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**Datasheet for the decision  
of 23 November 2020**

**Case Number:** T 1928/14 - 3.5.01

**Application Number:** 09835790.8

**Publication Number:** 2353137

**IPC:** G06Q40/00, G06Q10/00, G06Q50/00

**Language of the proceedings:** EN

**Title of invention:**  
SYSTEMS AND METHODS FOR RISK MANAGEMENT OF SPORTS-ASSOCIATED  
BUSINESSES

**Applicant:**  
Crystal World Holdings, Inc.

**Headword:**  
Risk management of sports-associated businesses

**Relevant legal provisions:**  
EPC Art. 121, 123(2), 111(1)  
RPBA 2020 Art. 11

**Keyword:**

Further processing - request admissible (yes)

Further processing - omitted act completed within the period  
for making the request (yes)

Amendments - added subject-matter (no)

Admission of request into appeal proceedings (yes)

Remittal to the department of first instance



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Case Number: T 1928/14 - 3.5.01

**D E C I S I O N**  
**of Technical Board of Appeal 3.5.01**  
**of 23 November 2020**

**Appellant:** Crystal World Holdings, Inc.  
(Applicant) 1701 Pennsylvania Avenue, N.W.  
Suite 300  
Washington, DC 20006 (US)

**Representative:** Hutchinson, Thomas Owen  
Hutchinson IP Ltd  
57 Hoghton Street  
Southport, Merseyside PR9 0PG (GB)

**Decision under appeal:** **Decision of the Examining Division of the  
European Patent Office posted on 14 May 2014  
refusing European patent application No.  
09835790.8 pursuant to Article 97(2) EPC.**

**Composition of the Board:**

**Chairman** W. Chandler  
**Members:** M. Höhn  
P. Schmitz

## **Summary of Facts and Submissions**

- I. This appeal is against the decision of the examining division, refusing European patent application No. 09835790.8 pursuant to Article 97(2) EPC.
- II. In the statement setting out the grounds of appeal, the appellant requested that the decision under appeal be set aside and that a patent be granted, or the case be remitted to the examining division, on the basis of the main request (set of claims of 24 January 2014), or of the second auxiliary request (set of claims filed during oral proceedings on 25 February 2014) which were subject of the appealed decision and which both had not been admitted into the procedure by the examining division.
- III. In its communication dated 30 April 2020 the Board set a period of four months for a reply and expressed its preliminary opinion that the main request was to be admitted into the procedure but that it lacked inventive step (Article 56 EPC), because it was a non-inventive implementation of a non-technical abstract administrative concept.  
  
Furthermore, the Board expressed that it was minded to admit the second auxiliary request filed during oral proceedings on 25 February 2014 into the appeal proceedings and tended to follow the appellant's request to remit the case to the department of first instance for further examination on the basis of this request.
- IV. With communication dated 8 October 2020 the appellant was informed that the application was deemed to be

withdrawn, because no reply to the communication dated 30 April 2020 had been received within the set time limit.

- V. With letter dated 9 October 2020 the appellant requested further processing and completed the omitted act by making the second auxiliary request the new main request.
- VI. With communication dated 19 October 2020 the Board decided that the present European patent application would be processed further under Article 121 EPC.
- VII. Independent claim 1 according to the main request reads as follows:

"1. An index-determining system for facilitating management of sports-associated economic risk by determining an index reflecting economic values and/or associated risks of a sports activity, the system comprising:  
one or more processing components, one or more data-storage components, and one or more communication interfaces, characterised by:  
the processor, data-storage, and communication interface components being configured for:  
receiving and storing in a database of the data storage information comprising one or more sports variables describing economic values; associated risks of a sports activity; and a plurality of further sports variables determining or explaining such values or risks of the sports activity;  
selecting an appropriate one or more of the information comprising:  
one or more sports variables describing economic values; associated risks of a sports activity; and a

plurality of further sports variables determining or explaining such values or risks of the sports activity, deriving from the selected received information a sports risk index (SRI) model for the sports activity, the derived model being configured for computing an SRI reflecting the selected economic values and/or associated risks of the sports activity from subsequently-received variables determining or explaining such values or risks of the sports activity, receiving subsequently from time-to-time the determining or predicting variables, and computing subsequent values of the SRI by applying the derived SRI model to the subsequently-received variables determining or explaining such values or risks of the sports activity, and further characterised by a user terminal providing a structured and heirarchical [sic] arrangement of successive display screens whereby, in use, a user is able to select certain sports activities and futures or options contracts related to the selected sports activities, and where selecting an appropriate one or more of the information comprising:  
one or more sports variables describing economic values; associated risks of a sports activity; and a plurality of further sports variables determining or explaining such values or risks of the sports activity, is based on the said user selections made using the terminal and is thus a reduced selection, from the full range of available information comprising:  
one or more sports variables describing economic values; associated risks of a sports activity; and a plurality of further sports variables determining or explaining such values or risks of the sports activity."

## Reasons for the Decision

1. Non-admission of the second auxiliary request filed during oral proceedings on 25 February 2014 (new main request)

This request was not admitted because it did not meet the requirements of Article 123(2) EPC.

In contrast to the contested decision (see point 4.3), the Board judges that the expression "... receiving and storing in a database of the data storage information ..." objected to in the contested decision finds an antecedent basis on page 11, lines 8 and 9 and lines 22 to 26 of the description. According to claim 1 the claimed processor, data-storage and communication interface components are "configured for: receiving and storing ..". Therefore there is no logical sequence of whether it is first received and then stored or vice versa. It just has to be capable of doing both steps. However, page 11, line 25 even discloses "... preferably stores subsequently-received input... variables...". In contrast to the argumentation in the contested decision, the application originally discloses that the received information is stored in a database of the data-storage. The objection under Article 123(2) EPC, on which the non-admission of this request was based, is therefore not justified and the request is admitted into the appeal proceedings.

2. The decision under appeal does not contain any indication that a substantive examination of inventive step of this request has taken place during oral

proceedings. The minutes do not reflect any such examination either.

Claim 1 of this request comprises further technical features such as a terminal with structured and hierarchical arrangement of successive display screens for making user selections, which go beyond a general purpose computer implementation of the mere business related concept for facilitating management of sports-associated economic risk. These features concern technical implementation details regarding reduced selection efforts. Therefore a look into the written prior art, especially that of graphical user interfaces, is necessary. No written prior art has been consulted during the first instance proceedings. The Board is not sure whether the publications cited as A-documents in the International Search Report cover the aspects of the additional features of claim 1 according to this request. The Supplementary European Search Report merely contained a so-called no-search declaration.

3. The Board therefore allows the appellant's main request and remits the case to the department of first instance for further examination on the basis of the set of claims filed during oral proceedings before the first instance on 25 February 2014. The Board exercises its discretion under Article 111(1) EPC and Article 11 RPBA 2020 given the special reasons in the aforementioned paragraph and in view of the fact that the purpose of the appeal proceedings is to review the contested decision of the first instance.



## Order

### For these reasons it is decided that:

The decision under appeal is set aside.

The case is remitted to the department of first instance for further examination.

The Registrar:

The Chairman:



T. Buschek

W. Chandler

Decision electronically authenticated