

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

PCT

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**
(PCT Rule 43*bis*.1)

To:

see form PCT/ISA/220

Date of mailing
(day/month/year) see form PCT/ISA/210 (second sheet)

Applicant's or agent's file reference
see form PCT/ISA/220

FOR FURTHER ACTION
See paragraph 2 below

International application No.
PCT/EP2019/083580

International filing date (day/month/year)
04.12.2019

Priority date (day/month/year)
06.12.2018

International Patent Classification (IPC) or both national classification and IPC
INV. G06Q10/08 G06Q10/06

Applicant
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1. This opinion contains indications relating to the following items:

- Box No. I Basis of the opinion
- Box No. II Priority
- Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- Box No. IV Lack of unity of invention
- Box No. V Reasoned statement under Rule 43*bis*.1(a)(i) with regard to novelty, inventive step and industrial applicability; citations and explanations supporting such statement
- Box No. VI Certain documents cited
- Box No. VII Certain defects in the international application
- Box No. VIII Certain observations on the international application


2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1*bis*(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

Name and mailing address of the ISA:

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Date of completion of this opinion

see form PCT/ISA/210

Authorized Officer

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Box No. I Basis of the opinion

1. With regard to the **language**, this opinion has been established on the basis of:
 - the international application in the language in which it was filed.
 - a translation of the international application into , which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1 (b)).
2. This opinion has been established taking into account the **rectification of an obvious mistake** authorized by or notified to this Authority under Rule 91 (Rule 43bis.1(a))
3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, this opinion has been established on the basis of a sequence listing:
 - a. forming part of the international application as filed:
 - in the form of an Annex C/ST.25 text file.
 - on paper or in the form of an image file.
 - b. furnished together with the international application under PCT Rule 13ter.1(a) for the purposes of international search only in the form of an Annex C/ST.25 text file.
 - c. furnished subsequent to the international filing date for the purposes of international search only:
 - in the form of an Annex C/ST.25 text file (Rule 13ter.1(a)).
 - on paper or in the form of an image file (Rule 13ter.1(b) and Administrative Instructions, Section 713).
4. In addition, in the case that more than one version or copy of a sequence listing has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that forming part of the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
5. Additional comments:

Box No. II Priority

1. The validity of the priority claim has not been considered because the International Searching Authority does not have in its possession a copy of the earlier application whose priority has been claimed or, where required, a translation of that earlier application. This opinion has nevertheless been established on the assumption that the relevant date (Rules 43bis.1 and 64.1) is the claimed priority date.
2. This opinion has been established as if no priority had been claimed due to the fact that the priority claim has been found invalid (Rules 43bis.1 and 64.1). Thus for the purposes of this opinion, the international filing date indicated above is considered to be the relevant date.
3. Additional observations, if necessary:

see separate sheet

Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	<u>1-22</u>
	No: Claims	
Inventive step (IS)	Yes: Claims	
	No: Claims	<u>1-22</u>
Industrial applicability (IA)	Yes: Claims	<u>1-22</u>
	No: Claims	

2. Citations and explanations

see separate sheet

Box No. VI Certain documents cited

1. Certain published documents (Rules 43bis.1 and 70.10)

and / or

2. Non-written disclosures (Rules 43bis.1 and 70.9)

see form 210

Box No. VII Certain defects in the international application

The following defects in the form or contents of the international application have been noted:

see separate sheet

Box No. VIII Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

see separate sheet

INTRODUCTORY MATTERS

1 State of the art

Reference is made to the following documents:

- D1 US 2005/102041 A1 (DUVERNELL KIM [US] ET AL) 2005-05-12
- D2 WO 2015/084167 A1 (STERTIL BV [NL]) 2015-06-11
- D3 US 2016/075526 A1 (AVALOS ROBERT PAUL [US]) 2016-03-17
- D4 US 2017/043967 A1 (WALFORD BRETT A [US] ET AL)
2017-02-16
- D5 US 10 494 205 B1 (HOOFARD RICHARD K [US] ET AL)
2019-12-03.

ITEM II

2 Priority claim

- 2.1 The priority claim has not been assessed because it is not available to the Search Examiner.
- 2.2 The Applicants' own American patent D5 corresponds to the present application. It was published prior to the filing date of the present application but after the earlier application from which priority is claimed.
- 2.3 As such, if the priority of the earlier application has not been validly claimed, D5 would constitute novelty-destroying prior art for all claims.

ITEM V

3 Technical character

- 3.1 Aspects relating to the workflow protocol, deviating from or inhibiting the workflow under certain conditions, authorisation requests/responses and user authentication and/or status do not *per se* contribute to the technical character of the invention.
- 3.2 Physical elements of the loading dock station, e.g. control units, vehicle restraining device, door opening device and communications network are technical devices which establish the technical character of the claimed subject-matter as a whole.

4 Novelty (Article 33(2) PCT)

- 4.1 Document D1 discloses a computer-controlled [0017] loading dock apparatus (figure 1) with:
- A docking station control unit (*programmable controller*)[0106].
 - A remote control unit (218)(224) communicatively coupled to the docking station control unit [0123][0136](it is implicit that remote control unit operates via the controller rather than directly controlling individual components).
 - The remote control unit having means for user input (224)[0128] and display means (65)(66)(67)[0123][0135]; it consequently has means to send data to and receive data from the controller.
 - The control unit (controller) also has means for user input (214).
- 4.2 Consequently, all aspects of the subject-matter of the independent claims which contribute to the technical character of the invention are anticipated by the disclosure of D1.
- 4.3 The remaining aspects are limited to the following:
- I. The control unit follows a workflow protocol; deviations from the workflow protocol require authorisation, otherwise they are not permitted.
 - II. An authorisation request is automatically generated and sent when a request to deviate from a workflow protocol is made.

III. The authorisation request is received and presented to a user; their response is received and sent back to the requestor.

- 4.4 Aspect I, although not a technical matter, may be regarded as anticipated by D1 in the sense that there is a predetermined workflow [0087-99]; any deviation requires authorisation (override/bypass switches allow manual operation).
- 4.5 At least according to the principle of photographic novelty, which holds that the technical character of a feature is immaterial for the purposes of assessing novelty, aspects II and III, which are not anticipated by D1, suffice to establish the novelty of the subject-matter of claim 13 and claim 1 respectively.

5 **Inventive step (Article 33(3) PCT)**

- 5.1 The only aspects which potentially distinguish the invention from the state of the art (aspects II-III) do not contribute to the technical character of the invention (cf. paragraph 3.1). Hence no objective technical problem can be formulated and so no inventive step can be acknowledged for the subject-matter of the independent claims.

6 **Dependent claims**

- 6.1 The subject-matter of claims 2-8, 11 and 14-20 relates to further non-technical details of the workflow, the workflow deviation mechanism and user authentication; no further technical aspects are defined or implied.
- 6.2 Regarding claim 8, D1 discloses that the controller has means to determine that a first component has not successfully completed an operation (successful completion of the first component operation is required before the second component operation can begin [0106]; the 'not successful' situation is implicit until the controller can establish that the 'proper conditions' have been achieved).
- 6.3 Regarding claim 9, D1 specifically discloses [0108] that the first component can be a vehicle restraint system (20) and the second component, a door (18).
- 6.4 Regarding claim 10, D1 discloses that the components can be controlled by the remote control unit and so a 'communicative coupling' is implicit [0128].
- 6.5 Regarding claim 12, D1 clearly discloses that the remote control unit is remote (cf. figure 11).

- 6.6 Regarding claim 20, even if one were to regard the reference to 'fingerprint scan' as implying the presence of a fingerprint scanner, such devices were notoriously known in the art. A concrete example in a similar context can be found in D2 (p5, l.7-12).
- 6.7 Regarding claim 21, D1 discloses that the communications network is a wireless network [0127][0136].
- 6.8 Regarding claim 22, insofar as it can be understood, such networks were commonly known in the art and would represent an obvious implementation choice.
- 7 **Industrial applicability (Article 33(4) PCT)**
- 7.1 The requirements of industrial applicability of the present invention are clearly met for the subject-matter of the present claims.

ITEM VI

- 8 **Certain documents cited**
- 8.1 D5 was published on 2019-12-03, i.e. between the priority date (2018-12-06) and the filing date (2019-12-04) of the present application.

ITEM VII

- 9 **Certain defects in form and content**
- 9.1 The features of the claims are not provided with reference signs placed in parentheses (Rule 6.2(b) PCT).

ITEM VIII

10 Clarity (Article 6 PCT)

- 10.1 Terminology must be consistent; referring to the same element by different names renders the claimed subject-matter unclear. This applies to the *remote control unit* (e.g. claims 1, 13) and the *monitoring and authorization control unit* (claims 5, 12).
- 10.2 Claim 11 states that an authorisation signal is not sent from the remote control unit to the docking station control unit. This contradicts claim 1 which states that such a signal is sent.
- 10.3 Regarding claim 22, it is noted that the term *Internet of Things network* has no well-defined meaning. As such the term cannot be used to clearly define the invention.
- 10.4 The description does not match certain flow-charts to which it refers [0097-0102](figures 10 and 11).
- 10.5 The imprecise statements in the description [0014][0115] implies that the subject-matter for which protection is sought may be different to that defined by the claims, thereby resulting in lack of clarity (Article 6 PCT) when used to interpret them.