BESCHWERDEKAMMERN
DES EUROPÄISCHEN
PATENTAMTS

BOARDS OF APPEAL OF
THE EUROPEAN PATENT
OFFICE

CHAMBRES DE RECOURS
DE L'OFFICE EUROPÉEN
DES BREVETS

Internal distribution code:

(A) [-] Publication in OJ
(B) [-] To Chairmen and Members
(C) [-] To Chairmen
(D) [X] No distribution

Datasheet for the decision
of 27 May 2024

Case Number: T 0905/21 - 3.5.01

Application Number: 18196762.1

Publication Number: 3496025

IPC: G06Q40/00, G06Q10/10

Language of the proceedings: EN

Title of invention:
METHOD, APPARATUS AND COMPUTER PROGRAM PRODUCT FOR PROVIDING
TARGETED FULFILMENT WITH RESPECT TO A WIRELESS DEVICE
PROTECTION PROGRAM

Applicant:
Assurant, Inc.

Headword:
Providing targeted fulfilment with respect to a wireless
device protection program/ASSURANT, INC.

Relevant legal provisions:
EPC Art. 56

Keyword:
Inventive step - processing user claims associated with
a wireless device protection program (no - no technical
effect)

Decisions cited:

T 1148/18

Case Number: T 0905/21 - 3.5.01

D E C I S I O N
of Technical Board of Appeal 3.5.01
of 27 May 2024

Appellant:	Assurant, Inc.
(Applicant)	28 Liberty Street
	New York, NY 10005 (US)

Representative:	Haseltine Lake Kempner LLP
	One Portwall Square
	Portwall Lane
	Bristol BS1 6BH (GB)

Decision under appeal:	**Decision of the Examining Division of the European Patent Office posted on 8 December 2020 refusing European patent application No. 18196762.1 pursuant to Article 97(2) EPC.**

Composition of the Board:

Chairman	M. Höhn
Members:	N. Glaser
	D. Rogers

Summary of Facts and Submissions

I.   This appeal is against the decision of the examining
        division to refuse the European patent application No.
        18196762.1 pursuant to Article 97(2) EPC on the ground
        of lack of inventive step (Article 56 EPC).

II.   This contested decision was issued according to the
        state of the file, as requested by the then applicant.

III.   The appellant requested that the decision under appeal
        be set aside and that a patent be granted based on the
        main request, or alternatively, upon one of the first
        or second auxiliary requests, all filed with the
        grounds of appeal.

IV.   In a communication accompanying the summons to oral
        proceedings, the Board set out its preliminary opinion
        that the invention did not involve an inventive step
        (Article 56 EPC).

V.   In a reply the appellant informed the Board that he
        would not be attending the oral proceedings.

VI.   The oral proceedings took place as scheduled. The
        appellant requests were as initially filed with the
        grounds of appeal. After due consideration of the
        appellant's arguments presented in the written
        procedure, the Chairman announced the decision.

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

"1. An apparatus comprising a processor coupled to a memory, the memory comprising instructions that cause the processor to configure the apparatus to:

receive claim information associated with a subscriber and a covered wireless device, the claim information indicative of a claim associated with a wireless device protection program; and

employ a predictive model to determine a plurality of options for fulfilment of the claim via a targeted fulfilment engine, the predictive model defining an aggregated weighted value for the plurality of options, the aggregated weighted value comprising:

a first component weighted value corresponding to a cost associated with each option of the plurality of options, the cost comprising a total cost to a provider of the wireless device protection program to provide each option;

a second component weighted value corresponding to a predicted benefit associated with each option of the plurality of options, the predicted benefit comprising a numeric indicator representing a desirability of each option to a wireless carrier, wherein the wireless carrier provides wireless service to the covered wireless device is not the provider of the wireless device protection program;

a third component weighted value corresponding to a functionality of the covered wireless device;

a fourth component weighted value corresponding to a functionality of a device with upgraded functionality relative to the covered wireless device; and

a fifth component weighted value corresponding to a predictive outcome of using each of the plurality of options to fulfil the claim, wherein the predictive outcome defines a likelihood of the subscriber expanding use of subscribed services in response to each option being used to fulfil the claim;

rank the plurality of options based at least in part on the aggregated weighted value of the plurality of options;

select a subset of the plurality of options based on the aggregated weighted value associated with each of the plurality of options;

present the selected subset for selection in an interface for selecting a claim fulfilment option; and cause the claim to be fulfilled according to at least one of the plurality of options such that the predicted benefit associated with the at least one of the plurality of options is provided."

Claim 1 of the <u>first auxiliary request 1</u> is based on claim 1 of the main request, thereby replacing the term "*apparatus*" in line 1 with "*client terminal*" and adding the step "*receive a targeted fulfilment engine and a predictive model from at least one server via a data network*" in line 9, and reformulating the employment step in "*employ the predictive model on the client terminal via the targeted fulfilment engine ...*".

Claim 1 of the <u>second auxiliary request</u> is based on claim 1 of the main request, thereby adding the step "*prior to receiving claim information, calculate pre-determined options for claim fulfilment for a subscri-ber*" in line 5 and reformulating the employment step in

"*employ a predictive model to modify the predetermined options to determine a plurality of updated options for fulfilment of the claim ...*".

Reasons for the Decision

1.   Background of the invention

1.1   The invention concerns the provision of targeted fulfilment with respect to a wireless device protection plan, see [0001]. Wireless device protection plans or programs come in the form of insurance and warranty programs. They involve the payment of a premium by a user to cover for simple repairs or replacement of the insured device. These plans or programs include the ability to receive a replacement device of like kind and quality within a short period of time.

1.2   The invention addresses the issue that customer satisfaction is a key component in managing an effective wireless device protection program. It is desirable to provide improved mechanisms of providing fulfilment of claims in a wireless device protection program in order to have an increased likelihood of maintaining or improving customer satisfaction, see [0004].

1.3   The solution is the provision of a targeted fulfilment engine for execution of a predictive model that defines an aggregated weighted value that accounts for factors affecting multiple parties using a series of component weighted values. The model and apparatus increase the timeliness of the computer processing involved in the claim fulfilment process to meet the rigorous time requirements of claim fulfilment.

2.   Main request - Article 56 EPC

2.1   The claims of the main request correspond to those of
        the refused main request, subject to corrections to
        claims 2 and 11 to correct typographical errors, see
        page 2 of the grounds.

2.2   The application was refused for a lack of inventive
        step (Article 56 EPC), because the subject-matter of
        claim 1 of the main request was an obvious implementa-
        tion of a commercial scheme of processing user claims
        associated with a wireless device protection program on
        a notoriously known networked computer system, compri-
        sing client terminals.

        The commercial scheme was seen to be defined by the
        functional features of claim 1 which were considered to
        be non-technical, whereas the features "*apparatus com-
        prising a processor coupled to a memory, the memory
        comprising instructions that cause the processor to
        configure the apparatus to*" were seen to be technical.

        The examining division argued that the fact that user
        claims have to be processed in a short period of time
        was a commercial constraint rather than a technical
        issue, see points 4.2, 4.3 and 6 of the impugned
        decision, and the provision of a model taking into
        account time constraints and other factors such as
        processing ability were not deemed to be technical
        solutions. Accuracy of fulfilment was understood as
        commercial accuracy and rigorous time requirements of a
        claim fulfilment was a business constraint.

        The examining division further considered the use of an
        interface for presenting information to be notoriously
        known. Receiving information from a client terminal was

seen to be well-known in the art and the reception of claim information in such a way was seen to be an obvious choice.

2.3   The appellant contested the non-technical interpretation of the claimed scheme of processing user claims associated with a wireless device protection program. While greater customer loyalty might be a non-technical advantage of the invention, the appellant argued that they are a consequence of technical improvements of a reduced computer processing time and of the sharing of processing functions between multiple devices.

The appellant argued that claim 1 addresses the objective technical problem of how to provide rapid and accurate claim fulfilment, while maintaining a required level of complexity. The solution is a targeted fulfilment engine which is part of the operation of the apparatus itself, see [0024] of the patent application. It executes a unique predictive model. The unique model and apparatus increase the timeliness of the computer processing involved in the claim fulfilment process to meet the rigorous time requirements of a claim fulfilment. They make the apparatus operate more quickly.

The appellant thus considered that the manner in which the time limit is met relates to the actual behaviour of the computer system and is therefore technical. The claims require specific, in some instances, distinct apparatuses that improve the computational efficiency of the claimed apparatuses and systems by carrying out the steps of the claims.

2.4   The appellant's arguments are not convincing. The application mentions time to correspond to the contract

life remaining as part of the contractual commitment,
see [0036] of the application. While [0044] and [0045]
mention to reduce computation times for the fulfilment
of a claim, which is achieved by the options manager, a
part of the fulfilment engine (Figure 2), modifying
predetermined options and by providing updated targeted
fulfilment solutions or options for a subscriber. In
this context, as explained in [0045], the rapidness or
the time of fulfilment appears to depend on the type of
customer, in other words, certain customers are
selected for receiving claim fulfilment faster than
others.

2.5   The Board therefore agrees with the examining division
        that time is - in this context - a mere business con-
        straint. Furthermore, if a model and an engine for
        claim fulfilment are set up in a unique manner, that
        claim fulfilment may be achieved faster, for example,
        in that the apparatus operates faster, then this is a
        mere bonus effect of a business model.

2.6   Claim 1 of the main request does therefore not involve
        an inventive step (Article 56 EPC).

3.   Auxiliary requests

3.1   The claims of the first auxiliary request correspond to
        those of the refused first auxiliary request.

3.2   The appellant argued that in view of the predictive
        model referred to in claim 1 customer claim fulfilment
        can be performed at the client terminal without using
        significant computational processing power in the
        client terminal. The reduction of minimum processing
        power required by the client terminal was a technical
        problem.

3.3   The appellant's arguments are not convincing.

        The replacement of the term "apparatus" in claim 1 of
        the main request with the term "client terminal" does
        not lead to any surprising technical effect by opera-
        ting the apparatus as a client terminal, or by simply
        naming it as such, and the appellant did not provide
        any new convincing arguments. It is well-known in the
        art that client terminals, such as mobile terminals,
        may have a limited battery life and may be provided
        with only minimum processing power, compared to stand-
        alone, wired computer systems.

3.4   Claim 1 of the first auxiliary request does therefore
        not involve an inventive step (Article 56 EPC).

3.5   The claims of the second auxiliary request correspond
        to those of the refused second auxiliary request,
        subject to additional amendments to address typogra-
        phical errors, see page 6 of the grounds.

3.6   The appellant argued that the features of calculating
        predetermined options for claim fulfilment before
        receiving claims information, introduced in claim 1,
        provide the technical effect of "reducing computation
        times later on when a claim is initiated", see [0048]
        of the application. The pre-calculation of options was
        not a business idea, but a technical problem of how to
        reduce the on-demand computation required to determine
        the options for claim fulfilment without sacrificing
        accuracy.

3.7   The Board is not convinced by the appellant's argum-
        ents. In T 1148/18, reasons, points 12 and 13, the
        Board, in a different composition, found that a proper
        data selection may have an impact on and is important

for prediction accuracy, which is, however, neither technical nor surprising. The "data selection" in that case has the purpose of reducing the number of input variables which is comparable to the pre-calculation of the present invention. The Board shares the view expressed in T 1148/18, that the fact that less data requires less processing power is an inevitable bonus effect resulting from the business related calculations and, thus, cannot support an inventive step. The Board judges that this also applies to the pre-calculation of options according to present claim 1 and the effect of reduced processing power derived therefrom.

3.8   Claim 1 of the second auxiliary request does therefore not involve an inventive step (Article 56 EPC).

4.   In conclusion, the main, first and second auxiliary request are not allowable under Article 56 EPC.

Order

For these reasons it is decided that:

The appeal is dismissed.

The Registrar: The Chairman:

C. Moser   M. Höhn

Decision electronically authenticated