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**Datasheet for the decision  
of 4 July 2023**

**Case Number:** T 1012/20 - 3.5.01

**Application Number:** 13306181.2

**Publication Number:** 2843601

**IPC:** G06Q10/10, G06Q10/00

**Language of the proceedings:** EN

**Title of invention:**  
Identification system

**Applicant:**  
Accenture Global Services Limited

**Headword:**  
Identification system/ACCENTURE

**Relevant legal provisions:**  
EPC Art. 123(2)  
RPBA 2020 Art. 13(2)

**Keyword:**  
Amendments - added subject-matter (yes)



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Case Number: T 1012/20 - 3.5.01

**D E C I S I O N**  
**of Technical Board of Appeal 3.5.01**  
**of 4 July 2023**

**Appellant:** Accenture Global Services Limited  
(Applicant) 3 Grand Canal Plaza  
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**Representative:** Boulton Wade Tennant LLP  
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**Decision under appeal:** **Decision of the Examining Division of the  
European Patent Office posted on 15 October 2019  
refusing European patent application No.  
13306181.2 pursuant to Article 97(2) EPC.**

**Composition of the Board:**

**Chairman** M. Höhn  
**Members:** I. Kürten  
L. Basterreix

## **Summary of Facts and Submissions**

- I. The appeal concerns the decision of the examining division to refuse the European patent application No. 13306181.2 for lack of inventive step (Article 56 EPC).
- II. The examining division held that claim 1 of the main and auxiliary request related to a non-technical administrative method for identification of a person. The division found that the claimed technical implementation of this method was obvious when starting from a general-purpose networked computer.
- III. In the statement setting out the 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 refused main or auxiliary request, both re-filed with the grounds. Oral proceedings were requested on an auxiliary basis.
- IV. The Board summoned the appellant to oral proceedings. In the communication accompanying the summons, the Board tended to agree with the appellant that D1 (EP 2620896 A2) or D2 (US 2004/172403 A1) was a better starting point for assessing inventive step. However, the Board considered that the distinguishing features identified by the appellant were non-technical and did not contribute to the technical character of the invention. In particular, the Board held that the distance threshold and the matching process were defined too vaguely to achieve the technical effect identified by the appellant (speeding up biometric identification without any loss of accuracy) over the entire scope of the claim. It also appeared that claim 1 of the main request was anticipated by both D1 and D3

(US 2011/314526 A1), and that claim 1 of the auxiliary request was anticipated by D3.

- V. With a reply dated 24 March 2023, the appellant filed "updated" main and auxiliary requests and provided supporting inventive step arguments.
- VI. In a letter dated 20 June 2023, the appellant informed the Board that they would not be attending the oral proceedings.
- VII. The oral proceedings took place by videoconference as scheduled on 4 July 2023 in the appellant's absence.
- VIII. Claim 1 of the main request reads:

*A method of identification of a person to be identified, comprising:*

*receiving, from a biometric capture device (106A to 106C), an input biometric sample of the person to be identified and first location data indicating the location of the person to be identified; and*

*identifying by a processing device (402), in a biometric database (108) storing a plurality of user records of registered users, each record comprising a biometric reference sample and historical location information of a registered user, a record of said person to be identified based on said biometric input sample and said first location data, wherein the historical location information of at least one of said registered users includes an association of time and second location data provided by a user location device (302) associated with the registered user, wherein*

*identifying a record based on said biometric input sample and said first location data comprises:*

*selecting a subset of said plurality of records based on a comparison between said first location data and said historical location information, said selecting comprising:*

*determining, for each record of the plurality of records, a distance separating the location indicated by the first location data and the location indicated by the second location data of said record;*

*determining, for each record of the plurality of records, an age of the second location data of said record, said age determined by subtracting, from a current time, the time associated with the second location data of said record;*

*comparing, for each record of the plurality of records, the respective determined distance to a distance threshold, said distance threshold being variable to represent a maximum feasible distance for movement of the person to be identified within the determined age of the second location data of said record; and*

*filtering out any record for which the determined distance exceeds the distance threshold;*

*applying a matching process to said selected subset, wherein said matching process comprises searching the selected subset for a record in said selected subset whose biometric reference sample matches the input biometric sample, a record found*

*by said searching being identified as the record of said person to be identified.*

- IX. Claim 1 of the auxiliary request adds to the end of the receiving feature "*wherein said first location data is a location associated with an authorization requesting module (104A to 104C) comprising said biometric capture device*". Furthermore, the claim replaces the step beginning with "selecting a subset of said plurality of records" with "*prior to the receipt of the input biometric sample, maintaining a subset of said plurality of records based on a comparison between said first location data and said historical location information, said maintaining a subset comprising periodically performing the steps of:*". Finally, in the last feature of the claim, "said selected subset" is replaced with "*said maintained subset*".

## **Reasons for the Decision**

1. The invention
- 1.1 The invention concerns identification of a person using biometric and location data ([0001], [0008] of the published application).
- 1.2 Looking at Figure 6, the identification begins by receiving an input biometric sample and the location of the person to be identified (step 602, [0055]). Next, the method selects a subset of user records from a database of previously registered users. The subset comprises only those records that store a historical location within a specified distance threshold from the

person's current location (step 604, [0056], [0060]). Finally, the method searches the subset of records for a record with a biometric reference sample matching the input biometric data (step 608, [0057], [0064]).

2. Admittance (Article 13(2) RPBA)

2.1 With the letter dated 24 March 2023, the appellant filed two requests, which they referred to as the "updated" main and auxiliary requests. Since the previous requests were not mentioned in that letter and the annexed sets of claims were labelled "main request" and "auxiliary request", the Board concludes that the requests filed on 24 March 2023 replace the previous main and auxiliary request.

2.2 The appellant justified the amendments in the light of the issues raised by the Board for the first time in the communication accompanying the summons, particularly regarding the definitions of the distance threshold and the matching process. The Board judges that these are cogent reasons that justify filing the requests and admits them into the proceedings (Article 13(2) RPBA).

3. Added subject-matter (Article 123(2) EPC)

3.1 The Board considers that the following amendment in claim 1 of both the main and auxiliary request is not directly and unambiguously derivable from the application as filed:

*"said distance threshold being variable to represent a maximum feasible distance for movement of the person to be identified within the determined age of the second location data."*

3.2 As basis for the amendment, the appellant cited the passage on page 16, line 16 to page 17, line 7, which comprises two paragraphs.

3.3 The first paragraph states that "*[t]he distance threshold may be variable based on the age of the historical location information*". According to the subsequent example, a record may be filtered out if the distance between the current location and the historical location exceeds 500km and the age of the historical location is less than three hours.

The Board considers that this paragraph merely suggests setting different distance thresholds for different ages. This alone does not imply that the distance threshold for a certain age represents the maximum distance the person could have travelled within the given time, as presently claimed.

3.4 The second paragraph states that "*[t]he distance threshold may also be variable based on the transport infrastructure linking the locations*". In the example provided, a distance of up to 2000 km may be feasible if the current location and the historical location are in the vicinity of airports and the historical location is six hours old.

However, the "maximum feasible distance" in claim 1 is not limited by the transport infrastructure linking the two locations. The maximum distance a person can move within a given time may depend on various other factors, such as personal impairments or adverse weather conditions. Hence, the amended definition of the distance threshold constitutes an unallowable

intermediate generalisation of the example given in this paragraph.

- 3.5 The Board, for its part, could not identify any other passages in the application as filed that support the amended definition of the distance threshold in claim 1. Therefore, the Board judges that claim 1 of both the main and auxiliary request does not meet the requirements of Article 123(2) EPC.
4. Since none of the appellant's requests is allowable, the appeal has to be dismissed.

## Order

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

The appeal is dismissed.

The Registrar:

The Chairman:



T. Buschek

M. Höhn

Decision electronically authenticated