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Datasheet for the decision
of 13 June 2022

Case Number:	T 0658/18 - 3.5.01
Application Number:	12846583.8
Publication Number:	2774099
IPC:	G06Q20/32, H04B5/02, G06Q20/34, G06Q20/20, G06Q20/02
Language of the proceedings:	EN

Title of invention:
METHODS, SYSTEMS, AND COMPUTER READABLE MEDIA FOR PROVISIONING AND UTILIZING AN AGGREGATED SOFT CARD ON A MOBILE DEVICE

Applicant:
MasterCard International Incorporated

Headword:
Aggregated soft card/MASTERCARD

Relevant legal provisions:
EPC Art. 56, 111(1)
RPBA 2020 Art. 11, 12(2), 12(8)

Keyword:
Inventive step - mixture of technical and non-technical
features
Remittal - special reasons for remittal (technical features
were not considered - additional search required)
primary object of appeal proceedings to review decision

Decisions cited:
T 0641/00, T 1242/04

Beschwerdekammern

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Case Number: T 0658/18 - 3.5.01

D E C I S I O N
of Technical Board of Appeal 3.5.01
of 13 June 2022

Appellant: (Applicant)	MasterCard International Incorporated 2000 Purchase Street Purchase, NY 10577 (US)
Representative:	Murgitroyd & Company Murgitroyd House 165-169 Scotland Street Glasgow G5 8PL (GB)
Decision under appeal:	**Decision of the Examining Division of the European Patent Office posted on 26 September 2017 refusing European patent application No. 12846583.8 pursuant to Article 97(2) EPC.**

Composition of the Board:

Chairman	M. Höhn
Members:	N. Glaser
	E. Mille

Summary of Facts and Submissions

I.   This appeal is against the decision of the examining division to refuse the European patent application No. 12846583.8 pursuant to Article 97(2) EPC on the ground of lack of inventive step (Article 56 EPC).

II.   In this decision reference is made *inter alia* to the following documents :

US 2010/0041368 (D1),
US 2011/0131107 (D5),
US 2008/0255942 (D6),
Anwendungen und Technik von NFC (D10)

III.   The appellant requests that the decision be set aside and a patent be granted on the basis of the main request which was submitted on 18 July 2017 or of the auxiliary request submitted with the statement of grounds. Oral proceedings were requested should a patent not be granted as requested.

IV.   In a communication the Board set out its preliminary opinion that it was inclined to remit the case to the first instance to carry out a search and further examination. The appellant was asked whether it agrees the case to be referred back and, if necessary to withdraw the request for oral proceedings.

V.   In its reply, dated 3 May 2022, the appellant agreed with the case being referred back to the first instance for search and examination. The request for oral proceedings was withdrawn.

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

         *"1. A system for provisioning and utilizing an
         aggregated soft card on a mobile device, the system
         comprising:*

         *a plurality of soft card issuing system servers
         configured to store component soft card data; and*

         *a trusted service manager (TSM) server configured to
         receive a request for an aggregated soft card from a
         mobile device, to access a mapping database to identify
         a primary component soft card and at least one
         secondary component soft card that constitutes the
         aggregated soft card using an aggregated soft card
         identifier contained in the request from the mobile
         device and to identify addresses of the soft card
         issuing system servers hosting the component soft card
         data associated with each of the primary component soft
         card and at least one secondary component soft card, to
         request the component soft card data associated with
         each of the primary component soft card and the at
         least one secondary component soft card from the
         plurality of soft card issuing system servers, to
         generate aggregated soft card data by establishing a
         link among the component soft card data received from
         the plurality of issuing system servers, and to send
         the aggregated soft card data to the mobile device,
         wherein the link includes an application identifier
         list that contains application identifiers that
         identify the primary component soft card and the at
         least one secondary component soft card and are loaded
         into a proximity payment system environment (PPSE)
         application of the mobile device in accordance with a
         predefined preference order in which the primary*

*component soft card and the at least one secondary
component soft card are attempted to be used in a
wireless transaction between the mobile device and a
wireless device reader upon selection of the aggregated
soft card to conduct the wireless transaction with the
wireless device reader, wherein each of the application
identifiers for the primary component soft card and the
at least one secondary soft card includes a field that
includes an indicator that respectively designates each
of the primary component soft card and the at least one
secondary soft card as a component of the aggregated
soft card."*

Reasons for the Decision

1.   Background of the invention

1.1   The invention concerns wireless devices conducting
        payment and non-payment transactions, in particular an
        aggregated soft card on a mobile device, see page 1,
        second paragraph, of the application.

1.2   Conventionally, consumers carry several plastic payment
        and non-payment cards in their wallets, such as debit
        and credit cards, transit tickets, identification
        cards, or club membership cards, see page 1, third
        paragraph. To reduce the number of physical cards, many
        consumers, page 2, first paragraph, have provisioned
        their mobile devices with soft card versions. However,
        different soft cards may be used separately in sequence
        during a single wireless transaction. Although the
        issuing of a dual purpose soft card is desirable,
        communication and compatibility problems can arise when
        utilizing a soft card version.

1.3   The invention addresses the technical problem of how
        to provide and utilize an aggregated soft card on a
        near field communication (NFC) enabled mobile device
        with which it interfaces with a passive wireless
        transceiver.

1.4   The solution is an aggregated or multi-component soft
        card which is a combination of two or more electronic
        or virtual cards that are logically linked as a single
        aggregated soft card that is depicted/displayed on a
        mobile device as a single visual representation. By
        logically linking the two or more soft cards into an
        aggregated one allows to use them in a single payment
        transaction (without multiple taps on a card reader).

1.5   The mobile device transmits a request for a multi-
        component soft card to a service provider trusted
        service manager SP-TSM or TSM which then requests the
        component soft card data from the plurality of soft
        card issuing system servers, and which creates the
        aggregated soft card by creating a mapping table on
        behalf of a primary card issuer that establishes an
        association between the primary component card and the
        secondary component card, see page 17, third paragraph.
        The table stores a list of application identifiers
        (AIDs), an AID linking list, that respectively identify
        and correspond to transaction applications (e.g.,
        component soft cards and aggregated soft cards) stored
        in secure memory, see page 7, first paragraph. The
        aggregated soft card is transmitted to the mobile
        device which stores it in memory. Upon payment the
        component soft card AIDs indicated in the stored AID
        linking list are then loaded into the proximity payment
        system environment (PPSE) application in accordance to
        the defined priority order.

2.   Main request – Article 56 EPC

2.1   Claim 1 of the main request was refused for a lack of
         inventive step over D1 (US2010/0041368), from which it
         was distinguished according to the examining division
         by the following features, see point 14 of the decision
         under appeal :

         (i) the soft card is an aggregated soft card,

         (ii) a plurality of soft card issuing servers,

         (iii) to access a mapping database to identify a
         primary component soft card and at least one secondary
         component soft card that constitutes the aggregated
         soft card using an aggregated soft card identifier
         contained in the request from the mobile device and to
         identify addresses of the soft card issuing system
         servers hosting the component soft card data associated
         with each of the primary component soft card and at
         least one secondary component soft card,

         (iv) to request the component soft card data associated
         with each of the primary component soft card and the at
         least one secondary component soft card from the
         plurality of soft card issuing system servers,

         (v) wherein the link includes an application identifier
         list that contains application identifiers that
         identify the primary component soft card and the at
         least one secondary component soft card and are loaded
         into a proximity payment system environment (PPSE)
         application of the mobile device in accordance with a
         predefined preference order in which the primary
         component soft card and the at least one secondary

component soft card are attempted to be used in a
[wireless] transaction with the aggregated soft card,

(vi) wherein each of the application identifiers for
the primary component soft card and the at least one
secondary soft card includes a field that includes an
indicator that respectively designates each of the
primary component soft card and the at least one
secondary soft card as a component of the aggregated
soft card.

2.2   The examining division considered that features (i, iii
        to vi) relate to business aspects solving no technical
        problem and that their implementation was a mere
        automation of constraints imposed by business aspects,
        whereas feature (ii) was a standard alternative in
        network processing to either centralize or decentralize
        a predetermined functionality, see point 14 of the
        decision; D1 was disclosing a single server.

2.3   The appellant in summary argues that D1 deals with the
        provisioning of soft cards which are single component
        cards used in payment transactions whereas the
        invention proposes an aggregated or multi-component
        soft card, which is a combination of two or more
        component electronic or virtual cards that are
        logically linked as a single card, on a mobile device.
        The aggregated soft card is provided by a a trusted
        service manager (TSM) server upon request from the
        mobile device. This is an additional difference (ia)
        compared to D1.

        This TSM server does not contain a limited number of
        different component soft cards, but it is configured,
        based on the received requests, to identify different
        addresses of the soft card issuing system servers

hosting the component soft card data and thereafter
combine component soft cards to obtain a large variety
of aggregated soft cards.

2.4   The features which distinguish claim 1 from D1 are
        therefore features (i), (ia) and (ii) to (vi) which all
        together have the technical effect that with a single
        request an aggregated soft card can be provided that
        comprises a plurality of soft cards. This leads to the
        technical problem of "how to improve the provisioning
        and use of a soft card on a mobile device", such as the
        one known from D1.

2.5   The appellant then argues that based on D1, the skilled
        person might use a single issuing server for hosting a
        variety of single-component, single-issuer soft cards,
        wherein the single issuing server would be configured
        for storing, maintaining and updating, if needed, of
        the data relating the stored single-component, single-
        issuer soft cards. However, the skilled person would
        not be motivated to use a multitude of issuing system
        servers in combination with a TSM server for the
        claimed purpose of an aggregated, multi-component soft
        card by establishing a link among the soft card data
        received from the plurality of issuing system servers.

2.6   The Board agrees with the distinguishing features as
        set out by the appellant.

        D1 discloses the provision of soft cards to a mobile
        device in replacement of physical cards, see [0012],
        which can be payment cards, loyalty cards, member
        cards, identification cards and other payment and non-
        payment cards. [0027] discloses a wallet client
        application on the NFC-enabled mobile device 114 which
        manages multiple soft cards stored in a secure element

on the mobile device. Prepaid soft cards (or gift cards) are provided by an OTA provisioning server 112, see [0029] and [0030], to a recipient of a mobile device upon request by a purchaser. Requester and recipient are different persons and the location for requesting a gift card is disclosed to be done from a merchant website or at a merchant point of sale, see [0016] [0023]. The merchant server receives the purchase data and requests the OTA provisioning server to deliver the prepaid soft card to the mobile device, see [0025] and [0026], if the mobile device is NFC-enabled. When payment is made at a cashier, a user selects the payment soft card from the wallet, see [0051], and brings the NFC enabled mobile device in close proximity to the wireless device reader.

2.7   However, D1 is silent about how the other soft cards are provided to and installed on the mobile device.

        It may be assumed - reading it implicitly into D1 - that it is the OTA server which provides them. The OTA server would then correspond to the claimed TSM server. It may furthermore be assumed that the "merchant server" in D1 stands for a plurality of merchant servers.

        When taking a credit card of D1 as a primary component soft card and a loyalty card of D1 as a secondary component soft card, it may also be seen as a business idea, for example, to link both cards in sort of an aggregated soft card, to make sure that loyalty points are registered after a purchase was made with a particular credit card. Customers might forget to use their loyalty card. Linking these two cards in some way that they are loaded in the payment application in D1 would be a logical technical consequence.

However, the business idea stops here.

2.8   The particular claimed process of requesting and
        providing an "aggregated" soft card is not disclosed
        in D1 nor is it rendered obvious, because the features
        (i), (iii) to (vi), relating to the provision of an
        "aggregated" soft card were erroneously taken as non-
        technical whereas they are clearly technical.

2.9   Furthermore, the OTA server of D1 would need to be
        adapted in the claimed manner, that is, it would need
        to maintain a mapping database with "aggregated" soft
        cards, but D1 teaches a different solution: the linking
        of the different cards in D1 may also be done on the
        mobile device, simply by allowing a user to combine
        different cards.

        Incorrect application of the COMVIK approach

2.10   The Board observes that the examining division included
        a trusted service manager (TSM) server accessing a
        mapping database, the generation of an "aggregated"
        soft card, the provision of a link including an appli-
        cation identifier list, in the business method whereas
        these features have technical character.

2.11   In the Board's view this was an incorrect application
        of the COMVIK approach, which only permits "an aim to
        be achieved in a non-technical field" to appear in the
        formulation of the problem (T 641/00). They can hardly
        be regarded as notorious (nor did the examining
        division allege they were, see point 14, page 4, last
        paragraph). In the absence of prior art proving the
        contrary, they cannot be assumed to be known as such.
        Since the decision under appeal does not cover these
        aspects of the invention, it must be set aside.

Additional search

2.12   Regarding the procedure before the examining division,
        the Board is of the opinion that the examining division
        should have performed an additional search since the
        provision of a trusted service manager (TSM) server
        accessing a mapping database, the generation of an
        "aggregated" soft card, the provision of a link
        including an application identifier list and the other
        features of claim 1 which relate to the generation of
        an "aggregated" soft card are neither non-technical nor
        notorious.

2.13   Following the principles set out in decision T 1242/04,
        reasons, point 8, the Board considers that it cannot
        decide without having these features searched which the
        examining division originally erroneously interpreted
        to be non-technical or notorious. The term "notorious"
        should always be interpreted narrowly.

2.14   The examining division briefly noted in paragraph 16 of
        its decision that the merging or consolidating of
        several virtual accounts was known in the prior art and
        referred to the abstracts of D5 and D6. However, there
        was no detailed discussion about how and why and in
        which combination this could and would support a lack
        of inventive step. During the examination procedure,
        the examining division introduced D10 ("Anwendungen und
        Technik von NFC"), but for a different aspect of the
        invention, namely for a mobile phone storing several
        applications having NFC functionality, see point 17 of
        the decision.

2.15   Although these features were not known from the
        available prior art, the examining division did not
        seem to have searched these features at all, which it

should have done since these features are of a
technical nature. However, a final assessment of the
inventive step by the Board is impossible without prior
art.

Remittal to the first instance

2.16   Under Article 111(1) EPC, the Board may exercise any
        power within the competence of the examining division
        or remit the case to it for further prosecution.

2.17   Article 11 of the Rules of Procedure of the Boards of
        Appeal (RPBA 2020) means that a board shall refer a
        matter back to the instance that issued the contested
        decision for further prosecution if there are special
        reasons for doing so.

2.18   Since the purpose of the appeal proceedings is
        primarily to review the decision of the first instance
        (Article 12(2) RPBA 2020) and the invention was neither
        searched nor examined for novelty and inventive step on
        the basis of the features considered technical, there
        are special reasons justifying remitting the matter to
        the department of first instance for a search and
        further examination.

2.19   After the appellant withdrew its request for oral
        proceedings, the decision to remit the case to the
        examining division could be made in writing (Article
        12(8) RPBA 2020).

Order

For these reasons it is decided that:

1.   The decision under appeal is set aside.

2.   The case is remitted to the first instance for further
        prosecution, including an additional search.

The Registrar: The Chairman:

T. Buschek   M. Höhn

Decision electronically authenticated