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Datasheet for the decision of 13 May 2016

Case Number: T 0894/10 - 3.5.01

Application Number: 97954193.5

Publication Number: 1008076

IPC: G06F17/60

Language of the proceedings: EN

Title of invention:
COMPUTER EXECUTABLE WORKFLOW CONTROL SYSTEM

Applicant:
FMR LLC

Headword:
Adding workflow items / FMR LLC

Relevant legal provisions:
EPC Art. 56

Keyword:
Inventive step - rules for adding items to a workflow (no - not technical)

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Case Number: T 0894/10 - 3.5.01

D E C I S I O N
of Technical Board of Appeal 3.5.01
of 13 May 2016

Appellant: (Applicant)	FMR LLC 82 Devonshire Street Boston MA 02109 (US)
Representative:	Prock, Thomas Marks & Clerk LLP 90 Long Acre London WC2E 9RA (GB)
Decision under appeal:	**Decision of the Examining Division of the European Patent Office posted on 4 December 2009 refusing European patent application No. 97954193.5 pursuant to Article 97(2) EPC.**

Composition of the Board:

Chairman	P. Scriven
Members:	W. Chandler
	P. Schmitz

Summary of Facts and Submissions

I. This appeal is against the decision of the Examining Division to refuse the European patent application No. 97954193.5 for lack of inventive step starting from a notoriously known computer processing system. It concerns adding definitions relating to work items to a database representing a workflow.

II. In the statement of grounds of appeal, the appellant argued that the claimed workflow management system had technical character and technical effects. The appellant requested that the decision under appeal be set aside and that a patent be granted on the basis of the main request, essentially corresponding to the refused auxiliary request, and a new first auxiliary request, both filed with the grounds of appeal. The appellant also made an auxiliary request for oral proceedings.

III. In a communication accompanying the summons to oral proceedings, the Board gave its preliminary opinion on the case. In reply thereto, the appellant's representative informed the Board that he had been instructed not to attend the proceedings.

IV. At the oral proceedings, which took place in the appellant's absence, the Board considered the appellant's written requests. At the end of the oral proceedings, the Chairman announced the Board's decision.

V. Claim 1 of the main request reads as follows:

"A computer system executable method for processing a work item (10) stored in a database (14) of work items (10), which method comprises:

storing in a first memory (73) a data structure (64) defining a hierarchy between a first node and a second node for processing work items (10) in a work flow system;

storing in a second memory (39) definitional data items associated with each of the first and second nodes;

determining validity of definitional data items related to work items (10) when a workflow system comprising the first (73) and second (39) memories is set up or modified by:

receiving a request to store a new definitional data item associated with the first node, wherein the new definitional data item controls access to a work item (10) and depends from one of the definitional data items associated with the second node; and

determining validity of the new definitional data item associated with the first node based on the data structure (64) stored in the first memory (73) prior to storing the new definitional data item in the second memory (39) and storing the new definitional data item in the second memory (39) only if the first node is dependent upon the second node."

VI. Claim 1 of the first auxiliary request reads as follows:

A computer system executable method for controlling access to a work item (10), the work item (10) being

stored in a database (14) of work items (10) for subsequent execution by an operator in accordance with definitional data stored in the database (14), the method comprising:

storing in a first memory (73) a networked data structure having networked entries, the networked data structure corresponding to an organization having nodes for manipulation of work items (10), the organization being organized hierarchically, each networked entry corresponding to one of the nodes;

storing in a second memory a process table specifying a sequence of steps for manipulating the work item (10);

storing in a third memory (39) a first definitional data item associated with a first one of the nodes, the first node corresponding to a first one of the networked entries, the first networked entry defining a subset of the networked entries in the networked data structure, the subset consisting of the first networked entry and all networked entries dependent from the first networked entry;

receiving a request to store in a fourth memory a second definitional data item associated with a second one of the nodes, the second item relying on the first item, the second node corresponding to one of the steps in the sequence, the second node corresponding to a second one of the networked entries in the networked data structure;

determining, when a workflow system comprising the third and fourth memories is set up or modified, whether the second networked entry belongs to the

subset of networked entries defined by the first networked entry; and

storing in the fourth memory the second definitional data item only if the second networked entry belongs to the subset of networked entries defined by the first networked entry."

Reasons for the Decision

1. The application relates to a workflow management system (Figure 1) that keeps track of steps in processing tasks (work items 10 in database 14) in an organisation's workflow. The tasks include such things as initiating transactions and filling out documents. An administrator specifies "definitional data items" that include nodes representing, say, different people that carry out the steps in the workflow and rules that are associated with specific nodes (see description, page 1, last paragraph).

2. The nodes are stored in a table (Figure 9) and arranged in a hierarchy (Figure 8 - A, B, C, ... I). The hierarchy reflects the responsibilities in the workflow. Thus, the people represented by nodes E and F (Figure 8) report to the person represented by node B who, in turn, reports to A.

3. The rules, actually defined in the claims as the "definitional data items", are also stored in a table (Figure 6). Each rule is associated with a specific node. A rule might determine access to a work item controlled by the associated node. The invention concerns the conditions under which a new definitional

data item (rule) can be added.

4. The invention allows new rules to be stored only if they are consistent with the hierarchical structure of the nodes (see description, page 17, line 12 to page 19, line 11).

5. The effect of the invention is to prevent storing definitions that do not fit into the structure of the organisation's workflow (see grounds of appeal, page 3).

6. The Examining Division considered that the representation of the workflow as a hierarchy of nodes and definitional data was non-technical (decision, point 13). They also argued that deciding whether or not to store a definition was an administrative decision that could not contribute to inventive step (decision, point 16).

7. The Board essentially agrees with the Examining Division's findings and considers that all aspects of the idea of modelling and manipulating representations of a workflow are fundamentally non-technical, being essentially aspects of either a business method or an algorithm or both.

8. In the Board's view, technical considerations only come into play when implementing the representation and rules. However, the Board agrees with the division that the skilled person would have no difficulty in implementing the invention on a conventional computer.

9. The appellant argues that the decision is not whether to *keep/use* the item, but whether to *store* it, which is technical. The Board agrees with this, but only in so

far as it shows that the implementation itself is technical, which is not disputed. It does not imply that the steps that are being implemented are technical. Moreover, the mere storing of data as part of an implementation does not involve an inventive step.

10. The appellant also argues that conditional storage of a definitional data item allows a more efficient and secure operation of the workflow system. However, the Board judges that this improvement is still in the non-technical area. It is comparable to saying that an improvement in a data processing algorithm results in a more accurate answer. However, the thing being improved remains non-technical. This appears to apply to the other advantages invoked by the appellant in support of technicality, namely increased reliability and correctness of the method.

11. The appellant's short paragraph about the auxiliary request at the end of the grounds of appeal does not really give the Board the basis for the amendments or their significance.

12. Nevertheless, the amendments appear to amount to specifying names for the memories where the various pieces of data are stored. In the Board's view, this does not add anything inventive.

13. Accordingly, claim 1 of neither request involves an inventive step (Article 56 EPC), so that the appeal must be dismissed.

Order

For these reasons it is decided that:

The appeal is dismissed.

The Registrar: The Chairman:

T. Buschek P. Scriven

Decision electronically authenticated