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**Datasheet for the decision
of 27 May 2015**

Case Number: T 1682/11 - 3.5.01

Application Number: 07716724.5

Publication Number: 1977388

IPC: G06Q40/00

Language of the proceedings: EN

Title of invention:

SYSTEMS AND METHODS FOR NOTIFYING A CONSUMER OF CHANGES MADE
TO A CREDIT REPORT

Applicant:

Equifax, Inc.

Headword:

Notification of changes/EQUIFAX

Relevant legal provisions:

EPC 1973 Art. 56

Keyword:

Inventive step - (no)



**Beschwerdekammern
Boards of Appeal
Chambres de recours**

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Case Number: T 1682/11 - 3.5.01

D E C I S I O N
of Technical Board of Appeal 3.5.01
of 27 May 2015

Appellant: Equifax, Inc.
(Applicant) 1550 Peachtree Street, N. W.
Atlanta, GA 30309 (US)

Representative: Weston, Robert Dale
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Decision under appeal: **Decision of the Examining Division of the
European Patent Office posted on 4 March 2011
refusing European patent application No.
07716724.5 pursuant to Article 97(2) EPC.**

Composition of the Board:

Chairman R.R.K. Zimmermann
Members: P. Scriven
D. Prietzel-Funk

Summary of Facts and Submissions

- I. The appeal is against the Examining Division's decision to refuse European Patent application 07716724.5. The Examining Division decided there was a lack of inventive step, because the invention amounted to the implementation of a non-technical method using notorious technical means. Document D1 (WO A2-02/091127) was also cited, as evidence that those technical means were known.
- II. With the statement setting out the grounds of appeal, the appellant filed a new main and a new auxiliary request. The Board sent a communication informing the appellant of its preliminary view on those requests, questioning admissibility, in particular, and indicating that the main request did not seem to be allowable for the reasons set out in the impugned decision. The appellant responded, by letter dated 14 November 2014, with further arguments and a single new request, replacing the previous main and auxiliary requests.
- III. Claim 1 according to the sole request read as follows.

A credit score change monitoring computer system (10) comprising a server (12) functionally accessible from a network (14) and functionally including:

- i) a database (46) that stores data elements collected from several sources; and,*
- ii) a computer program arranged to:*
 - a) interface with users (16),*
 - b) monitor the database (46) for changes (72) to the data elements;*
 - c) identify the user and the change (74)*

- d) *if a user has elected to monitor these changes, generate a notification (76); and,*
 - e) *send (78) a notification to the user;*
- characterized in that:*
- iii) *the computer program is further arranged to:*
 - a) *flag (1602,1702) data elements elected by a user for monitoring;*
 - b) *store flagged data elements in a reporting database (46);*
 - c) *detect (1604,1704) a change to at least one monitored data element;*
 - d) *transmit (1606,1706) monitored data elements with changes to an order management database (46), which can receive any monitored data elements with changes to data elements;*
 - e) *operate in conjunction with an associated processor, routine, or algorithm to calculate or determine (1608,1708) a score for each of said monitored files with changes to the credit data elements, facilitated by the database;*
 - f) *store the calculated score as an additional data element with the respective monitored data element;*
 - g) *determine (1612,1712) whether any change in magnitude of said calculated score meets predetermined criteria; and,*
 - h) *transmit (1614,1714) a notification of a qualifying change to a user associated with each monitored file in response to a determination that a*

*change in the magnitude of said
calculated score meets said
predetermined criteria (1612,1712).*

- IV. The appellant argued that the invention solved the technical problem of identifying, storing, and processing "score changes for data elements for transmission to a user"; that the solution lay in storing score changes as "additional data elements to monitored files in a reporting database"; and that this had the technical advantage of allowing a graphical user-interface to access and monitor data.
- V. The Board arranged oral proceedings and indicated its preliminary view of claim 1 according to the new request, in a communication sent with the summons. Inter alia, the invention defined by claim 1 seemed to lack inventive step (Article 56 EPC 1973) as an obvious implementation of a non-technical method using notorious technical means. The Board also noted a number of issues under Articles 84 and 123(2) EPC.
- VI. The appellant informed the Board that there would be no representation at oral proceedings. Oral proceedings were held as scheduled. The Board established that the appellant had requested, in writing, that the decision under appeal be set aside and that a patent be granted on the basis of claims 1 to 5 of the (sole) main request submitted with the letter dated 14 November 2014. At the end of the oral proceedings the Board announced its decision.

Reasons for the Decision

Background

1. A poor credit-rating can have a serious impact on a person's life. Many factors can lead to such a low rating. In particular, one person's mistake in a rating process might seriously influence another's credit-rating, as might the activities of an identity-thief. Thus, events of which a person is not aware, may reduce his credit-rating. Indeed, it often happens that the first a person learns of damage to his rating is when credit is denied.
2. Such is the background to the invention (see paragraphs [0003] - [0011] of the published application), which provides help in the form of a notification when a person's credit-rating changes.
3. The invention provided for a notification to be sent when a "score" calculated from a designated "data-element" changes in a way that matches some predetermined criteria. In particular, that may be when the "score" changes by more than some predetermined amount.

Inventive Step

4. In the communication sent with the summons to oral proceedings, the Board indicated that claim 1 was not entirely clear, in the sense of Article 84 EPC. In particular, it was unclear whether the claim sought to define a single set of steps, or two; and it was unclear whether "transmit ... monitored data elements

with changes" meant that and monitored elements that had changed were to be transmitted, or that all monitored elements were transmitted as well as any changes that occurred. As will be apparent from the following, whether there is one set of steps or two makes no difference, because the steps are in any case not technical and do not contribute to inventive step as defined in Article 56 EPC 1973. Similarly, it does not matter which interpretation of "transmit ... with changes" applies, because either way the technical implementation is forced by an underlying non-technical requirement.

5. In its basic form, the invention identifies the data a user wants to have monitored, and detects a change in such data, evaluates whether it is a change of which the user wants notification, and sends a notification when required. This is true for both the claims underlying the decision under appeal and the amended claims underlying this decision.

6. The Examining Division considered that non-technical. Indeed, the Examining Division went somewhat further and stated, at point 10.1 of the appealed decision, that the following steps were technical only to the extent that they were implemented on a computer system: providing "monitored data segments with changes to the data collection"; calculating or determining a score for each monitored segment; determining whether any change in a score met predetermined criteria; and transmitting a notification when the criteria are met. The steps as such were considered non-technical. The appellant has not argued otherwise, and the Board takes the same view as the Examining Division.

7. The Board also agrees with the Examining Division's view that the implementation of this non-technical method on a computer system did not involve an inventive step. The underlying non-technical method requires the storage, monitoring, comparison, and transmission of data. Those are simply things that computers are designed to do.

8. Present claim 1 has been amended by adding the following salient features: the flagging of data elements, the use of a database containing the flagged elements, the transmission of changed and flagged elements to an "order management database", the use of a "processor, routine or algorithm" to calculate or determine the score, and the storage of the score "as an additional data element with the respective monitored data element".

9. For the following reasons, the Board has concluded that these changes do not render the invention less obvious. Firstly, flagging elements does no more than indicate those elements which require monitoring. In so far as a flag can be regarded as technical at all, it is no more than the implementation of what the non-technical method requires. Secondly, the "order management database" is neither more nor less than storage suitable for keeping track of the data the non-technical method requires. Thirdly, any implementation on a computer will use a "processor, routine or algorithm", and, finally, the storage of the score with the respective element does no more than store data that must be stored somewhere in a convenient place.

10. The Board accepts the appellant's argument that storing the scores as an additional element with the corresponding data element may be a technical feature;

but the choice of where to store is an obvious one.

11. As a result, the Board is of the view that the subject matter of claim 1 would have been obvious to the skilled person seeking a technical implementation of the underlying non-technical method. The appellant's sole request, therefore, cannot be allowed.

Order

For these reasons it is decided that:

The appeal is dismissed.

The Registrar:

The Chairman:



C. Spira

R.R.K. Zimmermann

Decision electronically authenticated