Intellectual Property Office

BL O/678/21

17 September 2021

PATENTS ACT 1977

APPLICANT	CTIA – The Wireless Association
ISSUE	Whether patent application GB1802909.0 complies with section 1(2) and section 76(2)
HEARING OFFICER	Ben Micklewright

DECISION

Introduction

1 Patent application GB1802909.0, filed in the name of CTIA – The Wireless Association and titled 'Mobile message source authentication', was filed on 22 July 2018. The application claimed priority from three earlier US applications, the earliest of which has a priority date of 22 February 2017. The present application was published on 19 September 2018 as GB2560636 A.

2 A combined search and examination report for the application was issued on 12 July 2018. The report noted that the application was not entitled to the earliest priority date of 22 February 2017 due to a lack of enabling disclosure in that earliest US priority application but was entitled to the priority date of 22 August 2017. The report also argued that the claimed invention was excluded from patentability under section 1(2) of the Patents Act 1977 ('the Act') as it related to the presentation of information. Further objections were also raised to plurality of invention, inventive step, clarity and support, and the search was truncated in light of these issues.

3 An amended set of claims and associated arguments were received in response to this examination report on 22 February 2019. Further searching was conducted by the examiner and a further examination report was issued on 17 June 2019 which argued that the claimed invention related to a computer program and/or the presentation of information. Further rounds of argument then took place in relation to the patentability of the claims without agreement being reached. The examiner invited the applicant to request a hearing in correspondence on 17 June 2020, with the applicant formally requesting a hearing on 15 October 2020. It would appear that this initial request was not correctly noted and acted upon in the first instance and was only actioned upon a further enquiry being made by the applicant's representatives on 10 March 2021. The examiner provided further pre-hearing notes to the applicant in correspondence on 16 April 2021.

4 A hearing was initially arranged for 30 June 2021. Upon reviewing the application, I noted some potential added matter issues which were communicated to the

applicant on 21 June 2021. A response from the applicant's representatives was received on 23 June 2021 stating that they would not be filing any further submissions and requesting that a decision be made on the papers.

5 The application is therefore now before me for a decision on the papers as to whether the application satisfies the requirements of section 1(2) and section 76(2) of the Act. I confirm that I have considered all of the arguments put forward by the applicant in association with this application in reaching my conclusion.

The Invention

6 The application is directed towards a system for use with mobile telephone messaging services such as short message services (SMS), multimedia messaging services (MMS) or rich communications services (RCS). It is stated that while such mobile messaging services provide a good opportunity for product and service providers to communicate with their customers, users of mobile telephones may be suspicious of incoming messages due to the potential for third parties to send misleading or mischievous messages that falsely appear to have been sent by a bona fide company.

7 In order to address this issue, the system comprises a networked control circuit which, upon receiving a request from a mobile receiver for a certificate from a particular company or 'sourcing entity', acts to incorporate an entity logo that corresponds to the respective sourcing entity into the certificate. The certificate, which also includes decryption information, is sent to the mobile receiver which decrypts an encrypted entity digital signature to authenticate that the mobile message that included the signature was sent by the particular sourcing entity in question.

8 In the application as filed, a final step was claimed wherein the logo from the certificate is displayed in conjunction with the mobile message to visually confirm the sourcing entity as the authentic source of the message to the recipient of the message. Whether this step forms an essential part of the claimed invention is at the heart of whether or not the amendments made to the claims comprise added matter.

The Claims

9 The application as filed contained two independent claims, an apparatus claim and an associated method claim, which stated:

> 1. An apparatus to facilitate authentication of mobile messages sourced by corresponding sourcing entities that each have a corresponding entity logo, comprising:
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> a network interface;
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> a control circuit operably coupled to the network interface and configured to:
>
> - receive from a mobile receiver a request for a certificate for a particular sourcing entity;

- transmit to the mobile receiver the certificate, wherein the certificate includes:

an entity logo that corresponds to the particular sourcing entity; and

decryption information;

such that the mobile receiver can:

- decrypt an encrypted digital signature to thereby authenticate that a mobile message that included the encrypted entity digital signature was sourced by a particular one of the sourcing entities; and

- display the entity logo from the certificate in conjunction with presenting the mobile message to thereby visually confirm the particular one of the sourcing entities as being an authenticated source of the message.

13. A method to facilitate authentication of mobile messages sourced by corresponding sourcing entities that each have a corresponding entity logo, comprising:

receiving a message sourced by a particular one of the sourcing entities to be transmitted as a mobile message to a target mobile receiver;

transmitting to the target mobile receiver an encrypted authenticated digital entity signature and encrypted version of an entity logo for the particular one of the sourcing entities in conjunction with transmission of the message, such that the mobile receiver can decrypt the encrypted authenticated digital entity signature and encrypted version of the digital entity signature and logo to recover the authenticated version of the entity logo and display the authenticated version of the entity logo in conjunction with presenting the message sourced by the particular one of the sourcing entities to thereby confirm the particular one of the sourcing entities as an authenticated source of the message.

10 The amended independent claims filed on 22 February 2019 state:

1. An apparatus to facilitate authentication of mobile messages sourced by corresponding sourcing entities that each have a corresponding entity logo, comprising:

a network interface;

a control circuit operably coupled to the network interface and configured to:

receive from a mobile receiver a request for a certificate for a particular sourcing entity;

access presence information related to the mobile receiver from a presence server and determine whether the mobile receiver is capable of receiving Rich Communication Services, RCS, compatible messaging; and

in response to determining that the mobile receiver is incapable of receiving RCS compatible messaging, embed the certificate into a mobile message that is one from a group of: short message service, SMS, Multimedia Messaging Service (MMS) compatible messaging; and

transmit to the mobile receiver:

the certificate, wherein the certificate includes:

an encrypted authentication digital entity signature and an encrypted version of the entity logo that corresponds to the particular sourcing entity of a message,

the message; and

decryption information;

such that the mobile receiver is able to receive the message and decrypt the encrypted entity digital signature and the encrypted version of the entity logo to thereby authenticate that the message that included the encrypted entity digital signature was sourced by a particular one of the sourcing entities.

8. A method to facilitate authentication of mobile messages sourced by corresponding sourcing entities that each have a corresponding entity logo, comprising:

receiving from a mobile receiver a request for a certificate for a particular one of the sourcing entities to be transmitted as a mobile message to a target mobile receiver;

transmitting the certificate to the mobile receiver, wherein the certificate includes: an encrypted authenticated digital entity signature and encrypted version of an entity logo for the particular one of the sourcing entities associated with the transmission of the message and decryption information, such that the mobile receiver is able to decrypt the encrypted authenticated digital entity signature and encrypted version of the entity logo.

The Law

11 Section 1(2) of the Act states:

1(2) It is hereby declared that the following (amongst other things) are not inventions for the purpose of the Act, that is to say, anything which consists of-

(a) A discovery, scientific theory or mathematical method;

(b) A literary, a dramatic, musical or artistic work or any other aesthetic creation whatsoever;

(c) A scheme, rule, or method for performing a mental act, playing a game or doing business, or a program for a computer;

(d) The presentation of information;

But the foregoing provisions shall prevent anything from being treated as an invention for the purposes of the Act only to the extent that a patent or application for a patent relates to that things as such.

12 The provisions of Section 1(2) were considered by the Court of Appeal in *Aerotel Ltd v Telco Holdings Ltd and Macrossan's Application*[1] where a four-step test was set out to decide whether a claimed invention was excluded from patent protection:

(1) Properly construe the claim;

(2) Identify the actual contribution;

[1] *Aerotel Ltd v Telco Holdings Ltd and Macrossan's Application* [2006] EWCA Civ 1371

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

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

13 It was stated by Jacob LJ in *Aerotel* that the test is a re-formulation of and is consistent with the previous 'technical effect approach with rider' test established in previous UK case law. Kitchen LJ noted in *HTC v Apple*[2] that the *Aerotel* test is followed in order to address whether the invention makes a technical contribution to the art, with the rider that novel or inventive purely excluded matter does not count as a 'technical contribution'.

14 Lewison J in *AT&T/CVON*[3] set out five signposts that he considered to be helpful when considering whether a computer program makes a technical contribution. Lewison LJ reformulated the signposts in *HTC v Apple* in light of the decision in *Gemstar*[4]. The signposts are:

i) Whether the claimed technical effect has a technical effect on a process which is carried on outside the computer.

ii) Whether the claimed technical effect operates at the level of the architecture of the computer; that is to say whether the effect is produced irrespective of the data being processed or the applications being run.

iii) Whether the claimed technical effect results in the computer being made to operate in a new way.

iv) Whether the program makes the computer a better computer in the sense of running more efficiently and effectively as a computer.

v) Whether the perceived problem is overcome by the claimed invention as opposed to merely being circumvented.

15 Section 76 of the Patents Act states:

76(2) No amendment of an application for a patent shall be allowed under section 15A(6), 18(3) or 19(1) if it results in the application disclosing matter extending beyond that disclosed in the application as filed.

16 In *Bonzel and Schneider (Europe) AG v Intervention Ltd*[5] Aldous J described the task of determining whether an amendment to the description had the result that a patent as granted disclosed matter which extended beyond that disclosed in the application as:

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[2] *HTC Europe Co Ltd v Apple Inc* [2013] EWCA Civ 541
[3] *AT&T Knowledge Venture/CVON Innovations v Comptroller General of Patents* [2009] EWHC 343 (Pat)
[4] *Gemstar-TV Guide International Inc v Virgin Media Ltd* [2010] RPC 10
[5] *Bonzel and Schneider (Europe) AG v Intervention Ltd* [1991] RPC 533

(1) to ascertain through the eyes of the skilled addressee what is disclosed, both explicitly and implicitly in the application;

(2) to do the same in respect of the patent as granted;

(3) to compare the two disclosures and decide whether any subject matter relevant to the invention has been added whether by deletion or addition. The comparison is strict in the sense that subject matter will be added unless such matter is clearly and unambiguously disclosed in the application either explicitly or implicitly.

17 In *Richardson-Vicks Inc's Patent*[6] Jacob J summarised this by saying:

"the test of added matter is whether a skilled man would, upon looking at the amended specification, learn anything about the invention which he could not learn from the unamended specification."

18 Where matter has potentially been added through deletion, the Court of Appeal, in *Nokia Corporation v IPCOM GMBH & Co KG* (NO. 3)[7], approved the 'Houdaille Test' which was set out by the EPO Board of Appeal in T331/87 Houdaille/Removal of feature[8], and which was summarised by Kitchin L.J. as:

"The skilled person must be able to recognise directly and unambiguously that (1) the (omitted) feature is not explained as essential to the original disclosure, (2) it is not, as such, indispensable for the function of the invention in light of the technical problem it serves to solve, and (3) the replacement or removal requires no real modification of other features to compensate for the change."

Analysis

Added Matter

19 Before considering the issue of patentability, it is first necessary for me to consider the issue of added matter. This is not an objection which was raised by the examiner but since it is relevant to determining whether or not the claims as they currently stand can be allowed I will decide the matter. The applicants declined to provide any arguments when I raised the issue with them so I have no arguments, either for or against, to consider on this particular point.

20 I raised two potential issues with the applicant in relation to added matter. Firstly, the final paragraph of the amended claim 1 states that '…the mobile receiver is able to receive the message and decrypt the encrypted digital entity signature and the encrypted version of the entity logo to thereby authenticate that the message that included the encrypted entity digital signature was sourced by a particular one of the sourcing entities'. My concern was that this new passage implied that the logo plays

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[6] *Richardson-Vicks Inc's Patent* [1995] RPC 568
[7] *Nokia Corporation v IPCOM GMBH & Co KG (NO. 3)* [2013] RPC 5
[8] T331/87 Houdaille/Removal of feature [1991] E.P.O.R. 194

some active part of the authentication process conducted by the mobile receiver, rather than merely, once the logo itself is decrypted, provide a visual indication which is presented to the user.

21 Secondly, I raised the issue of the deletion from claims 1 and 13 of the requirement that the entity logo from the certificate is displayed in conjunction with the presented mobile message in order to visually confirm the particular one of the sourcing entities as being an authenticated source of the message. During an initial review of the application this step appeared to potentially constitute an essential feature of the invention, such that it's removal from the claims might constitute added matter by deletion.

22 On the first issue, I note the passages in the application as filed at paragraphs 37 and 38, respectively, that state 'The mobile retriever can retrieve the Certificate and decrypt the encrypted authenticated digital signature and encrypted version of the logo to thereby recover the authenticated version of the entity logo' and 'The digital signature, upon being decrypted, can be used by the mobile receiver to confirm the particular sourcing entity as the authenticated source of the message'. Furthermore, paragraph 40 goes on to state that '…the mobile receiver can also employ its display to present the authenticated version of the entity logo in conjunction with presenting the message that was sourced by the sourcing entity. Presentation of the logo provides a visual and simple confirmation regarding the authenticated source of the message'.

23 My understanding from these passages, as well as the application as filed more generally, is that while the encrypted logo is received by the mobile receiver as part of the Certificate and subsequently decrypted, it is only the decrypted digital signature which the mobile receiver uses to confirm the sourcing entity as the authenticated source of the message. The logo itself is not used by the mobile receiver as part of the process of authenticating the message, with the role of the decrypted logo being simply to provide a visual confirmation to the user of the mobile receiver. I can see nothing in the application as filed which teaches otherwise.

24 I must also consider the wording of the amended claim 1 to determine if it states anything beyond what was disclosed in the application as filed. The statement that '…the mobile receiver…decrypt[s] the encrypted entity digital signature and the encrypted version of the entity logo to thereby authenticate that the message…was sourced by a particular one of the sourcing entities' does appear to imply that the mobile receiver utilises both the encrypted entity digital signature and the encrypted version of the entity logo as part of the authentication process. On balance I believe this passage teaches the skilled reader something which I do not believe they would have been able to determine from the application as filed, in which the logo plays no part in the authentication process carried out by the mobile receiver. As such, this amendment is considered to add matter.

25 The second issue of potential added matter effectively rests on whether or not the step of displaying the entity logo from the certificate in conjunction with presenting the mobile message in order to visually confirm the sourcing entity to the user of the mobile receiver would be recognised by the skilled reader as an essential feature of the invention in the application as filed. Having been present in both of the independent claims as filed, and thus being presented as an essential feature in the

claims, there is a need for the description as filed to have made absolutely clear that this step was not essential if the first step of the *Houdaille* test is to be passed.

26 However, I do not believe that this is the case. I note the statement in paragraph 21 that the entity logo is displayed '…to thereby provide visual confirmation that the sourcing entity is indeed an authenticated source of the message.'. Paragraph 25 states that the teachings of the document '…provide a simple but powerfully intuitive visual confirmation to express [the] authentication such that the message recipient can readily and quickly ascertain the authenticated status for the sourcing entity'. Paragraph 40 sets out how the presentation of the logo '…provides a visual and simple confirmation regarding the authenticated source of the message.'

27 Conversely, the logo, which the entire application is concerned with incorporating into a certificate, does not appear to have any other purpose beyond being presented to the user of the mobile receiver in order to visually confirm the authenticity of a message – indeed, the act of displaying the logo to the user in order to provide a visual confirmation of the source of the message appears to be very much the entire *raison d'etre* of the application. Considering the application as filed as a whole, I have no doubt that the skilled reader would consider that the step of presenting the logo to the user in order to visually confirm that the message came from an authenticated source was an essential feature of the invention, such that the removal of this feature must be considered added matter.

28 I therefore find that both of the first and second aforementioned amendments act to teach the skilled reader something about the invention which they would not have been able to ascertain from the application as filed, and as such must be considered to add matter.

Patentability

29 Having already found that the amended claims comprise added matter and having not been presented with any alternative set of claims, I will consider the patentability of current claims but with the features relating to the added matter removed or reinstated, as appropriate, so as to overcome the added matter issues. I will consider each of the *Aerotel* steps in turn in my analysis.

(1) Properly construe the claims

30 The current independent claims 1 and 8 do not pose any great construction issues, and I do not believe that any of the arguments from the examiner or the applicant have revolved around the construction of the claims. However, given the need to address the issue of added matter, I will construe claim 1 as having effectively been drafted with the following amendments:

> 1. An apparatus to facilitate authentication of mobile messages sourced by corresponding sourcing entities that each have a corresponding entity logo, comprising:
>
> a network interface;

a control circuit operably coupled to the network interface and configured to:

receive from a mobile receiver a request for a certificate for a particular sourcing entity;

access presence information related to the mobile receiver from a presence server and determine whether the mobile receiver is capable of receiving Rich Communication Services, RCS, compatible messaging; and

in response to determining that the mobile receiver is incapable of receiving RCS compatible messaging, embed the certificate into a mobile message that is one from a group of: short message service, SMS, Multimedia Messaging Service (MMS) compatible messaging; and

transmit to the mobile receiver:

the certificate, wherein the certificate includes:

an encrypted authentication digital entity signature and an encrypted version of the entity logo that corresponds to the particular sourcing entity of a message,

the message; and

decryption information;

such that the mobile receiver is able to receive the message and decrypt the encrypted entity digital signature ~~and the encrypted version of the entity logo~~ to thereby authenticate that the message that included the encrypted entity digital signature was sourced by a particular one of the sourcing entities; and

display the decrypted entity logo from the certificate in conjunction with presenting the mobile message to thereby visually confirm the particular one of the sourcing entities as being an authenticated source of the message.

31 I will also construe claim 8 as if it has had comparable amendments made to it in terms of the entity logo being presented with the mobile message so as to visually authenticate the sourcing entity to the user of the mobile receiver. It is worth noting that claim 8 does not include the step of determining whether or not the mobile receiver is capable of receiving RCS messaging, and thus is notionally broader in scope.

32 I note that the discussion of the ‘control circuit’, such as in paragraphs 27-31 of the application as filed, is such that the ‘control circuit’ is perhaps somewhat more complex and extensive than the term might initially suggest, but given the discussions and definitions provided within the application I do not think that this causes any issue of interpretation.

33 I also note that the wording of claim 1 does not appear to fully claim what is perhaps intended in regard to determining a message format suitable for the mobile receiver. It would appear from the application as a whole that the intention is for the system to check whether or not the mobile receiver is capable of receiving RCS compatible messaging. If it is, the message will be sent using RCS messaging and if it is not then the message is instead sent using SMS or MMS messaging – see, for example, paragraphs 57-59. The wording of claim 1 relating to this feature sets out that presence information is accessed to determine whether or not the mobile receiver is

capable of receiving RCS messaging and if it is not then the message is instead sent in a different messaging format. However, the claim is entirely silent on what occurs if a mobile receiver is determined to be capable of receiving RCS messaging. From the wider application, and particularly the aforementioned paragraphs, one would expect the remaining steps would be undertaken utilising the RCS messaging format, but that is not something which is set out in the claim and I am not convinced that so much can be implied in the claim given the lack of wording on the matter. However, I do not think that the patentability of the claims will turn on this point.

(2) Identify the actual contribution

34 Identifying the contribution in the second step of this test is critical and I refer to the following paragraph in *Aerotel* for guidance:

> *"43. The second step – identifying the contribution – is said to be more problematical. How do you assess the contribution? Mr Birss submits the test is workable – it is an exercise in judgement probably involving the problem said to be solved, how the invention works, what its advantages are. 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."*

35 Given that I have had to reformulate the claims as a result of my finding of added matter, I do not have arguments from either the examiner or the applicant which relate specifically to the claims as I am considering them.

36 In their letters of 14 October 2019 and 6 March 2020, the applicant stated that the contribution, derived from the claims as they stood then, was '…to provide an apparatus and corresponding method that can determine a suitable message delivery type and a secure authentication mechanism, for the delivery of a message from a source entity that has a specific source entity logo, to a particular mobile receiver.'.

37 The examiner, during proceedings, has not explicitly set out what they believe the contribution to be, but in the EL35 letter of 17 June 2020, the examiner stated that he and the applicant '…agree on the caselaw to be applied to this case, and the contribution, which you describe as a method of determining a suitable message delivery type and a secure authentication mechanism for the delivery of a message from a source entity that has a specific source entity logo to a particular mobile receiver.' In their pre-hearing notes of 16 April 2021, the examiner also noted the aforementioned discrepancy between the features of claims 1 and 8 and referred to '…both a broad contribution: i) around the use of a logo as a part of the authentication method and ii) around the additional step of checking the capability of the mobile receiver.'.

38 The view of the contribution set out by the applicant strikes me as perhaps too generalised from the claimed features. Furthermore, I do not believe that the claimed invention can be said to 'determine…a secure authentication mechanism' as that remains the same irrespective of the message format which is utilised – it is only the 'suitable message delivery type' which is appears to be 'determined'. This view of the

contribution also, given the claims at the time, fails to take into account the final step of displaying the entity logo to the mobile receiver user.

39 Given the aforementioned discrepancy between claim 1 and the wider application over what might occur if a mobile receiver is determined to be capable of receiving RCS messaging, I am happy to view a contribution of this feature which is perhaps slightly broader than what is currently claimed, i.e. that the system ensures the compatibility of the message format for the particular mobile receiver due to receive the message. This is in line with what appears to have been agreed between the applicant and the examiner on this point and reflects what I believe claim 1 is likely intended to state given the disclosure of the wider application. I do not believe that taking a narrower interpretation of this feature of the contribution, in line with the current wording of claim 1, would have any notable effect on the deliberation of patentability.

40 I would note that there does not appear to be any new arrangement of hardware disclosed within the application, which goes to some length to stress that the invention may be put into practice on almost any suitable hardware and system – see, for example, the latter part of paragraph 25, paragraphs 28 and 29, and paragraph 61.

41 I therefore identify the contribution as:

> A system for facilitating the authentication of mobile messages sourced by corresponding sourcing entities that each have a corresponding entity logo, which involves, upon receiving a request for a certificate for a particular sourcing entity from a mobile receiver, *[ensuring the compatibility of the message format with the intended mobile receiver before]* incorporating an entity logo into a certificate that is sent to a mobile receiver, wherein, once the mobile receiver has decrypted an encrypted entity digital signature to authenticate that the message was sourced from a particular one of the sourcing entities, the decrypted entity logo from the certificate is displayed in conjunction with the mobile message to visually confirm the particular one of the sourcing entities as being an authenticated source of the message.

42 Given the aforementioned lack of the step of ensuring the compatibility of message formats in claim 8 it is unclear whether or not this feature constitutes an essential feature of the invention. For completeness I will consider the contribution both with and without the inclusion of this feature.

(3) and (4) Ask whether the contribution falls solely within the excluded subject matter; and check it is actually technical in nature

43 For convenience I will consider steps (3) and (4) together. The Court of Appeal in *Symbian Ltd v Comptroller-General of Patents*[9] ruled that the question of whether the invention makes a technical contribution must be addressed when considering the computer program exclusion, although it does not matter whether that takes place at step 3 or step 4. For computer implemented inventions the *AT&T/Cvon*

[9] *Symbian Ltd v Comptroller-General of Patents* [2009] RPC 1

signposts set out above provide helpful pointers in determining whether such inventions make a technical contribution.

44 As with the analysis of the contribution, I do not have arguments from either the examiner or the applicant that relate directly to the claims I am considering.

45 In their letter of 14 October 2019 the applicant referenced the decision in *Landmark Graphics*[10] and argued that, as various technical steps are performed, the invention is in a technical field of endeavour and the contribution is therefore technical. However, this argument appears to simply assert that the steps and contribution are technical without actually providing any meaningful arguments as to why this is the case, such that I do not find it persuasive.

46 This same letter also sets out arguments in relation to the presentation of information exclusion. It was argued that the exclusion was intended to only exclude particular configurations of symbols or specific tabular layouts of information, and that the present application could not fall within this exclusion given that there are technical steps or features within the claimed invention. I do not find this argument persuasive as it is clear from the caselaw, for example the aforementioned decision in *Gemstar*, that simply an invention comprising or relating to computerised methods does not inherently prevent the exclusion from applying. Rather, for the exclusion not to apply there must be some technical effect beyond the information being presented.

47 In their examination report of 4 November 2019, issued in response to the abovementioned letter, the examiner argued that none of the *AT&T* signposts, which can be a useful guide to determining whether a relevant technical effect has been made, were met.

48 In response, the applicant commented on the *AT&T* signposts in their letter of 6 March 2020. It was argued that signpost (i), whether there is a technical effect which is carried on outside of the computer, is met as the system results in the display of visual authentication information on the mobile receiver. I do not believe that merely displaying the output of a computer programme on a display can be considered to equate to a process carried out outside of the computer. Rather the displaying of the information is an action which takes place within the computer or the wider computer network, as discussed in *Lantana v Comptroller-General of Patents*[11]. Furthermore, any contribution arising through such a display step would almost certainly then fall within the presentation of information exclusion.

49 It was argued that signpost (iii), whether there is a technical effect that results in the computer being made to operate in a new way, is also met, primarily on the basis that no prior art has been cited which is relevant to the novelty or inventiveness of the claims. However, I think this is conflating a computer operating in a new way with the running of a program on a computer that does something in a new way, and the fact that a computer program is novel and inventive does not have any bearing on whether the computer program does or does not fall within an exclusion.

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[10] Landmark Graphics BLO/112/18

[11] *Lantana v Comptroller-General of Patents* [2013] EWHC 2673 (Pat)

50 Finally, it was argued that signpost (v), whether the perceived problem is overcome by the claimed invention or merely circumvented, was met. The technical problem notionally being addressed by the invention was said to be '…how to easily authenticate a message from a source entity, that can be sent over a range of different messaging systems'. However, this point again appears to be more of an assertion than an argument.

51 Bearing in mind all of the above arguments, I will first consider the broader contribution, without the inclusion of the step of ensuring the compatibility of the message format with the intended mobile receiver, in respect to the *AT&T* signposts. I can see nothing in the application that leads me to believe that the contribution provides any effect outside of the computer system, in its broader sense. I can see nothing in the application which leads me to believe that the technical effect operates at the level of the architecture of the computer and nor do I believe that the computer operates in a new way or more quickly or reliably.

52 With regard to signpost (v), I view the problem which the application is seeking to address, in relation to the broader contribution, as that of the receiver of a message not necessarily believing that the message has been sent by the respective sourcing entity. I am not convinced that this problem can be viewed as 'technical' in nature, such that the contribution cannot derive a technical character through solving this problem. As such, none of the *AT&T* signposts provide any indication that the broader contribution is not excluded as a computer program.

53 I must also consider the narrower contribution which includes the additional step of ensuring the compatibility of the message format with the intended mobile receiver. I do not believe that the addition of this step can be said to result in any notable difference to how the contribution is considered in respect to signposts (i) to (iv). With regard to signpost (v), it could perhaps now be argued that there is a technical problem to be solved in terms of ensuring that the message is sent in a message format compatible with the mobile receiver. However, the invention does not provide any solution to that lack of compatibility, but instead simply opts to make use of another, entirely conventional message format if it is determined that the mobile receiver is not compatible with RCS messaging. As such, I believe that this simply circumvents the problem rather than solves it. In this regard, I note the examiner's reference in their examination report of 17 June 2019 to the decision in *AT&T*, in which Lewison J. held that a 'content broker hosting service system' that ensured the compatibility of digital content with the device for which it was intended did not provide the required technical effect to overcome the computer program exclusion. The similarity between the contribution being considered in *AT&T* and that of the narrower contribution in this current application assures me that this additional step cannot help provide the technical contribution required to avoid exclusion.

54 Taking a step back, at its core the contribution is about presenting to the user an entity logo as a visual indication that a message was sourced by a particular sourcing entity. It is does not relate to a new way of authenticating a message itself, nor to a new technical way or ensuring compatibility of a message format with the intended receiving device. I cannot see any technical contribution which extends beyond the computer program exclusion. The only aspect of the contribution which might appear to fall outside of the computer program exclusion is the step of presenting the decrypted entity logo to the user of the mobile receiver in order to

provide a visual indication that the message was sourced by a particular one of the sourcing entities, but this step would appear to instead fall squarely within the presentation of information exclusion as it is solely the content of the information, i.e. the entity logo of the respective sourcing entity, which the contribution is concerned with.

Conclusion

55 In conclusion, I have found that the claims currently on file contain added matter and do not meet the requirements of section 76(2). I have found that the claimed invention, as reformulated to overcome the added matter issues, lies solely in the excluded fields of a program for a computer as such and the presentation of information as such and therefore does not comply with the requirements of sections 1(1)(d) and 1(2) of the Act. I therefore refuse the application under section 18(3).

Appeal

56 Any appeal must be lodged within 28 days after the date of this decision.

B Micklewright

Deputy Director, acting for the Comptroller