Internal distribution code:

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

Datasheet for the decision of 24 October 2025

Case Number: T 1189/23 - 3.5.01

Application Number: 16786556.7

Publication Number: 3290361

IPC: B65G1/137, G06K17/00, G06Q10/08

Language of the proceedings: EN

Title of invention:
STORAGE CABINET

Applicant:
SATO Corporation

Headword:
Storage cabinet/SATO

Relevant legal provisions:
EPC Art. 56

Keyword:
Inventive step (no) - judging whether an item that meets an item condition has been retrieved (no technical effect)

Decisions cited:
T 0641/00

Europäisches Patentamt
European Patent Office
Office européen des brevets

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

Case Number: T 1189/23 - 3.5.01

D E C I S I O N
of Technical Board of Appeal 3.5.01
of 24 October 2025

Appellant: (Applicant)	SATO Corporation 3-1-1 Shibaura Minato-ku Tokyo 108-0023 (JP)
Representative:	Grünecker Patent- und Rechtsanwälte PartG mbB Leopoldstraße 4 80802 München (DE)
Decision under appeal:	**Decision of the Examining Division of the European Patent Office posted on 3 February 2023 refusing European patent application No. 16786556.7 pursuant to Article 97(2) EPC.**

Composition of the Board:

Chairman	L. Falò
Members:	N. Glaser
	L. Basterreix

Summary of Facts and Submissions

I. This appeal is against the decision of the examining division to refuse European patent application No. 16786556.7 pursuant to Article 97(2) EPC on the ground of lack of inventive step (Article 56 EPC).

II. In the contested decision, reference is made, *inter alia*, to the following documents:

D1 US2014/138440A1
D7 WO2006/014813A2

D7 is a member of the same patent family as US7348848, which is incorporated by reference in D1 and is from the same applicant as D1. D7 is cited in the introductory portion of the application as originally filed.

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 main request or one of auxiliary requests 1 to 3 on which the impugned decision was based and which were refiled with the statement setting out the grounds of appeal.

Oral proceedings were requested as an auxiliary measure.

IV. In a communication accompanying the summons to oral proceedings, the Board set out its preliminary opinion that the invention did not involve an inventive step (Article 56 EPC).

V. The appellant did not respond to the communication and did not file further requests.

VI. The oral proceedings took place on 23 and 24 October 2025 by videoconference. The final requests of the appellant were identical to its initial requests. After due consideration of the appellant's arguments, the Chairman announced the decision.

VII. Independent claim 1 of the main request reads as follows:

"*1. A storage cabinet (1) for storing a plurality of items (IM1 to IM6), each item including a first recording medium attached thereto, the first recording medium being an RF tag for recording item information relating to a corresponding item, the storage cabinet (1) comprising:*

a housing (2) for storing the plurality of items,

a door (3) connected to the housing (2), the door (3) being in an open state in which the plurality of items is accessible from the outside, or in a closed state in which the plurality of items is inaccessible from the outside;

a first reader (21) configured to read item information recorded in the first recording media of all items stored in the housing (2), when the door (3) is in the closed state;

a second reader (21) configured to read information recorded in a second recording medium, when the door (3) is in the closed state, and the second recording medium is made proximate from the outside to or comes

into contact with a predetermined area (10) on the housing (2), the information recorded in the second recording medium including information relating to an item condition of an item to be retrieved from the storage cabinet (1);

a memory (23) configured to record the item information read by the first reader (21); and

a first controller (20),

characterized in that

the first controller (20) is configured to:

when the information relating to an item condition of an item to be retrieved from the storage cabinet (1) is read by the second reader (21), identify item information that meets the item condition among the item information recorded in the memory (23);

judge whether the identified item information is included in the item information read by the first reader (21) in response to a change of a state of the door (3) back from the open state to the closed state after the state of the door (3) had changed from the closed state to the open state; and

determine a judgment result as to whether an item that meets the item condition of an item to be retrieved from the storage cabinet (1) has been retrieved therefrom."

VIII. Claim 1 of auxiliary request 1 amends the last feature of claim 1 of the main request as follows: "*determine a judgment result as to whether all items that meets the*

item condition of an item to be retrieved from the storage cabinet (1) have been retrieved therefrom."

IX. Claim 1 of auxiliary request 2 adds the following feature at the end of claim 1 of the main request:

"*the storage cabinet (1) further comprising an alarm part configured to output an alarm if it is judged that the item that meets the item condition has not been retrieved.*"

X. Claim 1 of auxiliary request 3 adds the following feature at the end of claim 1 of auxiliary request 1:

"*the storage cabinet (1) further comprising a displaying part (22) configured to display on a display panel (22a) the judgment result determined by the first controller (20), and/or.* [sic]

a voice output part (24) configured to output a voice of the judgment result determined by the first controller (20)."

Reasons for the Decision

1. The invention

1.1 The invention concerns a storage cabinet which manages stored items by using radio frequency identification (RFID) technology (see paragraphs [0002] to [0005]). An RFID tag stores information indicating the date an item was stored in the storage cabinet (or an expiry date for use). References are to the A1 publication.

1.2 Conventional storage cabinets perform scanning of items such as products in the cabinet using RFID technology, but they still require an operator to visually identify expired products or products manufactured in a recalled lot and remove them from the cabinet. When many products are stored in the storage cabinet, the operator cannot immediately recognise whether all products to be removed have been retrieved from the storage cabinet, in particular when the storage cabinet is not connected to a network (see [0004]).

1.3 The invention aims to "*provid[e] a storage cabinet from which one can surely retrieve a desired item*" (see [0005]). In other words, the system checks whether an item which should have been retrieved was retrieved.

1.4 The storage cabinet of the invention, according to the preamble of claim 1, comprises two readers, both configured to read information recorded in a recording medium attached to an item. A "*first reader*" reads a first recording medium attached to items which are stored in the storage cabinet when the cabinet door is in a closed state. The read item information is stored in a memory. A "*second reader*" is placed on the outside of the housing of the storage cabinet. It reads a second recording medium when the door of the storage cabinet is in a closed state. The information stored in the second recording medium concerns an "*item condition*" concerning an item to be retrieved from the storage cabinet.

1.5 The storage cabinet further includes a controller which is configured to judge whether an operator has retrieved an item meeting the item condition. This is achieved by determining, after the cabinet door has been opened and closed (i.e. the cabinet has been

accessed by the operator), whether item information meeting the item condition is read by the first reader, indicating that the corresponding item is still in the cabinet.

2. Main request - Article 56 EPC

2.1 D1 represents the closest prior art. D1 discloses a storage cabinet with a housing for storing a plurality of items, each including an RFID tag (see paragraphs [0005] and [0007]), a door connected to the housing (see [0023] and [0039]), a plurality of RFID readers, in particular a first RFID system ("*first reader*") and an external scanner that can read "*goals*" when the door is closed ("*second reader*"). An RFID tag of an item can include information regarding an expiry date of an item. The storage cabinet of D1 comprises a computer system (see [0034]) corresponding to the claimed controller(s). It comprises a plurality of processors, memory and computer code and controls the operation of the various systems associated with the storage cabinet (such as the scanners, door locks, light indicators and the like) (see [0031], lines 19 to 22). The computer system comprises a console screen 114 and an input area 112, including a keyboard, a numerical pad, a touch-screen and the like (see [0022] and [0035]).

2.2 The examining division considered that claim 1 was distinguished from D1 only by the last feature of the characterising portion, which reads "*determine a judgment result as to whether an item that meets the item condition of an item to be retrieved from the storage cabinet has been retrieved therefrom*".

2.3 The examining division found that this feature defined a non-technical business requirement and that implemen-

ting a check as to whether an item was present or not in the storage cabinet was based on non-technical considerations and could not be inventive for the following reasons.

D1 maintained an accurate inventory and scanning by the transaction RFID scanners and/or the static RFID scanners enabled to store a transaction in and/or check it against the inventory database (see paragraph [0042]). In some embodiments (see [0041]), a goal, such as adding or removing an item, could be entered by the external scan of an item, which then involved the update of the inventory database. Thus, it was implicit in D1 that the setting of the goal/condition by the user and the scan were used for inventory purposes, this requiring accessing and checking the database data. It was part of maintaining an accurate inventory (see [0042] of D1) to check, for instance, whether enough stock was available in the cabinet with regard to the pick list of a user.

The examining division took the view that performing such checks was based on non-technical inventory policy rules, which could not confer a technical effect, and concluded that the subject-matter of claim 1 lacked inventive step over D1.

2.4 In essence, the appellant argued that while the external scanner of D1 could read information on an item, this information did not concern an item condition of an item to be retrieved, and this operation did not trigger any identification of respective item information in the memory. D1 did not show any correlation between information about a particular item to be retrieved, read by an external (second) reader, and the current database entries about items in the cabinet. In

fact, D1 did not check whether a particular item, i.e. an item desired to be retrieved, was retrieved. Paragraph [0029] of D1 might indeed disclose a scan of all items by the first reader. However, this scan was not for making any judgement but only for updating the database.

The aim of the invention was to perform an automatic check as to whether a task for removing particular products (i.e. meeting a certain retrieval condition, such as a particular expiry date) had been correctly performed so that an operator could immediately recognise the results without the need for any manual check. This enhanced security by ensuring the correct retrieval of items from the storage cabinet. The objective technical problem, when starting from D1, was therefore how to provide a storage cabinet capable of enhancing security by ensuring correct retrieval.

D1 could not solve this problem because it lacked a check of the inventory database after the door was closed. The purpose of such a check, had it existed, would have been to determine whether any item meeting the retrieval condition had been left inside. Such a check would require that the item information meeting the item condition could be identified in the database. D1 only assured inventory consistency, which was unrelated to item conditions. D1 would also work fine if the user removed an item which should have not been removed.

2.5 The Board is not convinced by the appellant's arguments, for the following reasons.

2.6 The Board agrees with the examining division that the technical features of claim 1, as defined in the pre-

amble of claim 1, are known from D1 (see point 2.1 above). The appellant also conceded that these structural features of the current invention are as such known from D1 (see page 4 of the grounds of appeal).

2.7 The features of the characterising portion of claim 1 aim to check whether all items meeting a certain retrieval condition, such as items having a particular expiry date (see paragraphs [0128] to [0130] of the A1 publication of the patent application), have been retrieved. The Board agrees with the examining division that this is a direct implementation of a non-technical requirement. The Board cannot recognise any enhanced security because claim 1 determines only a "*judgment result*" without any further technical step which could ensure the correct retrieval of items from the storage cabinet. Therefore, the claimed system does not prevent a user from retrieving an item from the storage cabinet which should not be retrieved. This can hardly be seen as improving the security of operation of a storage cabinet.

2.8 In line with the COMVIK approach (see T 641/00 - *Two identities/COMVIK*, OJ EPO 2003, 352), features which do not solve a technical problem by providing a technical effect cannot contribute to inventive step but can form part of the problem formulation, in particular as constraints or requirements to be met. In the Board's view, determining whether an item meeting an unspecified condition has been retrieved from the cabinet is a non-technical requirement. The cognitive content of the data checked and, consequently, also any deduction or judgement derived from it (i.e. whether certain items have been removed or not) are part of the non-technical scheme.

2.9 The objective technical problem can thus be formulated as how to automate this non-technical scheme in the system of D1. In the context of D1, the non-technical condition of determining whether an item meeting an unspecified condition has been retrieved from the cabinet corresponds to determining whether items meeting a selected goal have been retrieved by the user from the storage cabinet.

2.10 It would be obvious for the person skilled in the art to solve this problem by configuring the computer system of D1, corresponding to the claimed first controller, to perform the operations defined in the characterising portion of claim 1.

2.11 In response to the appellant's argument that D1 was only concerned with inventory management, the Board notes that D1 also mentions that it is essential to maintain an accurate inventory of all items stored in a cabinet storage (see [0042]). The inventory database of D1 stores data concerning the product, expiry date and other parameters (see [0025]), which corresponds to item information relating to the properties of an item. The use of the inventory database in D1 is not limited to inventory management. It is said to be used for checks when transactions, such as the removal of items, are performed ([0041]), and newly read data is *checked against the database* when a transaction is performed ([0031]).

2.12 In response to the appellant's argument that D1 did not disclose a second reader used for a checking as claimed, the Board notes that D1 discloses an external reader positioned on the exterior of the cabinet (see [0032]). It may be used for quality assurance checks or

for scanning the wristband of a patient (see [0038]). D1 also assists a user. For example, the end of paragraph [0042] explains that the input of patient identification information triggers the removal of all items which should be retrieved for the patient. The selection of a goal (see [0039]), such as by scanning a patient wristband, triggers one or more tasks related to physical inventory by unlocking the door of the storage cabinet to allow an authorised user to retrieve one or more items according to the goal. Removing an item from the storage cabinet may require the user to scan it with the external scanner (paragraph [0039], right column, first half), which is meant for inventory purposes but also for quality assurance. This implicitly also teaches a check as to whether the user has retrieved the correct item, as was indicated by the selected goal.

2.13 The Board therefore concludes that the subject-matter of claim 1 of the main request lacks an inventive step over D1 (Article 56 EPC).

3. Auxiliary requests

3.1 The examining division found that claim 1 of auxiliary request 1 lacked an inventive step over D1 because it would be obvious to implement a check "*whether all items that meet the item condition* [...] *have been retrieved*" in D1. D1 (paragraph [0039], middle part) disclosed that a goal may require performing several transactions, i.e. removing items.

3.2 The appellant argued that this amendment rendered it more explicit how automatically checking whether a task of removing particular products required to be removed has been correctly performed. When it was judged that

the identified item information was not included in the item information read by the first reader in response to the change of state of the door, it followed that all items meeting the item condition had been retrieved. D1 mentioned only one transaction, not several, and the person skilled in the art would therefore not check for several transactions.

3.3 The Board is not convinced by the appellant's argument. Checking for the retrieval of all items from the storage cabinet is just a different administrative requirement. It belongs to the non-technical domain and, under the COMVIK approach, is given to the person skilled in the art for implementation without requiring inventive skills. Moreover, D1 (end of [0037] and middle part of [0039]) clearly mentions that a goal, such as removing items, may require the performance of several transactions. Adapting the D1 system to implement an appropriate checking of the transactions carried out is obvious.

3.4 Therefore, the subject-matter of claim 1 of auxiliary request 1 does not involve an inventive step over D1 (Article 56 EPC).

3.5 The examining division found that claim 1 of auxiliary request 2 lacked an inventive step over D1 as the output of an alarm triggered when an item was not retrieved was based on a "*broken technical chain fallacy*" as it was the user who had to decide how to proceed. Moreover, the presentation of a voice alarm was known from D7 ([0033]).

3.6 The appellant argued that the output of an alarm further enhanced security in a situation when the monitored operation of a user was not appropriate, that

is, if the item that met the item condition had not been retrieved. In D1, the alarm was unrelated to the operation of the system. It depended only on the content of the database. Furthermore, a warning in the form of an alarm was not a presentation of information as such but concerned the status of the system. This clearly showed that the two readers and the database were cooperating.

3.7 The Board is not convinced by the appellant's argument. The output of an alarm according to claim 1 presents to the user the result of a judgement indicating, as discussed above, whether a non-technical requirement has been fulfilled. This is neither equivalent to, nor does it imply, monitoring the system's proper operation. D1 ([0037]) discloses that the system of D1 is able to output alerts or other indications to a user. In the context of a retrieval of items for a selected goal, the system is said to automatically determine if a second item is required based on the selected goal (see [0039]). It would be obvious to assist the user by outputting an alarm indicating that they had not retrieved all items required. Hence, this feature cannot support an inventive step.

As claim 1 does not define a voice alarm, it is not necessary to make reference to document D7, cited in support by the examining division.

3.8 Therefore, the subject-matter of claim 1 of auxiliary request 2 does not involve an inventive step over D1 (Article 56 EPC).

3.9 The examining division found that claim 1 of auxiliary request 3 lacked an inventive step as D1 disclosed a

display used to present an output, such as transactions or an alarm (paragraphs [0022] and [0031]).

3.10 The appellant argued that claim 1 defined an output of the judgement result either by display or voice for outputting the judgement result.

3.11 The Board agrees with the examining division that the added feature cannot render the claimed subject-matter inventive. D1 discloses a display to present an output, such as transactions or an alarm (see [0022] and [0031]). The provision of voice output in the claim is merely one of the alternatives ("*and/or*"). Moreover, it represents an obvious and straightforward measure for the person skilled in the art to immediately alert the user, in particular when near real-time processing is intended. As an example only, reference is made to D7, which teaches voice output (see [0033]).

3.12 Therefore, the subject-matter of claim 1 of auxiliary request 3 does not involve an inventive step over D1 (Article 56 EPC).

3.13 In conclusion, none of the requests on file meets the requirements of Article 56 EPC. Therefore, the appeal must be dismissed.

Order

For these reasons it is decided that:

The appeal is dismissed.

The Registrar: The Chairman:

T. Buschek L. Falò

Decision electronically authenticated