

T 0346/08 - 3.4.03, 25 October 2010

Vending control apparatus

Inventive step - main request (yes)

<http://legal.european-patent-office.org/dg3/pdf/t080346eu1.pdf>

The patent relates to a An electronic point of sale (EPOS) multi-task apparatus which is linkable to a main server over a network. The apparatus includes a central processing unit and associated memory, a user input device such as a keyboard and a bar code scanning means, a printer and a releasable and lockable till drawer. The apparatus has a plurality of software control modules for controlling separate ones of the multi task functions.

The EPOS apparatus has means for controlling at least one apparatus for vending packed products, the vending apparatus control means comprising a software module operable to receive commands from a user. In response to acceptable commands, the software module is operable to activate a dispensing mechanism of the vending apparatus whereby the required packed product is dispensed.

The prior art was concerned with avoiding malfunctions in a point of sales system and provided such a system comprising an in-store controller and a point-of-sale terminal, both being connected to a fuel dispenser controller via a switching device and being provided with control programs for controlling that controller. The appellant's invention achieved a reduction of complexity of the system of the prior art by removing a number of redundant parts such as the in-store controller and the switching device.

Document D1 discloses a bar-code reader for optically scanning the bar-codes mounted on the articles being sold and a keyboard for inputting prices of articles being sold. The sold items either have to be scanned in or typed in by the cashier. The distinguishing features on the other hand, allow the goods to be stored in a vending machine thus eliminating the discrepancies between items purchased and items sold. The BoA considers the objective **technical problem** to be solved as to **eliminate the discrepancies between items purchased and items sold, i.e. to increase the security against theft.**

Document D6 describes a cigarette container with a selection keyboard. When a customer selects the desired type of cigarettes on the keyboard, a corresponding packet of cigarettes is automatically conveyed to the cashier who hands it over to the customer on payment. Document D6 also discloses an alternative in which the cashier can trigger the output of a cigarette packet by means of another keyboard according to the customer's order. The other keyboard is movable and connected to the cigarette container by cable. A **connection of the keyboard to the cash register is however not disclosed.** It is merely disclosed that the programming of the control mechanism of the cigarette container could be performed with the aid of the keyboard of an electronic cash register.

It is neither disclosed in D6 that the cash register comprises any **means for activating the dispensing mechanism of the cigarette apparatus**, nor that a **software module is operable to activate the mechanism.** The skilled person would not be led to provide a software module in the POS terminal operable to receive commands from a user and - in response to acceptable commands - to activate a dispensing mechanism of the cigarette container. The teaching of document D6 would therefore not lead the skilled person to the subject matter of

the claimed invention. Further, the claimed system contributes to preventing theft by customers as well as employees. **The claimed subject-matter can thus not be considered as a mere alternative solution to that proposed in document D6.**

Application number: 05075146.0

IPC class: G07G1/14

Applicant name: January Patents Limited

Articles and rules

EPC1973 Art 56

T 1575/06 - 3.5.05, 26 August 2010

Graphical layout for mapping keys of a keypad to display regions

Inventive step (yes - after amendment)

<http://legal.european-patent-office.org/dg3/pdf/t061575eu1.pdf>

The patent relates to a method and a mobile telephone for locating a site using the mobile telephone. The mobile telephone has a display and a keypad of numbered keys in a geometric configuration. The method includes the steps:

displaying on the display a first map of a geographic area that contains the site, wherein the map is partitioned into visually delimited regions in a geometric configuration corresponding to the geometric configuration of the keys of the keypad and wherein each region corresponds to a respective one of the numbered keys; and upon a user selecting a selected one of the numbered keys, displaying on the display a second map which depicts in more detail the region of the first map that corresponds to the selected one of the numbered keys.

The only prior art D2 disclosing a mobile telephone discloses such a telephone handset") having a display and numbered keys arranged in a geometric configuration.

The display of the mobile telephone of D2 preferably comprises a static visual display and dynamic visual display means and additionally comprises a second dynamic visual display means for displaying a set of context-sensitive function labels associated with telephone functions. The numbered keys arranged in a geometric configuration are fixed-label signalling keys. A second class of entry keys is also provided in the form of a set of soft-label keys.

The claimed mobile telephone is distinguished over that of D2 in that it is adapted to perform a method of locating a site as recited in the characterising part of said claim. This difference provides the **technical effect of permitting the user to use the mobile telephone to perform navigation operations on graphical content comprising a set of digital maps.**

The objective **technical problem** vis-à-vis D2 may thus be formulated as **how to extend the functionality of the mobile phone to permit a user to perform navigation operations on graphical content comprising a set of digital maps.** There is no disclosure or suggestion in D2 to the effect that either of the dynamic visual display means 74 and 76 disclosed therein is or could be used for the display of graphical content comprising a set of digital maps.

The only available prior art document relating to the presentation and navigation of graphical content comprising a set of digital maps is D4, where a digital map can be zoomed by using a pointing means to position a cursor and click on a region of the map. D4 neither discloses nor suggests a user interface based on a mapping between the keys of a set of numbered keys having a geometric configuration and regions of a display having a similar geometric configuration such that a key of the set of numbered keys can be used to select the corresponding region of the display.

The board concludes that it would not have been obvious for the skilled person starting from D2 to modify the mobile telephone disclosed therein to provide functionality according to the invention. Neither would it have been obvious for the skilled person starting from the digital map zooming methods of D4 to consider a mobile telephone such as that disclosed in D2 as a

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suitable platform for implementing said methods. Moreover, even if such an implementation had been attempted it would not, in the board's judgment, have led to the invention.

Application number: 01913046.7

IPC class: G06F3/023

Applicant name: ACK Ventures Holdings, LLC

Articles and rules

EPC2000 Art 123(2)

EPC 1973 Art 56

EPC 1973 Art 84

EPC 1973 Art 106

EPC 1973 Art 107

EPC 1973 Art 108

Keywords

Clarity and support by the description (yes - after amendment)

Extension of subject-matter" (no - after amendment)

Remittal for further prosecution (yes)

Cited decisions: J 0010/07

T 0152/07 - 3.5.06, 15 October 2010

Method, arrangement and apparatus for authentication through a communications network

Inventive step (no)

<http://legal.european-patent-office.org/dg3/pdf/t070152eu1.pdf>

The patent relates to authenticating a user to an application, for instance a payment or banking service. The user accesses the application via a first communication network, which may comprise a public switched telephone network (PSTN). The user is also provided with a "mobile station" (MS) such as a GSM cellular telephone which communicates with the application via a second communications network, for example a GSM network. User authentication occurs based on secret information stored in a SIM (subscriber identification module) in the mobile station and/or secret information stored in the HLR (home location register) and/or VLR (visitor location register) data bases stored in the GSM network.

The BoA defines the objective technical problem as starting from the closest prior art as being to **realize the A3 authentication algorithm of the GSM 03.20 standard** in the method known from closest prior art. However, a person *skilled* in the art **would have used the known algorithm** to close the gap of the prior art without being inventive **in view of the common knowledge**.

Application number: 99908851.1

IPC class: G06F1/00

Applicant name: Telefonaktiebolaget LM Ericsson (publ)

Opponent name: SWISSCOM AG, GIESECKE & DEVRIENT GmbH

Articles and rules

EPC1973 Art 56

RPBA_Art_013(1), RPBA_Art_012(1), RPBA_Art_012(3)

Cited decisions: G 0009/92, G 0004/93

T 1051/07 - 3.4.03, 24 September 2010

System and method for financial transactions

Inventive step (yes)

<http://legal.european-patent-office.org/dg3/pdf/t071051eu1.pdf>

The patent relates to a transaction system for providing a financial transaction service to a subscriber. The claimed system distinguishes over the closest prior art in that it includes:

- a subscriber service interface for outputting a corresponding charging or realization service request message to a service control unit to provide a corresponding financial transaction service when an item of a service menu is selected;
- a transaction service interface connecting said service control unit by means of a financial network to at least one bank settlement system which upon a settlement request message transmitted by said service control unit by means of said financial network to said bank settlement system processes a first transfer of money between a bank account of a juridical body providing the financial transaction service opened in said bank settlement system and a bank account of the subscriber;
- a database including a service account of the juridical body providing the financial transaction service;
- wherein the service control unit processes a second transfer of a corresponding amount of money between the service account of the juridical body providing the financial transaction service and the mobile account of the subscriber.

The above distinguishing features over the prior art allow a user (subscriber) to load money on his account in the host computer. Accordingly, the **objective problem to be solved relative to the prior art is to provide the system with means allowing a user to load money on his account in the host computer (or realise money from his account).**

The **board generally agrees that reloading the host computer account** fundamentally constitutes (part of) a **business method** and, thus, **would lack technical character**. However, insofar as administrative banking procedures indeed lack technical character, the **claimed invention is not confined to merely reciting an administrative banking procedure alongside straightforward technical means** for its implementation, **but rather provides a technical solution, involving technical means to the technical problem of how to reload such an account**. The solution as claimed is, as discussed above, not considered obvious.

Application number: 02021882.2

IPC class: G07F19/00

Applicant name: SK Telekom Co., Ltd.

Articles and rules

EPC1973 Art 56

T 1196/07 - 3.5.05, 16 July 2010

System and method for remotely operating a peristaltic pump

Inventive step - no (main and auxiliary request)

<http://legal.european-patent-office.org/dg3/pdf/t071196eu1.pdf>

The patent relates to a peristaltic pump for applying medication. From the prior art D2 an infusion pump in general (in particular a syringe pump) is known which anticipates most of the claimed features. However, the features specifying the invention are not linked to the internal construction of the pump, since there is no synergistic effect between these features and the pump being a peristaltic pump.

The claimed pump further includes a "noted button" which is specified as follows: "the administrator of the drug protocol is required to review the precautions and indicate that the precautions have been reviewed by processing the noted button".

However, this aspect of the **claimed subject-matter does not contribute to the solution of the underlying problem of improving security of the infusion pump**. If the noted button is operated by either a different person or an administrator who by error does not understand the precaution information correctly, **security of the infusion pump will not be improved**.

Therefore, this aspect of the claimed subject-matter **does not contribute to the technical character** of claim 10. Thus, it cannot support the presence of inventive step, in accordance with established case law (see e.g. T0641/00).

Application number: 03771777.4

IPC class: G06F19/00

Applicant name: Curlin Medical Inc.

Articles and rules

EPC1973 Art 56

EPC 1973 Art 106

EPC 1973 Art 107

EPC 1973 Art 108

Cited decisions: J 0010/07, T 1194/97, T 0641/00

T 0511/07 - 3.5.03, 04 May 2010

Mobile communication terminal handling messages including graphics

Substantial procedural violation (no)

<http://legal.european-patent-office.org/dg3/pdf/t070511eu1.pdf>

The appellant argues that the problem-solution approach has not been used for assessing inventive step.

However, in accordance with the Guidelines, C-IV, 9.8 (June 2005 edition), the examiner **should normally apply** the so-called **problem-and-solution approach**.

Thus the use of the problem-solution approach was **not obligatory** to **meet the requirements of a reasoned decision**.

Application number: 00916968.1

IPC class: H04M1/725

Applicant name: Nokia Corporation

Articles and rules

EPC2000 Art 84

EPC2000 Art 113(1)

EPC 1973 R 68(2)

RPBA_Art_013(1)

Cited decisions: T 1134/06