem of implementing the requirement specification defined in point 2.8, it would have been obvious to provide the vending machine's identifier in the vending machine and on the voucher and to adapt the vending machine to compare these identifiers when the voucher is read.

- 2.11 The Board is not persuaded by the argument that D1 teaches away from the offered solution and hints towards storing the compared vending machine's identifiers in the point of sale terminal or the central controller unit.

Firstly, the Board cannot see why this alternative

embodiment would make the skilled person drop the underlying assumption of the embodiment in which the vending machine obtains all required redemption information from the voucher itself. It is this embodiment that the Board used as the starting point for inventive step. Secondly, the Board cannot see why the alternative embodiment would hint the skilled person towards storing the vending machine's identifier at e.g. the point of sale terminal, instead of simply providing it, along with the identifiers of the served goods, in the vending machine.

2.12 For these reasons, claim 1 of the main request lacks an inventive step (Article 56 EPC).

3. First auxiliary request

3.1 Article 56 EPC, claim 1

The additional feature of claim 1 of the first auxiliary request further emphasises that the identifier of the vending machine and the identifiers of served products are provided in the vending machine.

Since, however, the Board reads claim 1 of the main request as including this feature, the first auxiliary request lacks an inventive step for the reasons given above with respect to the main request.

4. Fifth auxiliary request

4.1 The Board considers it convenient to analyse the most specific fifth auxiliary request before the higher-ranking second to fourth auxiliary requests.

4.2 Claim 1 of the fifth auxiliary request adds to claim 1 of the main request that the voucher further comprises time identification including the issuing time and the expiry time of the voucher and the vending machine authorises access to goods only if the time identification matches the time information of its internal time information means.

4.3 Article 84 EPC, claim 1

4.3.1 The Board judges that the added feature does not comply with the requirements of Article 84 EPC.

Firstly, the claim does not define the "time information of the time information means". If it is interpreted as the voucher reading time, which is a reasonable interpretation covered by the claim, it is not clear how this time could match the expiry time or the issuing time of the voucher. If the system clocks keep good time, the issuing time would never match the voucher reading time, because the voucher can only be presented after having being issued. It is also not clear why goods should be dispensed when the expiry time matches the voucher reading time. This would entail that they could only be dispensed at the very point in time when the voucher expires.

4.3.2 While the appellant argued that the skilled reader would understand the added features as specifying that the voucher's redemption is allowed only for a predetermined period after its issuing time and only until it expires, the Board judges that this reading is not derivable from the unclear wording of claim 1 and can even be considered to contradict it.

- 4.4 Article 56 EPC, claim 1
- 4.4.1 However, even if claim 1 is interpreted as the appellant proposes, it still lacks an inventive step.
- 4.4.2 The appellant and the examining division essentially agreed that restricting the voucher's validity based on the issuing time and expiry time was a further part of the non-technical requirement specification.
- 4.4.3 The Board agrees and judges, using the COMVIK approach, that the added features solve the technical problem of how to ensure that the voucher can be redeemed only for a certain period of time after its issuance and only until its predetermined expiry time. In other words, the problem to be solved is how to implement the non-technical requirement specification.
- 4.4.4 The examining division found that starting from D1 and given this problem, it would have been obvious to provide the issuing and expiry time on the voucher and to compare these times with the voucher reading time (decision, points 10.1 and 13). The Board agrees with this conclusion, especially considering that in the embodiment serving as the starting point the voucher bears all redemption features and the vending machine of D1 comprises a time determination means (see D1, paragraph [32]).
- 4.4.5 The argument that the skilled person starting from D1 would have provided the issuing and expiry time in the voucher database is not convincing for the reasons given in connection with the main request (see point 2.11 above).

4.4.6 Hence, claim 1 lacks an inventive step (Article 56 EPC).

5. Second to fourth auxiliary requests

5.1 Since the independent method claims of the second, third, and fourth auxiliary requests are broader than claim 1 of the fifth auxiliary request, they are obvious *a fortiori* for the reasons given above (Article 56 EPC).

5.2 The independent method claims of these requests also lack clarity for the reasons given with respect to the fifth auxiliary request (Article 84 EPC).

## Order

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

The appeal is dismissed.

The Registrar:

The Chair:



T. Buschek

A. Wahrenberg

Decision electronically authenticated