

PATENTS ACT 1977

APPLICANT Michael Oluwaseun Bamidele
ISSUE Whether patent application GB1818016.6
meets the requirements of the Act
HEARING OFFICER H Jones

DECISION

Introduction

- 1 The application was filed by Mr Bamidele in November 2018 and has since been published as [GB2578725](#). The description of the invention is very brief, running to just over a page of text, a page of claims and four pages of drawings. The invention is concerned with close-range transfer of data between hard drives that can be enabled by biometric authentication. The secure transfer of data can be bi-directional and can involve the transfer of one, many or all of the files stored on one hard drive to the other, including mirror images, configuration files and data files.
- 2 The examiner issued a search report and examination opinion in May 2019 which outlined a lack of novelty and inventiveness of the claims. The applicant requested substantive examination of the application without any amendments being made to the claims, so the examiner reissued his examination opinion as an abbreviated examination report in March 2022 in line with Office practice. The applicant replied with observations concerning the differences between the claimed invention and the prior art cited by the examiner. The examiner issued a further examination report in April 2022 and the applicant replied with further observations and no amendments. In the examiner's final examination report dated 20 June 2022, the examiner replied to each of the applicant's observations and maintained his objections to lack of novelty and inventive step. The applicant has requested a formal decision on the papers.
- 3 Claim 1 of the application reads as follows:

A method for sharing hard drive configurations, filing configurations and computer files simultaneously (and bi-directionally) between multiple personal computers (prime and partner computers) facilitated by a biometrically secure wireless transmission session(s) for close proximity and medium proximity ranges between computers.

Assessment of novelty and inventive step

- 4 The examiner has cited the following two pieces of prior art:

D1: WO2013/101950 A1 (Ebay Inc.)
D2: US2016/0182507 A1 (Apple Inc.)

- 5 D1 relates to a system for transferring the state of a first device to a second device over a near-field wireless communication channel. The wireless transmission can require authentication based on biometric information, e.g. a fingerprint, voice identification, iris scan or facial recognition. The state of a device is transmitted in a package file from one device and extracted on the other, the package file containing all the information stored on the first device that is necessary to mirror its operation on the second. The devices can be personal computers, tablet PCs, set-top boxes, a personal digital assistants (PDAs), cellular telephones, web appliances or any device capable of executing instructions, and transmission can be direct from device to device or indirect via separate network/server.
- 6 D2 describes a system for wireless pairing and communication between devices using biometric data. A wireless communication link may be established between two devices and the link is only established after biometric confirmation involving either or both of the devices. It describes how a device may pair with a host device to obtain configuration files in order to configure itself to more closely resemble the configuration of the host, to obtain files stored by the host, or to synchronise files stored on both devices.
- 7 I agree with the examiner that D1 and D2 both disclose each of the key features of claim 1. In his reply to the office dated 18 April 2022, the applicant sets out a list of differences between his invention and the prior art citations, focussing mostly on aspects of the invention that are not set out in claim 1. For example, the applicant states that the invention provides DNA based authentication at both ends of the exchange and that the citations do not teach this. He adds that DNA based authentication is the focus of the invention. However, the feature of DNA based authentication appears only in claim 5, alongside other possible forms of biometric scanning such as fingerprint scans or eyeball scans. The applicant states that D2 is focussed on optical transmissions and that his invention is non optical. However, this is not the case: D2 describes that in order to pair and communicate data utilising Bluetooth technology it is often necessary to authenticate the pairing or transfer of data with manual passcodes, which can be inconvenient, hence the idea of biometric authentication. Bluetooth is a non-optical communication protocol. The applicant says that the citations focus on packaged files being sent between the two devices whereas the disclosed invention has no requirement for a packaged file to be sent. However, D2 is not limited to the packaging of data prior to transmissions as the applicant suggests. Even if that were true, it is clearly the case that both D1 and D2 are suitable for sharing data in whatever format the files are stored.
- 8 I have reviewed the examiner's objections in respect of claims 2-11 as set out in his very detailed examination report dated [20 June 2022](#), and I agree with his assessment, i.e. claims 2-11 are also lacking in novelty and/or inventive step having regard to the teaching of D1 and D2. Claim 4 requires the biometric scanner to communicate wirelessly with the integrated wireless transceiver in the system, which D1 and D2 do not disclose, but I agree with the examiner that it would be an obvious step for the skilled person to replace a hardwired connection in a wireless manner. D1 and D2 refer to the general requirement for biometric scanning in the authentication step and give examples of such biometric information. DNA is a well-known source of biometric information, so I consider this to be implicitly disclosed in

D1 and D2 (or if it is not, then the skilled person would require no ingenuity to extend such systems to DNA-based authentication).

- 9 Despite the applicant's reluctance to amend the claims to overcome the very reasonable objection advanced by the examiner against claim 1 (and others), the compliance period for putting the application in order remains some time away. However, I have reviewed the application in its entirety and can find no basis for a saving amendment.

Conclusion

- 10 I have found that the invention as defined by claims 1-11 lack novelty and inventive step in the light of D1 and D2. There appears to be no basis for a saving amendment and therefore I refuse the application under section 18(3).

Appeal

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

Huw Jones

Deputy Director, acting for the Comptroller