



PATENTS ACT 1977

APPLICANT Andres Kruse and Elaine Kruse

ISSUE The Patents Act 1977:
 whether patent application GB1917522.3 complies
 with section 1(2) of the Act

HEARING OFFICER Dr L Cullen

DECISION

- 1 This decision relates to the issue of whether the application, GB1917522.3, meets the requirements of section 1(2) of the Patents Act 1977 (“the Act”).

Background

- 2 Over several rounds of correspondence, the Examiner dealing with this case has maintained that both the claimed invention and the entire content of the application are excluded from patentability under section 1(2)(c) and section 1(2)(d) of the Act. No search for the invention has been performed, on the basis that it would serve no useful purpose in advancing the application under section 17(5)(b) of the Act.
- 3 The applicants have contested the finding of excluded matter over three rounds of correspondence, and despite a number of amendments to the claims, have not been able to overcome the objections raised by the examiner.
- 4 As a consequence of this failure to resolve matters, the examiner invited the applicants to request a hearing before a hearing officer – a senior officer at the IPO who has not previously been involved with this application - in the letter dated 13 September 2021. In this letter the examiner also advised that if no request for a hearing was forthcoming they would refer the application to a hearing officer for a decision on the papers on file.
- 5 In response the applicants filed a further set of amendments to the claims dated 17 January 2022 but did not request a hearing. A telephone conversation between the agent and the examiner took place on 7 February 2022 to discuss these amendments and next steps.
- 6 As the applicants did not respond to the invitation to request a hearing and the examiner considered that the application as a whole relates to excluded subject

matter, the application was referred to me for a decision based on all the papers on file.

- 7 The issues to be decided by the hearing officer were set out in detail by the examiner in the official report dated 23 February 2022. This report also set out the views from the applicant and the examiner on these matters.
- 8 My analysis in the present decision is based upon the claims filed on 17 January 2022 and the corresponding specification.
- 9 The final arguments and observations from the applicants are set out in their letter dated 17 January 2022. For the avoidance of doubt, no further arguments, amendments or auxiliary requests have been received from the applicants after this date.
- 10 The dossier for this patent application, including the claims and the related specification and drawings, the objections raised by the examiner and the applicant's arguments and observations can all be viewed at the IPO's online file inspection service:

<https://www.ipo.gov.uk/p-ipsum.htm>

Subject matter

- 11 As set out in the first paragraph of the description, the invention relates to a computer-implemented method for arranging, organising and mapping ideas or planning processes as part of a graphical workspace for idea management and idea sharing.
- 12 The invention relates to a graphical user interface (GUI) that includes an idea map window (22, figure 2) and a word processor document window (21, figure 2). The idea map window is suitable for displaying and editing a graphical representation of a hierarchical network of nodes which form a main map (19, figure 2). Each node represents an idea and the links between each node represent relationships between these ideas. These ideas can be arranged into multiple subsets of ideas in separate idea map layers (29, figure 5 and 30, figure 6) which may have different node positions and different links or relationships between nodes. The word processor document window displays information associated with the main map. The information is organised and displayed in a sequence which corresponds to the arrangement of ideas in the main map, achieved by traversing the main map in either a clockwise or anticlockwise direction. When one of the subsets of ideas is displayed, the corresponding word processor document display includes only the ideas from the subset organised according to their links/relationships in the subset (figure 5, right hand side). A user can switch between idea map layers, and changes made in any one idea map layer will also be visible in any other idea map layer and its corresponding word processor document display.
- 13 The applicants argue that this method enables information to be provided in a manner that is more helpful and effective for spatial thinkers, i.e., those that conceptualise

knowledge as a holistic system where all knowledge is interconnected in space. This includes dyslexics and many involved in creative and entrepreneurial activities.

- 14 The invention has one independent claim.

The Law

- 15 The relevant law is defined in section 1(2) of the Act and can be viewed online at the IPO's website:

The Act: <https://www.gov.uk/guidance/the-patent-act-1977>

- 16 The Manual of Patent Practice ("The Manual") explains the IPO's practice under the Act and makes helpful references to relevant case law. The Manual can be viewed online at the IPO's website:

The Manual: <https://www.gov.uk/guidance/manual-of-patent-practice-mopp>

- 17 In particular, sections 1.07 to 1.40.1 of the Manual, which relate to excluded subject matter, are relevant to the issues before me.
- 18 There is no dispute concerning the relevant law and its application to the facts of this case.

Argument and analysis

- 19 I have carefully considered the invention as claimed in light of the associated specification and drawings and the applicants' arguments set out in the correspondence on file and the relevant law and practice. I have also considered the objections raised by the examiner in relation to this application. In particular I have noted the arguments advanced in the letter dated 17 January 2022 from the applicants regarding signpost (i) and signpost (v) from *HTC*¹.
- 20 Taking all of these materials into account, I find that I am in agreement with the analysis of the issues and assessment of the invention as set out in the report dated 23 February 2022 prepared by the examiner. As a consequence, I find that the application fails to meet the requirements of section 1(2)(c) and section 1(2)(d) of the Act.
- 21 Having read the application in full, I also find that I am in agreement with the view of the examiner in relation to the dependent claims and I can see no scope for a saving amendment.

¹ *HTC Europe Co Ltd v Apple Inc (Rev 1)* [2013] EWCA Civ 451, [2013] RPC 30

Conclusion

- 22 As patent application GB1917522.3 fails to meet the requirements of section 1(2)(c) and section 1(2)(d) of the Act, it is refused under section 18(3) of the Act.

Appeal

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

Dr L Cullen

Deputy Director, acting for the Comptroller