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**Datasheet for the decision
of 15 September 2011**

Case Number: T 1537/07 - 3.4.03

Application Number: 02012258.6

Publication Number: 1265200

IPC: G07F 7/08

Language of the proceedings: EN

Title of invention:
Credit card system and method

Applicant:
Orbis Patents Limited

Opponent:
-

Headword:
-

Relevant legal provisions:
EPC Art. 123(2)

Relevant legal provisions (EPC 1973):
EPC Art. 56, 84

Keyword:
"Inventive step: no"
"Clarity: no"
"Added subject-matter: yes"

Decisions cited:
T 0641/00

Catchword:
-



Case Number: T 1537/07 - 3.4.03

D E C I S I O N
of the Technical Board of Appeal 3.4.03
of 15 September 2011

Appellant: Orbis Patents Limited
3 Sandyford Park
Sandyford Industrial Estate
Dublin 18 (IE)

Representative: O'Connor, Donal Henry
Cruickshank & Company
8A Sandyford Business Centre
Sandyford
Dublin 18 (IE)

Decision under appeal: Decision of the Examining Division of the
European Patent Office posted 24 April 2007
refusing European patent application
No. 02012258.6 pursuant to Article 97(1) EPC
1973.

Composition of the Board:

Chairman: G. Eliasson
Members: V. L. P. Frank
T. Bokor

Summary of Facts and Submissions

- I. This is an appeal against the refusal of application 02 012 258 for lack of inventive step (Article 56 EPC 1973).
- II. The appellant requested in writing that the decision under appeal be set aside and that a patent be granted on the basis of
- claims 1 to 11 filed as main request by letter dated 20 February 2006, or
 - claim 1 filed as 1st auxiliary request by letter dated 29 January 2007 and claims 2 to 11 as for the main request, or
 - claim 1 filed as 2nd auxiliary request by letter dated 29 January 2007 and claims 2 to 11 as for the main request.

Auxiliarily, oral proceedings were requested in case of an adverse decision.

- III. As announced with the letter dated 12 September 2011 the appellant applicant was not represented at the oral proceedings before the board. The proceedings were held in the absence of the appellant pursuant to Rule 115(2) EPC and Article 15(3) RPBA.

- IV. Claim 1 of the main request reads:

"1. A credit card system comprising a limited use credit card number issuer having:

means for maintaining a pool of credit card numbers (124);
means for assigning at least one credit card number from the pool of credit card numbers (124) to a customer to be a master credit card number;
means (120) for assigning at least one credit card number (126) from the pool of credit card numbers (124) to be a limited use credit card number (126) for use in a limited-use credit card number transaction;
means for associating the master credit card number with the limited use credit card number (126) while ensuring that the master credit card number cannot be discovered on the basis of the limited use credit card number (126);
means for assigning established limitations to the limited use credit card number; and
means for authorising (706) transactions which meet the established limitations and means for denying (712) other transactions by comparing attempted use to the established limitations on use;

characterised in that the system further comprises the limited use credit card number issuer having:
means for issuing the limited use credit card number (126) to a user; wherein
the user is a party other than the limited use credit card number issuer and the customer; and
wherein
the established limitations are set by the customer and communicated by the customer to the limited use credit card number issuer prior to issuing the number (126)."

Claim 1 of the first auxiliary request reads:

- "1. A system for implementing a limited use credit card system having:
- a central processing station (102) comprising a central processing unit (120) having access to a database of credit card numbers (124) and access to a central database (122) comprising established limitations; in which the central processing unit (120) is configured to:
 - assign at least one credit card number from the pool of credit card numbers (124) to a customer to be a master credit card number;
 - designate at least one credit card number (126) from the pool of credit card numbers (124) to be a limited use credit card number (126) for use in a limited-use credit card number transaction;
 - assign the established limitations to the limited use credit card number;
 - associate the master credit card number with the limited use credit card number (126) while ensuring that the master credit card number cannot be discovered on the basis of the limited use credit card number (126); and
 - authorise (706) transactions which meet the established limitations and deny (712) other transactions by comparing attempted use to the established limitations on use;
- characterised in that;
- the central processing unit (120) is configured to issue on receiving a customer request with customer established limitations the limited use credit card number (126) to a user which is a

party other than the limited use credit card number issuer and the customer."

Claim 1 of the second auxiliary request reads:

- "1. A system for implementing a limited use credit card system having:
- a central processing station (102) comprising a central processing unit (120) having access to a database of credit card numbers (124) and access to a central database (122) comprising established limitations; in which the central processing unit (120) is configured to:
 - assign at least one credit card number from the pool of credit card numbers (124) to a customer to be a master credit card number;
 - designate at least one credit card number (126) from the pool of credit card numbers (124) to be a limited use credit card number (126) for use in a limited-use credit card number transaction;
 - assign the established limitations to the limited use credit card number;
 - associate the master credit card number with the limited use credit card number (126) while ensuring that the master credit card number cannot be discovered on the basis of the limited use credit card number (126); and
 - authorise (706) transactions which meet the established limitations and deny (712) other transactions by comparing attempted use to the established limitations on use;
- characterised in that;
- the central processing unit (120) is configured to issue on receiving a customer request with

customer established limitations the limited use credit card number (126) to a user which is a party other than the limited use credit card number issuer and the customer; and the central processing unit (120) is further configured to subsequently receive a purchase order number from the customer to alter the nature or value of the established limitations; and to allow the user to use the purchase order number and limited use credit card number to make an agreed purchase."

V. The appellant applicant argued in writing essentially as follows:

- The application was wrongfully construed as pertaining to a business method simply because the most commercial benefit of the method was originally identified to be in the field of credit cards.

- The inventive concept of the application concerned however the secure and safe issue of accessibility to an entity-owned device on a temporary basis. This system had application in several fields beyond the field of credit cards, or general payment cards. The system could be applied to any alphanumerically protected device, whereby an alphanumerically protected device should be understood as being a device that required an alphanumeric code to be used. As the system could be employed in a wide-range of fields beyond the field of credit cards, it should be evident that the method was not a business method, and hence could not be considered as comprising non-

technical features. The system purely related to the secure issuance of access to an entity-owned device.

- Secondly, the system was not concerned with any economic activity associated with the use of limited-use credit card numbers, although the system was focused on the issuance of limited-use credit card numbers. The Examining Division interpreted the method as a method for doing business and branded the associated features as being non-technical. This was not the case as the features contributed to the security of an entity-owned device. A strict interpretation should be taken when assessing the features of the claimed invention. In their simplest form, the majority of inventions could be viewed as contributing to a business method, and hence being non-technical. The fact that the claimed system and method allowed the issuance of a payment card that could be used in future economic transactions, did not characterize the claimed security system and method to be a part of the economic transaction.

- Moreover, it was clear that any method for doing business should be restricted to be used solely within the field of business *per se*. Any extension of the method beyond these boundaries would facilitate a broader interpretation of the method and would delimit the method from evaluation as a business method. A business method had no other function outside the field of business methods without dissociating itself completely from any interpretation as a business method.

- The essence of the invention was to the secure extension of accessibility to a device belonging to an entity, by that entity. It could be desirable for the entity, eg a person or a company, to permit an outsider to the entity access to the device in a manner determined by the entity. As the device itself or information that the device contained could be sensitive to the entity, the use of the device generally incorporated a security step. In order to allow limited, entity-established access, a limited use code could be issued in accordance with controls set by the entity. The limited use code was associated with the master code in a secure database. The master code could not be linked to the limited use code, only the limited use code could be linked to the master code. The limited use code would have entity-established conditions of use attached. It should be noted that in using this secure controlled method of issuing accessibility, the master code was always necessary as it was the master code that triggered the device. The limited use code did not trigger the device. When the database linked the limited use code to the master code, it was this master code that triggered the operation of the device, and it appeared as if the limited use code had triggered the use of the device.

- For example, a building could have a number of security doors that were locked using a keypad-controlled lock. Permanent workers could use one master alphanumeric code to open all of the doors. Temporary workers could need access only for short periods of time, and therefore a temporary alphanumeric code could be issued having limited use.

The keypad, via a link to a database, would associate the temporary code with the master code and would open the door in response to the temporary code. However, after a predetermined period, the database no longer associated the temporary and master codes and access would be denied.

Alternatively, the imposed restrictions did not have to be time-related. The restrictions could apply to the quantitative number of occasions that the temporary code was successfully used or to a limited functionality of the device in response to the temporary code.

- Another exemplary use of the invention could be in messaging services. Most telephone companies offered messaging services for each assigned telephone number. The messaging service for the telephone number could be accessed by ringing a dedicated telephone number, and inputting identification information corresponding to the assigned telephone number. The majority of answering services would also require a numeric code to be entered prior to granting access to the menu of the system. From the menu, numerous functions were available. It could be necessary for somebody to grant access to his or her messaging service to a colleague or a friend occasionally. However, the user could wish to keep their master numeric code unchanged whilst limiting the access available to the temporary user. This would be possible by issuing a temporary numeric code that could be used by the temporary user to gain partial access to the menu system. Some functionality of the menu system could be unavailable to the temporary user. This effect could

be achieved by associating the temporary numeric code with the master code in a database every time the temporary user attempted access to a function of the menu. If the user did not wish to grant the temporary user access to a certain function, then the database would not associate the temporary code and the master code for that function.

- With reference to the above examples, the applicant suggested it was clear that although the employment of the above security system was to the issuance of limited use credit card numbers, which was an important implementation, it would be discernible to the person skilled in the art that this was by no means the only implementation possible. The person skilled in the art of access techniques would realize without any inventive process, that the system as disclosed in the specification, and as defined in the claims would be applicable to numerous technologies beyond the field of credit cards. Many implementations in a range of technical fields would hence benefit from the application of the access system. The system could be applied to any device that required the use of a coded security step to gain full accessibility to the device.

VI. In a communication annexed to the summons to oral proceedings appointed for 15 September 2011, the board informed the appellant of its provisional opinion as follows:

"2. The appellant argued that the application was in fact not a business method, but was in essence a security and control tool.

2.1 He illustrated the possible use of the tool in a 1st example with a keypad-controlled lock, for which a master and a temporary alphanumeric code existed for opening the lock. The temporary code was associated to the master code via a link to a database and would become ineffective after a predetermined period or number of uses.

However, the board considers that the temporary alphanumeric code does not need to be "associated" with the master code in order to fulfil its purpose. Although both codes have to be listed in the database as providing access to the specific lock, any "association" between them does not seem necessary for accessibility purposes.

An "association" between both types of codes becomes necessary only when the codes are used for billing or accounting purposes, ie when some kind of "expenses" occasioned by the use of the temporary alphanumeric code are charged to the master account (the "expenses" do not necessarily correspond to some monetary value, but can be the use of some kind of resources).

2.2 Similar observations seem to apply to the 2nd example presented, namely to grant access to a telephone messaging service. Also in this example the "association" between temporary and master codes seems necessary only for billing or accounting purposes. The assignment of the temporary and master codes to the specific messaging service seems to be something different

from an "association" between the temporary and the master codes, since in the former there is no direct link between both codes.

2.3 It seems thus that at least the "means for associating the master credit card number with the limited use credit card number" of claim 1 are a billing or accounting concept which does not involve any technical skills in its implementation (this step is analogous to the "Two identities/COMVIK" case T 641/00, in which the distribution of costs for service and private calls of the same user was seen as a commercial or administrative, rather than a technical issue, cf reasons point 13).

2.4 The board is for these reasons of the preliminary view that the "means for associating the master credit card number with the limited use credit card number" of claim 1 of the main request do as such not contribute to the technical character of the invention.

The same remarks seem to apply to "the central processing unit configured to associate the master credit card number with the limited use credit card number" of claim 1 of the 1st and 2nd auxiliary claim requests.

2.5 Without this assignment, however, the claimed credit card system is reduced to the issuance of two or more credit card numbers having the properties of conventional credit cards, since conventional credit cards have an expiration date

(ie have a limited use, although the envisaged limited use credit cards have a substantially shorter lifetime than the conventional ones) and have limitations eg on the monthly chargeable amount which, within certain limits, can be set by the customer.

It seems that the question whether the issuance of a conventional credit card number does as such contribute to the technical character of the invention can be left aside, since it is a known feature.

- 2.6 The board is, for these reasons, of the provisional view that claim 1 of the main and 1st and 2nd auxiliary requests is not allowable for lack of an inventive step (Article 56 EPC 1973).
3. It seems furthermore that the feature "while ensuring that the master card number cannot be discovered on the basis of the limited use credit card number" of claim 1 of the main and the auxiliary requests is not clear (Article 84 EPC 1973), as it is not disclosed how this property is tested nor which technical features it implies.
4. The board is not persuaded at present that the originally filed application provides a basis for claim 1 of the main and the auxiliary requests (Article 123(2) EPC).
 - 4.1 Claim 1 refers to three persons or entities: the customer, to whom the master credit card number is allocated;

the credit card number issuer (in the following the issuer), and the user, which is a party different from the previous two; while the limited use credit card number is issued to the user.

- 4.2 *The applicant indicated as basis for the amended claim [0055] or [0059] and original claim 1 (see applicant's letter of 20 February 2006).*

[0055] and [0059] deal with the link between the master and the limited use credit card numbers and the customer, so that both numbers are allocated to the customer. Original claim 1 does not seem to disclose a user which is a party different from the customer and the issuer.

- 4.3 *It seems therefore that the feature that "the limited use credit card is issued to a user" while "the user is a party other than the limited use credit card issuer and the customer" is not directly and unambiguously derivable from the filed application."*

Reasons for the Decision

1. The appeal is admissible.
2. In the communication of the board, the appellant applicant was informed in detail of the reasons for the board's preliminary view that the system for implementing the limited use credit card system of

claim 1 of the main, 1st or 2nd auxiliary requests did not involve an inventive step (Article 56 EPC 1973) as well as the reasons for the board's preliminary view that the system of claim 1 of all requests was not clear (Article 84 EPC 1973) and contained subject-matter which extended beyond the content of the application as filed (Article 123(2) EPC).

3. The appellant did not file any substantive response to the communication, but announced that he would not be represented at the oral proceedings. Having reconsidered its own reasoned objections as set out in the said communication and making express reference thereto, the board sees no reason to depart from them. Consequently, the appellant's requests fall to be refused.

Order

For these reasons it is decided that:

The appeal is dismissed.

Registrar:

Chair:

S. Sánchez Chiquero

G. Eliasson