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**Datasheet for the decision
of 12 December 2025**

Case Number: T 1800/23 - 3.5.01

Application Number: 19151723.4

Publication Number: 3518159

IPC: G06Q10/08

Language of the proceedings: EN

Title of invention:

METHOD AND SYSTEM FOR CHAIN OF CUSTODY VERIFICATION

Applicant:

BlackBerry Limited

Headword:

Chain of custody verification/BLACKBERRY

Relevant legal provisions:

EPC Art. 52(1), 54(2), 111(1), 116(1)
RPBA 2020 Art. 11

Keyword:

Novelty - main request (yes)
Remittal to the department of first instance - (yes)

Decisions cited:

T 0019/87, T 0042/90, T 1434/06, T 1711/13, T 0553/23



Beschwerdekammern

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Case Number: T 1800/23 - 3.5.01

D E C I S I O N
of Technical Board of Appeal 3.5.01
of 12 December 2025

Appellant:
(Applicant)

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Representative:

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Decision under appeal:

**Decision of the Examining Division of the
European Patent Office posted on 5 June 2023
refusing European patent application No.
19151723.4 pursuant to Article 97(2) EPC.**

Composition of the Board:

Chairwoman A. Wahrenberg

Members: M. Höhn
D. Rogers

Summary of Facts and Submissions

- I. This appeal is against the decision of the examining division, refusing European patent application No. 19151723.4 pursuant to Article 97(2) EPC on the grounds of lack of novelty and lack of inventive step (Articles 52(1), 54(1) and (2) and 56 EPC) with regard to prior-art publication D1 (US 2017/180341 A1). The decision further mentions prior art publications D2 (US 2014/357295 A1) and D3 (US 8 855 311 B1).
- II. In the statement setting out the grounds of appeal, the appellant requested that the appealed decision be set aside and that a patent be granted on the basis of the main request or the first to eighth auxiliary requests on which the contested decision was based. All the requests were refiled with the statement setting out the grounds of appeal. Oral proceedings were requested on an auxiliary basis.
- III. Independent claim 1 according to the main request reads as follows:
- "1. A method at a network element for verification of chain of custody of goods within a portable container (110), the method comprising:
receiving (712), from a first computing device (610) associated with the portable container (110), first log data (622, 632, 642, 652, 662), the first log data comprising a first sensor information;
receiving (712), from a second computing device (612, 614, 616) associated with at least one transit element that interacted (630, 640, 650) with the first computing device (610) associated with the portable container (110) during transport of the goods, second

log data (634, 644, 654, 656), the second log data comprising a second sensor information, the second sensor information originating from a different sensor than the first sensor information; and correlating (720) the first log data and the second log data to verify the chain of custody of the goods."

IV. The appellant argued essentially as follows:

The Division had erred in its novelty assessment. The Decision cited paragraph 84, lines 1-8 of D1, and interpreted the scanner at the gateway device 110b as a sensor different from the sensor attestation device. Accordingly, the Division interpreted the log data collected by the gateway device from the attestation sensor and forwarded to the server as "second sensor information originating from a different sensor than the first sensor information". In particular, the Division appeared to have confused the scanning operation with the communication operation of the gateway device and this led to the erroneous conclusion that D1 destroyed the novelty of claim 1 of the main request.

According to D1, the scanning operation of the scanner had the function of scanning the package to initiate communication with the sensor attestation device (D1, page 11, right column, lines 6-8). Once the communication had been initiated and established, the sensing operation had served its purpose. No sensing data/information was collected, transmitted, or utilised for further analysis. The log data that was collected from the sensor attestation device and forwarded to the server by the gateway device was not sensor information that originated from the sensing operation (scanning). Rather, the log data was

communication data that originated from the communication operation between the gateway device and the sensor attestation device.

Reasons for the Decision

The invention

1. The present application relates to chain-of-custody tracking during the transportation of goods. The chain of custody may be important, for example, for evidence collection in criminal matters, athlete drug testing, appellation certification to authenticate the country or region of origin of foods or beverages, and organ transplants (paragraph [0002] of the published application). The tracking involves receiving first log data from a first computing device (310) associated with a portable container (110). Additionally, second log data is received from a second computing device (612, 614, 616) associated with a transit element (630, 640, 650) that interacted with the first computing device associated with the portable container during transport. The first and second log data are correlated to verify a chain of custody of the goods.

Main request

2. Article 54(1) and (2) EPC - Novelty

The board does not agree with the conclusion in the decision under appeal that the subject-matter of claim 1 lacks novelty over the disclosure of D1.

2.1 In the contested decision (see point 1.1) the examining division argued that document D1 disclosed, in paragraph 47 and in Fig. 4, a Management System 120 anticipating the "network element" in claim 1. The attestation device 105 disclosed in paragraph 47, lines 7-16, and figures 3 and 4, was considered to read onto the "first computing device" associated with the portable container.

The first log data comprising a first sensor information in claim 1 was said to be disclosed in paragraph 26, lines 20-25, which described log data relating to gateway device communications.

Gateway device 110b (paragraph 48, lines 1-9 of D1) was considered to constitute the "second computing device" associated with at least one transit element that interacted with the first computing device associated with the portable container during transport of the goods.

The scanner at gateway device 110b (paragraph 84, lines 1-8 of D1) was a "different sensor" providing second log data comprising a second sensor information, i.e. the second sensor information originating from a different sensor than the first sensor information. The examining division argued in this regard that the communication sent to the management system originated at the gateway device of D1 from its associated sensor in the scanner (see point 2.1.1 of the contested decision). For the last feature of claim 1, i.e. correlating the first log data and the second log data to verify the chain of custody of the goods, it was again referred to paragraph 84, lines 1-8 of D1 (see point 2.2.1 of the contested decision).

2.2 The Board does not concur with this analysis of D1.

The Board agrees that attestation device 105 can be regarded as the first computing device in claim 1 and it also comprises a first sensor producing first log data (see e.g. paragraph 14 "the attestation devices 105a-c can be implemented as sensor devices that can sense characteristics of their respective surroundings, and log their findings in memory"). The Board also agrees that the gateway device 110b can be considered to constitute a second computing device. However, the Board considers that the function of the gateway's scanner 110b is different than that of the second computing device in claim 1. While a scanner can be regarded as a sensor, and hence the scanner's sensor is a different sensor than those of the attestation devices, the Board does not see that the scanner 100b generates second log data as in claim 1. In particular, the examining division does not clearly identify which feature it considers to be the second log data according to claim 1.

In this regard, careful consideration must be given to what is referred to as "attestation data" in D1.

Paragraph 15 discloses:

"A portion of the data transmitted by the device 105a-c can be signed, encrypted, secured, or generated using a securely-stored secret stored in a segment of memory of the device. The portion of the data can serve as attestation data, which a backend system (e.g., 120a-b) can assess to verify that the integrity of the device (and, thereby, any information logged by the device) has not be compromised".

This kind of attestation data can therefore be regarded as first log data according to claim 1.

2.3 D1 further discloses in paragraph 16 (emphasis added):

"The gateways devices themselves may possess relatively little logic and storage for storing and assessing data delivered by a device 105a-c. In some cases, the gateway devices 110a-c can simply forward data received from a device (e.g., 105a-c) over a network (e.g., 115a-b) to a backend logging system (e.g., 120a-b). In some implementations, **the gateway devices can, themselves, include attestation data with the data received from the scanned device (e.g., 105a-c) to attest to the gateway's identity.** For instance, a gateway can be associated or paired with a particular entity and attestation data for the gateway can attest to the gateway being under the control of the particular entity. For example, in shipping or delivery applications, where the sensor devices (e.g., 105a-c) are included in the shipped package, a gateway can scan the package and send **gateway attestation data** (with data received from the sensor device) to indicate that the particular package is entering, still in, or leaving the custody of the particular entity, among other examples".

Gateway devices 110, hence, can add further data to the attestation data referred to as "gateway attestation data". However, this data relates to a gateway's identity such as an ID. The ID is not linked to the scanner of the gateway device being a different sensor as in claim 1. In other words, such an ID is a preset information of a specific gateway device and is not determined by the scanner. It therefore cannot be considered as second log data in the sense of claim 1.

2.4 Regarding the function of the scanner of a gateway device, D1 further discloses:

"the attestation data can be sent with log data generated by sensors on the attestation device. The gateway device 110a can send attestation data received from the attestation device 105 to a secure log of a management system 120 over one or more wide area networks. The management system 120 can share knowledge of the secret 240 and can validate (e.g., at 415) the attestation data to conclude that the attestation data retains the originally-provisioned secret and has not been tampered with." (see paragraph 47) and

"A user can place a sensor attestation device 105 in a package ... The package can begin shipment along a first leg 610 of a route. Upon arrival at a weigh station or other via point at the conclusion of the route, a gateway device 110a can **scan the package to initiate communication with the sensor attestation device 105** within the package 305. The gateway device can collect log data generated by the sensor attestation device 105 during the first leg 610 and can forward this information (along with attestation data generated by the attestation device 105) to the management system 120" (see paragraph 83, emphasis added).

2.5 The Board therefore concurs with the appellant (see points 8 to 13 of the grounds of appeal) that in D1, the scanning operation of the scanner has the function of scanning the package to initiate communication with the sensor attestation device. Once the communication is initiated and established, the sensing operation has served its purpose. No sensing data is collected, by the gateway device for further analysis. The scanning

of the shipping package merely initiates interaction with the sensor attestation device to trigger the subsequent communication operation, i.e. the forwarding of attestation data.

- 2.6 The gateway attestation data providing a gateway's identity is not related to that scanning operation and does not constitute sensor data either. In consequence, D1 does not disclose second log data according to claim 1.
- 2.7 D1 discloses inter alia (see paragraph 47) that attestation data generated by attestation devices is forwarded by a gateway device to a management system 120 which can validate attestation data on the basis of shared knowledge of a secret. The "secret" referred to in D1 (see citation of paragraphs 15 and 47 above) does not constitute data determined by a sensor, but has been provided beforehand to the attestation device and to the management system for comparison. Such a comparison, even if considered to be a correlation operation, is not made on the basis of two sets of log data acquired by sensors. Thus, there is no comparison of first and second log data in the form of a correlation operation as required by the last feature of claim 1.

In consequence, D1 fails to disclose at least the following features of claim 1 according to the main request:

- ... the second log data comprising a second sensor information, the second sensor information originating from a different sensor than the first sensor information; and

- correlating (720) the first log data and the second log data to verify the chain of custody of the goods”.

- 2.8 Since all claims according to the main request refer to claim 1, all claims of this request are new over the disclosure of D1.
3. No examination for inventive step of the main request was carried out during the examination proceedings, in particular in view of the further prior art on file. The only assessment of inventive step concerned different aspects of narrower claims according to the third and sixth to eighth auxiliary requests.
4. According to Article 111(1) EPC the Board may exercise any power within the competence of the examining division (which was responsible for the decision under appeal) or remit the case to that department for further prosecution. It is thus at the Board's discretion whether it examines and decides the case or whether it remits the case to the department of first instance. Since no examination of inventive step was carried out for the subject-matter of claim 1, the Board considers that in the present case remittal is the more appropriate course of action such that the examining division can examine the issues which have not been the subject of the contested decision. Therefore, the Board judges that special reasons in the sense of Article 11 RPBA exist for remitting the case.
5. Regarding the appellant's auxiliary request for oral proceedings submitted with the statement setting out the grounds of appeal, it is clear from the mandatory wording of Article 116(1) EPC that a party which requests oral proceedings is in principle entitled to such proceedings (see for example T 0019/87 of 16 April

1987, OJ EPO 1988, 268). However, in the present case the request for oral proceedings was made on an auxiliary basis and reads: "In the event the Board intends to refuse any of the Requests, oral proceedings are hereby requested". Since the Board does not confirm the contested decision and does not refuse the appellant's main request, oral proceedings are not necessary. The Board notes that remitting the case does not fall under the conditions set in this request.

The appellant requested grant of a patent on the basis of the main request. However, as stated in decision T 42/90 of 25 February 1991, point 5, the decision to remit the case to the department of first instance is not to be considered as being adverse to that party, so that no oral proceedings before the Board need to be appointed (see "Case Law of the Boards of Appeal of the EPO", 10th edition, 2022, III.C.4.5; T 42/90, T 1434/06, T 1711/13 and T 553/23).

For these reasons the decision can be taken in writing.

Since the decision can be taken on the basis of the main request, the Board does not have to deal with the auxiliary requests.

Order

For these reasons it is decided that:

1. The decision under appeal is set aside.
2. The case is remitted to the examining division for further prosecution.

The Registrar:

The Chairwoman:



T. Buschek

A. Wahrenberg

Decision electronically authenticated