BL O/038/07

02 February 2007

PATENTS ACT 1977

APPLICANT Peter Williams

ISSUE Whether patent application number GB0414111.5 complies with section 1

HEARING OFFICER John Rowlatt

DECISION

Introduction

1 Patent application GB 0414111.5 was filed on 23 June 2004 in the name of Peter Williams. The application is entitled "Method and system for interactively providing product related information on demand and providing personalized transactional benefits at a point of purchase"; it is the national phase under section 89 of a PCT application published as WO 2003/050734, which has an international filing date of 11 December 2002.

2 In his first substantive examination report, on 17 February 2005, the examiner objected to the novelty of certain claims and also considered that the invention defined by certain of the claims related to a method of doing business.

3 Amendments were filed which overcame the objection to lack of novelty. However, several rounds of correspondence have not resolved the Section 1(2)(c) objection, and the latest claims are said by the current examiner (the examiner responsible for the examination and first amendment action having retired) to all relate both to a method of doing business and to a program for a computer. This is contested by the applicant.

4 The matter therefore came before me at a hearing on 06 October 2006, where Mr. Jonathan Exell, of Williams Powell, appeared for the applicant. The examiner, Mr. Jake Collins, also attended.

5 Mr. Exell's argument at the hearing was based on the law as it stood in the light of *CFPH LLC's Application*[1] and subsequent case law. However, on 27 October 2006, before I had issued my decision, the Court of Appeal issued judgment in the case of *Aerotel Ltd v Telco Holdings Ltd and others* and *Macrossan's Application*[2] ("*Aerotel/Macrossan")*. This judgment set the

---

[1] *CFPH LLC's Application* [2005] EWHC 1589 (Pat), [2006] RPC 5

[2] *Aerotel Ltd v Telco Holdings Ltd and others* and *Macrossan's Application* [2006] EWCA Civ 1371, [2007] RPC 7

framework for the assessment of patentable subject matter which, in a notice[3] published on 02 November 2006, the Patent Office stated would be applied by examiners with immediate effect. Accordingly, I asked the examiner to reassess the application; he wrote to the applicant, on 08 November 2006, setting out his view that the present invention failed the new four-part test set out in that judgment, and invited further submissions. The applicant responded on 08 December 2006 arguing that the examiner was assessing the invention too generally, in a way which was not consistent with the way in which the claims had been construed, and putting forward his view of the contribution of the invention.

6 My decision has therefore taken into consideration these further submissions; however, where they have been relevant to the new test, I have taken account of arguments presented to me at the hearing.

The application

7 The application relates to a system and method for providing information to a user about or relating to a product, based on a product identification code such as a bar code. The system stores personalized data about the user, but this information is shielded from a retail establishment.

8 At the date of the hearing, the most recent claims were those filed on 31 May 2006. These included five independent claims, method claims 1, 14 & 31 and system claims 32 & 33, the system claims corresponding respectively to method claims 1 & 31:

> **1.** A method of providing personalized transactional benefits at a point of purchase over a network based on personalized identification information provided by a consumer and stored at a first server, the first server also having stored thereat a plurality of product identification numbers which are used to identify articles of commerce that are located at point of purchase location, each article of commerce bearing an indicia on which one product identification number is encoded, the method comprising the steps of:
>
> providing a code symbol reader, operably connected to the first server of the network, for scanning the indicia on the product, the indicia being associated with the product identification number, the code symbol reader including a personalized identifier to identify the consumer;
>
> reading at least a portion of the indicia on the article of commerce using the code symbol reader at a point of purchase location;
>
> retrieving from the first server the product identification number associated with the indicia on the article of commerce;
>
> processing that at least one personalized identifier of the consumer and retrieving from the first server the personalized identification information provided by the consumer, wherein the first server and consumer interaction

[3] Patent Office Practice Notice: Patent Act 1977: Examining for patentability [2007] RPC 8; http://www.patent.gov.uk/patent/p-decisionmaking/p-law/p-law-notice/p-law-notice-subjectmatter.htm

thereof is configured such that the identity of consumer is shielded from a retail establishment where the scanned article of commerce is located at the point of purchase location;

displaying in menu form the types of information and services and options that are available and accessible to the user to permit the user to select which specific information to retrieve or function or to access, wherein the types of information and services include at least one of pricing information, purchasing options, and product information for the article of commerce, wherein at least some of the displayed information is associated with articles of commerce that are at a location remote from the point of purchase;

offering personalized transactional benefits for the purchase of the article of commerce based on the personalized identification information provided by the consumer; and,

alerting the retail establishment, via the network, of the personalized transactional benefits available to the consumer to permit redemption thereof by the consumer at the point of purchase.

14. A method of providing personalized transactional benefits at a point of purchase over a network based on personalized identification information provided by a consumer and stored at a first server of the network, the first server also storing thereat a plurality of product identification numbers which are used to identify one of articles of commerce and services that are located at point of purchase locations, each one of the articles of commerce and articles associated with the services bearing an indicia on which one identification number is encoded, the method comprising the steps of:

providing a code symbol reader, operably connected to the first server of the network, for scanning the indicia on one of the products and service articles, the indicia being associated with the product identification number, the code symbol reader including a personalized identifier to identify the consumer to the first server;

reading at least a portion of the indicia directly from one of the articles of commerce and services using the code symbol reader at a point of purchase location;

transmitting the personal identifier to the first server from the code symbol reader;

retrieving from the database at the first server the identification number associated with the indicia;

processing that at least one personalized identifier of the consumer at the first server and retrieving from the database the personalized identification information provided by the consumer, wherein the first server and consumer interaction thereof is configured such that the identity of consumer is shielded from a retail establishment where the scanned article of commerce is located at the point of purchase location;

classifying the read product or service based on at least the identification number belonging to a first group;

gathering from one or more other servers information related to the first group; displaying at the code symbol reader location options for purchasing the product or service and comparative information including a comparison between the product or service and one or more other members of the first group, wherein at least some of the displayed information is associated with articles of commerce that are at a location remote from the point of purchase;

offering personalized transactional benefits for the purchase of the article of commerce based on the personalized identification information provided by the consumer and stored in the database at the first server; and,

alerting the retail establishment, via the network, of the personalized transactional benefits available to the consumer to permit redemption thereof by the consumer at the point of purchase.

31. A method of providing personalized transactional benefits at a point of purchase based on personalized identification information provided by a consumer and stored at a first server of the network, the first server also having stored thereat a plurality of identification numbers which are used to identify one of products and services that are located at point of purchase locations, each one of the products and articles associated with the services bearing an indicia on which one identification number is encoded, the method comprising the steps of:

providing a code symbol reader, operably connected to the first server of the network, for scanning the indicia on one of the products and service articles, the indicia being associated with the product identification number, the code symbol reader including a personalized identifier to identify the consumer to the first server,

reading at least a portion of the indicia directly from one of the products and service articles using the code symbol reader at the point of purchase location;

transmitting the personal identifier to the first server from the code symbol reader;

retrieving from the database at the first server the identification number associated with the indicia;

processing that at least one personalized identifier of the consumer at the first server and retrieving from the database the personalized identification information provided by the consumer, wherein the first server and consumer interaction thereof is configured such that the identity of consumer is shielded from a retail establishment where the scanned article of commerce is located at the point of purchase location;

determining whether the consumer belongs to an aggregate buying group;

linking the consumer with an aggregate buying server if the consumer belongs to the aggregate buying group;

determining at the aggregate buying server whether the read product or service has an active bid status and permitting the consumer to join other members in placing a bid for a predetermined amount of the product or the performance of the service; the aggregate buying server being in communication with other

servers which provide purchasing of the product or service;

entering the bid through the code symbol reader and transmitting the bid to the aggregate buying server where it is processed;

confirming at the code symbol reader that the bid has been transmitted and the consumer has become a member of an aggregate buying group;

notifying the consumer through the code symbol reader when a purchase is made by the aggregate buying group; and

if the consumer is not a member of the aggregate buying group or the read product or service does not have an active bid status, then:

classifying the read article or service based on at least the identification number as belonging to a first group; gathering from one or more other servers information related to the first group;

displaying at the code symbol reader options for purchasing the scanned article or service and comparative information including a comparison between the scanned product or service and one or more other members of the first group;

offering personalized transactional benefits to the consumer from the first server based on the personalized identification information provided by the consumer and stored in the database at the first server; and,

alerting the retail establishment, via the network, of the personalized transactional benefits available to the consumer to permit redemption thereof by the consumer at the point of purchase.

32. A system for providing personalized transactional benefits at a point of purchase comprising:

a network;

a first server in communication with the network at which personalized identification information provided by a consumer is stored, the first server also having stored thereat a plurality of product identification numbers which are used to identify articles of commerce that are located at point of purchase location, each article of commerce bearing an indicia on which one product identification number is encoded;

a code symbol reader operably and communicatively connected to the first server of the network and configured to scan the indicia on the product, the indicia being associated with the product identification number, the code symbol reader including a personalized identifier to identify the consumer;

wherein the system is configured such that the code symbol reader reads at least a portion of the indicia on the article of commerce at a point of purchase location and the product identification number associated with the indicia on the article of commerce is retrieved from the first server;

the system further comprising a main module in communication with the network and configured to process that at least one personalized identifier of the consumer and retrieve from the first server the personalized identification information provided by the consumer, wherein the first server and consumer

interaction thereof is configured such that the identity of consumer is shielded from a retail establishment where the scanned article of commerce is located at the point of purchase location;

wherein the main module is arranged to provide a menu listing the types of information and services and options that are available and accessible to the user to permit the consumer to select which specific information to retrieve or function or to access, the menu being displayed on a display of the code symbol reader, wherein the types of information and services include at least one of pricing information, purchasing options, and product information for the article of commerce, wherein at least some of the displayed information is associated with articles of commerce that are at a location remote from the point of purchase;

wherein the main module is arranged to process the personalized identification information provided by the consumer and offer personalized transactional benefits for the purchase of the article of commerce based thereon, the main module being further arranged to alert the retail establishment, via the network, of the personalized transactional benefits available to the consumer to permit redemption thereof by the consumer at the point of purchase.

33. A system for providing personalized transactional benefits at a point of purchase based on personalized identification information provided by a consumer comprising:

a network;

a first server in communication with the network and at which the personalized identification information is provided, the first server also having stored thereat a plurality of identification numbers which are used to identify one of products and services that are located at point of purchase locations, each one of the products and articles associated with the services bearing an indicia on which one identification number is encoded;

a code symbol reader, operably and communicatively connected to the first server of the network and configured to scan the indicia on one of the products and service articles, the indicia being associated with the product identification number, the code symbol reader including a personalized identifier to identify the consumer to the first server, wherein the code symbol reader is configured to read at least a portion of the indicia directly from one of the products and service articles at the point of purchase location and transmit the personal identifier to the first server;

a main module arranged to communicate with the network and configured to retrieve from the database at the first server the identification number associated with the indicia and process that at least one personalized identifier of the consumer at the first server and retrieve from the database the personalized identification information provided by the consumer, wherein the first server and consumer interaction thereof is configured such that the identity of consumer is shielded from a retail establishment where the scanned article of commerce is located at the point of purchase location;

an aggregate buying server in communication with the network such that the main module is configured to determine whether the consumer belongs to an aggregate buying group and if the consumer belongs to the aggregate buying

group; the consumer is linked to the aggregate buying group via the aggregate buying server, the aggregate buying server being configured to determine whether the read product or service has an active bid status and to permit the consumer to join other members in placing a bid for a predetermined amount of the product or the performance of the service, the aggregate buying server being in communication with other servers which provide purchasing of the product or service wherein the bid is entered through the code symbol reader and transmitted to the aggregate buying server where it is processed; the code symbol reader being arranged to confirm that the bid has been transmitted and that the consumer has become a member of an aggregate buying group, the code symbol reader being configured to notify the consumer when a purchase is made by the aggregate buying group; and if the consumer is not a member of the aggregate buying group or the read product or service does not have an active bid status, then the read article or service is classified based on at least the identification number as belonging to a first group, wherein information related to the first group is gathered from one or more other servers;

wherein the code symbol reader is arranged to display options for purchasing the scanned article or service and comparative information including a comparison between the scanned product or service and one or more other members of the first group;

the main module being configured to offer personalized transactional benefits to the consumer from the first server based on the personalized identification information provided by the consumer and stored in the database at the first server; the main module being further arranged to send an alert to the retail establishment, via the network, of the personalized transactional benefits available to the consumer to permit redemption thereof by the consumer at the point of purchase.

The law

9 The examiner has argued that the claimed invention relates to subject matter excluded from patentability under section 1 of the Act, in particular to a method for doing business and a computer program under section 1(2)(c). The relevant parts of the section read:

1(1) A patent may be granted only for an invention in respect of which the following conditions are satisfied, that is to say -
(a) the invention is new;
(b) it involves an inventive step;
(c) …..
(d) the grant of a patent for it is not excluded by subsections (2) and (3) below;

and references in this Act to a patentable invention shall be construed accordingly.

1(2) It is hereby declared that the following (among other things) are not inventions for the purposes of this act, that is to say anything which consists of -
(a) …..
(b) …..
(c) a scheme, rule or method for performing a mental act, playing a game or doing business, or a program for a computer;
(d) ….

> but the foregoing provision shall prevent anything from being treated as an invention for the purposes of the act only to the extent that that a patent or application for a patent relates to that thing as such.

10 As near as is practicable, these provisions have the same effect as Article 52 of the European Patent Convention (EPC) to which they correspond by virtue of being so designated in Section 130(7). I must therefore also have regard to Boards of Appeal decisions from the European Patent Office (EPO) under this article.

Interpretation

11 As stated above, in *Aerotel/Macrossan* the Court of Appeal set out a new four-part test:

(1) properly construe the claim;

(2) identify the actual contribution;

(3) ask whether it falls solely within the excluded subject matter;

(4) check whether the actual or alleged contribution is actually technical in nature.

12 In his letter of 08 December 2006, the applicant disputes the examiner's application of the test, in particular the identification of the "contribution".

The arguments

13 In applying the first step, construing the claims, in his letter of 08 November 2006, the examiner stated what he considered to be the common matter of the five independent claims, as follows:

> A method of providing personalized transactional benefits at a point of purchase over a network based on personalized identification information provided by a consumer and stored at a first server, the first server also having stored thereat a plurality of product identification numbers which are used to identify articles of commerce that are located at point of purchase location, each article of commerce bearing an indicia on which one product identification number is encoded, the method comprising the steps of:
>
> providing a code symbol reader, operably connected to the first server of the network, for scanning the indicia on the product, the indicia being associated with the product identification number, the code symbol reader including a personalized identifier to identify the consumer;
>
> reading at least a portion of the indicia on the article of commerce using the code symbol reader;
>
> retrieving from the first server the product identification number associated with the indicia on the article of commerce;
>
> processing the at least one personalized identifier of the consumer and retrieving from the first server the personalized identification information

> provided by the consumer, wherein the first server and consumer interaction is configured such that the identity is shielded from a retail establishment where the scanned article of commerce is located;
>
> displaying information associated with articles of commerce that are at a location remote from the point of purchase;
>
> offering personalized transaction benefits for the purchase of the article of commerce based on the personalized identification information provided by the consumer; and
>
> alerting the retail establishment, via the network, of the personalized transactional benefits available to the consumer to permit redemption thereof by the consumer at the point of purchase.

14 This construction has not been disputed by the applicant and appears to sum up the common matter of the independent claims. Although it has not been raised as an issue and consequently not argued, I have doubts that there is full support for the final step. The applicant, in his letter of 20 January 2006, suggests that there is support for alerting the retail establishment, via the network, for the article scanned. The example given in the description is for an internet transaction and I do not feel there is clear disclosure that the invention is to be used at a retail establishment in the way suggested. The thrust of the application as a whole is that the *user* receives transaction information and acts on it accordingly. Be that as it may, I do not believe that it affects my conclusions in this case.

15 Here would be a good point to consider the closest prior art, US 5918211, the abstract of which provides a pertinent summary of its relevance:

> A system and method for influencing and potentially altering a consumer's purchase decisions at the point-of-purchase in a retail store using a portable bar code scanner that is in constant wireless communication with the store and a retailer/manufacturer's computer/controller. The consumer uses the portable bar code scanner to scan products in the store, and if a scanned product is currently under a promotion, the controller alerts the consumer's portable bar code scanner as to the promotion, so that the consumer can to take advantage of the promotion. In another embodiment, the consumer will be identified before beginning shopping by their frequent shopper card, so that the computer/controller, in communication with the portable bar code scanner, can utilize the consumer's past purchase history and offer the consumer promotional product discounts.

16 It should also be borne in mind that the current application's original claims were amended due to an objection to lack of novelty in respect of US 5918211 & WO 00/45307 (and others); specifically, the feature that the identity of the consumer is shielded from the retail establishment was introduced in order to distinguish the invention on novelty grounds. It is also worth noting that the system is not specifically arranged in the way it is to provide shielding; rather, it was admitted by the applicant in his letter of 17 August 2005 that the feature may only be interpreted in that way as a consequence of consumer data being on a server separate from the retail establishment. That is, the arrangement is not the way it is to provide shielding, rather the shielding has been revealed as

an advantage of the architecture of the system.

17 However, WO 00/45307 discloses use of a wireless PC or PDA with a barcode scanner by which a consumer at a retail establishment can access the internet, separate from the establishment, to investigate a product, pricing and affinity or affiliation offers when contemplating purchase of a product. Much of the current application envisages internet searching for best prices, with use of membership affinity for price reductions. Such use, until final transaction, must also be anonymous by its very nature.

18 At the hearing, Mr. Exell considered that the technological arrangements had not been shown to be known, and an invention in this field could be made by combining a number of previously known features in a new way, just as in any other field of invention. He said that shielding *per se* had not been proven to be known. However, shielding as a consequence of using a separate server is as inevitable for WO 00/45307 as it is for the invention.

19 Furthermore, he alleged that the invention included the step that the system could then communicate with the retail establishment, while still keeping the consumer's data secret. He went on to say that the shielding was a technical solution to a technical problem.

20 This sets the background to the second step, to identify the actual contribution. There is a significant difference between the assessment made by the examiner and that made by the applicant, so it is helpful to consider what the Court of Appeal meant by the actual contribution; they said, at paragraphs 43 & 44, "What has the inventor really added to human knowledge perhaps best sums up the exercise. The formulation involves looking at the substance not form – which is surely what the legislator intended." and "In the end the test must be what contribution has actually been made, not what the inventor says he has made."

21 The examiner's view of the contribution made by the invention is that, in systems for offering personalized transaction benefits at a point of purchase the consumer's identity is shielded from the retail establishment when they scan articles of commerce that are located at that retail establishment. Although the link was not expressly stated in his last letter of 08 November 2006, it appears that the examiner's conclusion is derived from what the invention reveals over the prior art of US5918211.

22 Indeed, although he argued at the hearing in the context of *CFPH*, Mr. Exell appeared to concur with this interpretation and concentrated on what he regarded as the technical issue of shielding the identity of the consumer, in respect of which he also conceded that the invention uses conventional technology. It was also accepted that it is widely known that it is desirable to be anonymous in many forms of commerce, and wider, for example by withholding telephone numbers and the generally anonymous nature of using the internet.

23 In the letter dated 31 May 2006, the applicant also said that the invention related to the intercommunication of separate systems, and that this was a

technical problem rather than a business problem. This does not seem to me to be right. The claims do not specify technical details of how the different systems communicate, and neither does the description. All the systems are conventional hardware which communicate in standard ways.

24 In response to the examiner's comments after the *Aerotel/Macrossan* decision it is the applicant's view that the examiner's assessment is too narrow in respect of the contribution of the invention. Clearly, I am being invited to assess the actual contribution as the whole system in that "it claims a specific arrangement of technological features that, by virtue of the arrangement, offer advantages to data communications and information security", the last of which I take to mean the anonymity of shielding. It is also suggested that the claim is a new and non-obvious communications network, in which it is alleged none of the cited documents disclose or suggest a) the communication configuration between the symbol reader, the 'first server' and the retail establishment, b) shielding of consumer identity and c) the 'first server' alerting, via the network, the retail establishment of personalized transaction benefits to the consumer for redemption at point of sale, in which it is clear that the 'first server' is a different entity to the retail establishment.

25 I have difficulty with that interpretation. US 5908211 has a symbol reader (bar code scanner) in constant wireless communication with the retailer *and* [my emphasis], as an alternative in column 7, an organization or entity other than the retailer, that 'other' (first server) being a sender of promotion information and communicating with the retailer so that promotion offers can be redeemed at point of sale. Necessarily, that 'other' must be able to identify products identified by the bar code scanner. Further, in WO 00/45302, bar code data is transmitted to an off-site implementing server for action which includes price comparison and alerting the consumer of special offers for redemption.

26 I am guided here by the Court of Appeal's direction that the actual contribution is a matter of substance not of form. Is the system arranged in the way it is specifically because it has to be that way to allow shielding or is it simply an architecture within which the system can be programmed so that this may be achieved? I cannot conclude that the system is arranged in the way it is to provide shielding; rather, as the applicant admits in his letter of 17 August 2005, this occurs by default. That is, the arrangement is not the way it is to provide shielding, rather the shielding has been revealed as a selectable advantage of the architecture of the system.

27 Further, one might ask if informing a retail establishment of transaction benefits has something to do with how a business operates or whether it is something technical? If a consumer is offered a discount on a purchase, is that part of a business process or is it technical in nature? If a consumer is informed that a product is cheaper elsewhere is that part of a business process or is it technical in nature? To my mind, none of these are of use in forming any part of the actual contribution, but they are suggestive of the environment in which the invention operates.

28 I have already suggested doubt that the arrangement could itself be the actual contribution, nor do I believe that the arrangement itself has particular

technical elements which might form the actual contribution. The shielding is a consequence of how part of the arrangement operates; the anonymity of the consumer is not selected for technical reasons but as a business advantage – the whole system as described would still operate whether the information was shielded or not and, moreover, if it did so without the shielding would be no more than the collective teaching of the prior art of US 5918211 and WO 00/45302. Consequently, I am not persuaded that I should regard the system as a whole as being the actual contribution, or features a) to c) outlined in paragraph 24 above.

29 It appears to me that the examiner is effectively correct – the actual contribution is that, in systems for offering personalized transaction benefits, in which articles of commerce can be scanned at a retail establishment, the consumer's identity is shielded from the retail establishment.

30 Having assessed the contribution, I must now consider whether it falls solely within the realm of excluded subject matter.

31 In my view, the advantage that the consumer's details are kept secret from the retail establishment is purely a business advantage. It is inescapable that the actual contribution takes place solely for the anonymity it provides, that is, as a choice for how the method and system operate in the course of business.

32 I therefore find that the invention fails the third step of the test as a method of doing business. It is not necessary to go on to the fourth step, to consider in detail whether the actual contribution is technical in nature. However, were I to do so I believe it would fail this step as well; it is not a technical advantage - people are wary of giving too many details about themselves. There is no technical reason why shielding takes places and no technical problem is overcome.

33 At the hearing, Mr. Exell suggested that the question of whether an invention, involving a computer, might fall within the computer program exclusion was closely related to whether the invention fell within any of the other exclusions. Certainly in this case he seemed to expect that the computer program objection would stand or fall depending on the business method objection.

34 In any event, I believe the assessment is clear. The hardware is accepted as conventional and there is nothing unconventional in its physical interaction and inter-communication. There is nothing inherent in the design of the system by which the hardware architecture is configured so that consumer information cannot be passed over the network – the fact that the systems are networked in order to pass transaction benefit information demonstrates that. The system could easily allow the retail establishment to know the identity of the consumer, but the computer is configured so that it does not happen. That is solely a programming function.

35 Therefore I also find, when assessing whether the actual contribution lies in an excluded area, that the invention relates to no more than a program for a computer. As before, it is not necessary to go on to the fourth step, to consider in detail whether the actual contribution is technical in nature. Again,

were I to do so I believe it would fail this step as well, for the same reason as before; there is no technical reason why shielding takes places and no technical problem is overcome.

Other matters

36 Having decided that the invention as presently claimed is not patentable, I have to further consider whether there is anything in the application that might form the basis of a patentable claim. I have read through the application and I feel that there is not.

37 At hearing Mr. Exell had queried the Rule 34 period as the unextended period expired on 13 June 2006. The relevant forms had been filed to keep the application active, the argument being that, if I were to find the claims to be in order, then they would have been in order at the end of the unextended Rule 34 period and that the extensions would have been unnecessary. Although he did not say so, I think he was asking whether these fees might be refunded. However, by extending the processing period in this way, the applicant has left open the possibility that, should I find some or all of the claims unpatentable but give an opportunity to amend, there would still be a period in which this could be done. Thus I do not feel that the extensions were without effect, and a refund is not appropriate.

Conclusion

38 I have found that the invention relates to a method for doing business, and to a program for a computer as such. It is therefore not new and non-obvious (and susceptible of industrial application) under the description of “an invention” in the sense of Article 52 and is not patentable. I have been unable to find anything which could form the basis of a patentable invention in the amended application. I therefore refuse the application under section 18(3) as failing to meet the patentability requirements of Section 1.

Appeal

39 Under the Practice Direction to Part 52 of the Civil Procedure Rules, any appeal must be lodged within 28 days.

John Rowlatt
Deputy Director acting for the Comptroller