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Datasheet for the decision of 3 December 2019

Case Number: T 1031/14 - 3.5.01

Application Number: 06808671.9

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Language of the proceedings: EN

Title of invention:
ELECTRONIC VOUCHERS

Applicant:
I-Movo Limited

Headword:
Electronic vouchers/I-MOVO

Relevant legal provisions:
EPC Art. 56

Keyword:
Inventive step - cash voucher string comprising a non-cash value related number, issuer id and a pos id (no - cognitive data)

Decisions cited:
T 1194/97, T 0641/00, T 0258/03

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Case Number: T 1031/14 - 3.5.01

D E C I S I O N
of Technical Board of Appeal 3.5.01
of 3 December 2019

Appellant: (Applicant)	I-Movo Limited Notcutt House 36 Southwark Bridge Road London SE1 9EU (GB)
Representative:	Moore, David Simon Jensen & Son 366-368 Old Street London EC1V 9LT (GB)
Decision under appeal:	**Decision of the Examining Division of the European Patent Office posted on 12 December 2013 refusing European patent application No. 06808671.9 pursuant to Article 97(2) EPC.**

Composition of the Board:

Chairman	W. Chandler
Members:	M. Höhn
	Y. Podbielski

Summary of Facts and Submissions

I. This appeal is against the examining division's decision refusing European patent application No. 06808671.9 pursuant to Article 97(2) EPC on the ground of lack of inventive step (Article 56 EPC) with regard to prior-art publication US 6330544 B1 (D7).

II. In the statement setting out the grounds of appeal, the appellant requested that the appealed decision be set aside and that a patent be granted on the basis of the refused main or first auxiliary request, or on the basis of the second auxiliary request submitted therewith. Oral proceedings were requested on an auxiliary basis.

III. In the annex to the summons to oral proceedings, the Board expressed its preliminary opinion that the subject-matter of all requests lacked an inventive step (Article 56 EPC).

IV. In a reply dated 2 December 2019, the appellant submitted a post-published document said to relate to the standards mentioned in the application together with arguments in support of inventive step. The Board was further informed that the appellant would not be attending the oral proceedings.

V. Oral proceedings were held on 3 December 2019 *in absentia*. After due consideration of the appellant's arguments the Chair announced the decision.

VI. Independent claim 1 of the main request reads as follows:

"1. A method for authorising the redemption of cash value vouchers using an ISO/IEC 7812-1 and/or ANSI X4.13 compliant POS terminal comprising the steps of providing a cash value voucher comprising an alphanumeric number and having a cash value, which cash value is not related to the number, entering said number at an ISO/IEC 7812-1 and/or ANSI X4.13 compliant POS terminal, the POS terminal forming a concatenated string comprising said number, POS terminal identifier and an issuer identification number and sending the string to an acquirer, which acquirer after validating the string sends the string to the issuer, characterised in that the voucher number has 6 to 10 digits and the POS terminal has a software program installed and preconfigured to add the issuer identification number to the voucher number numbers wherein the issuer authenticates the voucher number and amends the string such that the string now comprises the cash value, POS terminal identifier and the issuer identification number, which amended string enables authorisation of payment for the value of the cash value, the amended string being transmitted via the acquirer to the POS terminal to authorise the redemption of the voucher for the cash value."

Claim 1 of the first auxiliary request adds in the first line that vouchers are distributed via a mobile telephone.

Claim 1 of the second auxiliary rephrases some features of claim 1 of the main request. However, in substance it is directed to the same subject-matter.

VII. The appellant's arguments are considered in the reasons of the decision.

Reasons for the Decision

Introductory remarks

1. The invention concerns replacing paper based vouchers by an e voucher scheme, which is able to work with existing point-of-sale equipment (see e.g. page 1. last paragraph of the description).

2. Article 56 EPC - Inventive step

The Board agrees with the decision under appeal that the subject-matter of independent claim 1 lacks an inventive step for essentially the same reasons.

2.1 The claim is directed to a mix of technical and non-technical features. The Board does not dispute that the method according to claim 1 appears in a technical context. The method can be considered to be performed by technical means, because it involves an ISO/IEC 7812-1 and/or ANSI X4.14 compliant POS terminal with means for storing data, means for processing data and means for transmitting and receiving data, and, therefore, has technical character. Accordingly, the claimed subject-matter is an invention in the sense of Article 52(1) EPC (see T 258/03 "Auction method/ HITACHI").

2.2 However, the question of inventive step requires an assessment of whether the invention makes a technical contribution over the prior art. Features which do not make such a contribution cannot support the presence of an inventive step (see T 641/00 "Two identities/ COMVIK", Headnote I). The assessment of inventive step

in the decision under appeal considered D7 to be the closest prior art.

2.3 The Board agrees that the following features outlined in point 9.2 of the decision *per se* pertain to an administrative method, i.e. to the non-technical part of claim 1:

- providing a cash value voucher comprising an alphanumeric number and having a cash value, which cash value is not related to the number, forming a concatenated string comprising said number, terminal identifier and an issuer identification number and sending the string to an acquirer, which acquirer after validating the string sends the string to the issuer, the voucher number having 6 to 10 digits,

- the issuer authenticates the voucher number and amends the string such that the string comprises the cash value, POS terminal identifier and the issuer identification number, which amended string enables authorisation of payment for the value of the cash value,

- the amended string being transmitted via the acquirer to authorise redemption of the voucher for the cash value.

What the application itself calls "an e voucher scheme" (see e.g. page 1. last par. of the description) is regarded by the Board as an administrative business related concept of distributing, validating and authorising vouchers. The Board does not agree with the appellant's argument that such a voucher scheme cannot be carried out with pen and paper (see point 6 of the statement setting out the grounds of appeal). It is an

abstract concept to issue a voucher not related to a cash value, adding an alphanumeric number, POS ID and issuer ID, validating by an acquirer, authenticating by an issuer to comprise cash value, POS ID and issuer ID, handing it back to the acquirer, who transmits the voucher for authorisation to a dealer. The idea of not providing the voucher value together with the voucher and distributing vouchers without the notion of an account or balance is a business scheme and does not involve technical considerations. The possibility of making different pricing schemes possible is a direct consequence of the business idea. This scheme could be carried out in a conventional way without involving electronic means. It therefore does not contribute to the technical character of the invention.

2.4 The contribution of the invention does not lie in an improved POS infrastructure for redeeming cash value vouchers. The technical infrastructure used according to claim 1 is that of an ISO/IEC 7812-1 or ANSI X4.14 compliant POS terminal with means for storing data, means for processing data and means for transmitting and receiving data such as a networked general purpose computer, which were common general knowledge before the priority date. The contribution lies rather in the way of associating information with existing transaction data such as cash value, POS ID, issuer ID. Such data, however, in the Board's view, is not technical, since it is cognitive data, not functional data (see T 1194/97 Data structure product/PHILIPS, OJ EPO 2000, 525).

The appellant argued that the concatenated string comprised cognitive and functional data and gave an example of a voucher redemption request and a corresponding response message. The appellant also

cited a standards-related document that showed that certain fields could not be changed in the response message. These fields represented functional data, without which the system would not understand the messages. This was said to be analagous to the functional data in T 1194/97 (*supra*), without which the operation of the television system would be impaired. However, the example of a voucher redemption request presented and the changes made to the string therein do not reflect features of claim 1. According to the wording of the claim, the string is amended such that it comprises the cash value, POS terminal identifier and the issuer identification number. These are fields of cognitive data and they do not interact with the system to produce a technical effect as was the case in T 1194/97. They merely enable a business scheme. No further implementation details are given in the claim, in particular it is not specified what the messages look like. Even if the appellant was right with regard to the specific example, which the Board doubts, there is no corresponding concrete feature in claim 1, which could be considered when assessing inventive step.

Storage, selection and processing of such data are administrative measures, such as would be performed by a human when handling cash vouchers, implemented using general purpose computer functions (e.g. storing and retrieving information and transaction data, authenticating and authorising in electronic form) without creating a further technical effect.

The fact that these steps are performed automatically is an obvious consequence of using a networked computerized infrastructure with POS terminals following known standard protocols and does not involve an inventive technical contribution.

2.5 The Board therefore considers that the problem to be solved is the implementation of the claimed business related administrative voucher scheme on a POS terminal infrastructure such as an ISO/IEC 7812-1 or ANSI X4.14 compliant POS terminal infrastructure.

In the Board's judgement, the person skilled in the art within the meaning of Article 56 EPC, a computer expert provided with the complete description of the non-technical voucher-based business scheme, would have considered the claimed implementation obvious in view of the normal skills and the general knowledge of computer programming.

2.6 The Board agrees with the appellant that the features (labeled (a) and (b) in point 20 of the grounds of appeal) are technical features.

2.7 However, the Board agrees with point 9.9 of the contested decision, in particular that (b) is a mere automation by software for the purpose of implementing an administrative measure to speed up the process of entering a string. The use of 6 to 10 digits according to (a) does not provide any unexpected technical effect, which would require an inventive activity.

2.8 D7 is also regarded as a suitable starting point for assessing inventive step, since it discloses a POS infrastructure with the following features (as outlined in point 9.7 of the contested decision):

A method for authorizing the redemption of cash value vouchers (see Abstract) using a POS terminal (column 9 lines 47-49, a credit card point of sale terminal (POS)) comprising the steps of:

- providing a cash value voucher comprising an alphanumeric number and having a cash value, which cash value is not related to the number (figure 8, items 802 and 808), column 7 lines 25-30, column 9 lines 15-22)

- entering said voucher number at an POS terminal, the POS terminal forming a concatenated string comprising said voucher number, a POS terminal identifier and an issuer identification number (column 9 lines 47-49, a credit card point of sale terminal (POS)); and (column 9 lines 40-50)

- sending the concatenated string to an acquirer (column 9 lines 50-52, figure 1 (108 to 110))

- wherein the acquirer, after validating the string sends the concatenated string to an issuer, (figure 1 (110 to 112))

- the issuer authenticates the voucher number, enabling authorisation of payment for the value of the cash value (column 9, last paragraph),

- authorization transmitted via the acquirer to authorise redemption of the voucher for the cash value (column 10, first paragraph).

In particular, D7 discloses a credit card POS terminal (column 9, line 24 onwards; in particular line 49).

The Board notes that also according to the description of the present application the e-voucher emulates a standard payment card authorisation request (see [0028] of the published application). D7 therefore provides a

technical infrastructure and even some of the administrative steps of the claimed voucher scheme.

In view of this disclosure of D7, the skilled person provided with the complete description of the non-technical abstract administrative voucher scheme, would have considered the claimed implementation obvious in view of the normal skills and the general knowledge of computer programming.

2.9 The same is true when starting from known ISO/IEC 7812-1 or ANSI X4.14 compliant POS terminals as described as industry standard in the description of the present application (see e.g. page 3, second paragraph) in view of the afore-mentioned arguments.

2.10 In the absence of any technical contribution beyond the straight-forward computer-implementation, the subject-matter of claim 1 of the main request does not involve an inventive step (Article 56 EPC).

First auxiliary request

3. Claim 1 of this request adds the feature of distributing e vouchers via mobile phones. This does not involve an inventive step in view of the fact that it was known in the art (see e.g. D6), and even described as known in the application (page 1, par. 4). The Board is therefore not convinced by the appellant's arguments. Claim 1 according to this request therefore lacks an inventive step over D7 combined with D6 or with the skilled person's common general knowledge.

Second auxiliary request

4. Claim 1 of this request has a different wording, but is directed to the same subject-matter, which for the reasons given above does not involve an inventive step. The aforementioned arguments therefore apply *mutatis mutandis*.

5. Thus, none of the requests fulfils the requirements of the EPC.

Order

For these reasons it is decided that:

The appeal is dismissed.

The Registrar: The Chairman:

T. Buschek W. Chandler

Decision electronically authenticated