Pihlgren Oskar

Från: Pihlgren Oskar
Skickat: den 13 mars 2015 14:10
Till: 'Margareta Ydreskog'
Ämne: SV: SE1251231-5 Metoder och system för att verifiera transaktioner

Hej Margareta,
Jag har gått igenom ditt förslag till patentkrav och din argumentation. Jag anser dock fortfarande, med liknande argumentering som i föreläggandet, att uppfinningen saknar uppfinningshöjd. De tekniska särdragen, dvs en dator med en processor och ett minne, är tidigare kända genom D1 och datorimplementeringen av de icke tekniska särdragen anses vara uppenbar för fackmannen.

Som överrenskommet sätter jag en frist för dig att höra av dig senast torsdagen 19/3-2015.

Trevlig helg,
Mvh
Oskar Pihlgren

Från: Margareta Ydreskog [mailto:Margareta.Ydreskog@zacco.com]
Skickat: den 13 mars 2015 10:36
Till: Pihlgren Oskar
Ämne: SE1251231-5 Metoder och system för att verifiera transaktioner

Hej Oscar!
Återkommer enligt överenskommelse i ärende 1251231-5/ vår ref: P41205680SE00

Eftersom denna diskussion är av mer informell karaktär, hoppas jag att du inte har några invändningar att viss del av kommunikationen sker på engelska. Som du säkert förstår har jag fått instruktioner från min kund kring kravändringar och argumentation i ärendet och tänker mig att det blir kostnadseffektivast för deras del om jag kan återanvända materialet utan översättning.

I den fortsatta handläggningen av ärendet föreslår vi följande kravformulering (och nu byter vi språk till engelska):

1. A computer-implemented method for operating a computer verification system to verify~~ing~~ authorisation of a transaction , said method comprising the steps

of:

- receiving, via an interface of the computer verification system, a request from an originator of said request to process an electronic transaction for a

predetermined amount of money, said request comprising data identifying ~~a~~ the particular financial instrument that is desired for use in the transaction;

- dividing, by a processor of the computer verification system, the predetermined amount into a plurality of charges;
- causing, by the processor of the computer verification system, said financial instrument to be debited with each of said plurality of charges;
- storing in a memory unit information relating to said plurality of charges;
- receiving, via the interface of the computer verification system, information relating to said plurality of charges from the originator of said request; ~~and~~
- comparing said stored information to said received information; and verifying said transaction only if said stored information matches said received information ~~is correct~~.

- The support for the above amendments can be found at (since the published PCT specification is not numbered, we ***attach*** here a numbered PCT specification as filed for easy reference, the format of which is not exactly the same as the published PCT specification): Lines 6 to 9, 12 to 29 on Page 8;
- Lines 23 to 27 on Page 25;
  Lines 22 to 33 on Page 10;
  Line 34 on Page 17 to Line 10 on Page 18; and
  Figs 1A to 3B.

I vår argumentation rörande patenterbarheten, återkommer vi till EPO:s beslut i ärende T0844/09 - PayPal. Detta beslut uppfattar vi som intressant och klargörande just med avseende på datorimplementerade uppfinningar för säkerhet vid finansiella transaktioner.

General observations with regard to technical character and inventive step for computer implemented inventions

As confirmed in the appeal decision T0844/09 on the PayPal patent application, although the general idea of the PayPal method described in the original claim 1 may not be considered to be an invention under 52(2) (c) EPC, the PayPal method of the amended claim 1 is defined to be computer-implemented and thus involves a computer as technical means. The transaction processor, the storage means and the user interface recited in the granted claim 1 are technical. Therefore, the EPO finds that, in the PayPal case the claims (as amended) contains both non-technical and technical features and has technical character as whole. As a result, the patentability of the amended claim 1 is not excluded under 52(2) and (3) EPC, see 3.1 of T0844/09.

In assessing inventive step of an invention consisting of non-technical and technical features and having technical character as a whole, only the features that contribute to technical character are considered to be able to support presence of an inventive step, see 5.1 of T0844/09. In distinguishing technical character contributing features from administrative procedure that makes no contribution to technical character, the decision suggests that if the features stem from a technical understanding of the operation of the transaction system and its respective components, the features should be treated as technical character contributing features, as opposed to an administrative procedure, and should be considered in assessing inventiveness, see 5.3 of T0844/09.

Med utgångspunkt från EPO:s beslut och bedömning med avseende på särdrag som får anses ha teknisk karaktär, vill sökanden framför följande argumentation utifrån den ovan angivna kravändringen:

Technical character

The above amendments made to independent claim 1 clarify the operation of the invention, and reflect that the claimed method stems from a technical understanding of a transaction process and a computer verification system by particularly stating that the computer-implemented method is to operate a computer verification system to verify authorisation of a transaction. More technical features were added into independent claim 1 to clarify how the components of the computer verification system are operated with respect to different stages of the transaction process to verify the transaction. For example, the interface of the computer verification system is used to receive the transaction processing request, the processor of the computer verification system is used to divide the predetermined amount of money into a plurality of charges, information relating to the plurality of charges is stored in the memory unit, etc. We consider that all the features in the amended claim 1 are technical features that contribute to technical character of the claimed method. Therefore, the amended claim 1 has technical character.

Inventive step

Although D1 discloses generating and initiating a series of transactions prior to use by the user of a financial instrument, the series of transactions are not related to the transaction the user is making or will

- make, and not determined by "dividing, by a processor of the computer verification system, the predetermined amount into a plurality of charges", as stated the amended claim 1.

- Further, since the series of transactions of D1 are actually extra and separate transactions which apply deposits/credit to the user account but are not transactions made by the user of the financial instrument (see 1st paragraph on page 9 of D1) there is a side effect of producing a financial cost in the real world. This financial cost results directly from the underlying technical approach of D1 (generating extra transactions) to verify a user. Therefore, in D1 "[t]o decrease the cost of performing transactions in this embodiment, one or both of the deposit/credit amounts may be biased toward the lower end of the value range", as stated in lines 4 to 6 on page 9 of D1. Since the value range is limited to $0.01 to $1.00, as stated in line 3 on page 9 of D1, this reduces the security of the whole verification system since it increases the possibility that the values can be guessed as it is within a known range.

In the amended claim 1, no extra transaction is introduced into the verification process, and each of the plurality of charges in the amended claim 1 is part of the predetermined amount and is used for verification purposes. Therefore, no nonrelated transactions are generated and the amended claim 1 is inherently cost neutral. As a result, the amended claim 1 does not suffer from the disadvantage of D1.

Furthermore, since there is no financial cost in the current invention resulting from extra transactions, there is no constraint relating to the way in which the actual transaction is split into a plurality of charges. In other words, the values of the plurality of charges are not biased towards any particular value range, but can be generated randomly from all available possibilities. Also, in many cases, the transaction value is likely to be sufficiently large in order to provide a larger range of values, compared with D1, from which the values of the plurality of charges can be selected. These characteristics make the amended claim 1 more secure than D1 since it is less likely that the values can be guessed.

There is no hint or suggestion of a verification method as defined by the amended claim 1, let alone achieving this by using a processor to split the transaction into a plurality of charges.

Since D1 does not disclose "dividing, by a processor of the computer verification system, the predetermined amount into a plurality of charges", D1 does not disclose the following features of the amended claim 1, which are related to the dividing feature:

> " causing, by the processor of the computer verification system, said financial instrument to be debited with each of said plurality of charges;
> storing in a memory unit information relating to said plurality of charges;
> receiving, via the interface of the computer verification system, information relating to said plurality of charges from the originator of said request;
> comparing said stored information to said received information; and
> verifying said transaction only if said stored information matches said received information."

As detailed in our last response, implementation of the disclosed solution would require a technically skilled person having a computer science related degree, to have an understanding of encryption, and also an ability to address the complexity and requirements for software and systems interworking in financial transaction systems. Input from business and administrative professional could provide knowledge on the interrelationship between online merchants and customers, but would neither lead to an understanding of how a technical solution for verification of a specific transaction could be based on the predetermined amount to be debited for the specific transaction nor to how such a technical solution could be implemented.

- Therefore, all the above features stem from a technical understanding of a computer verification system and a transaction process in light of the technical problem to be solved, and are not disclosed by D1. As a result, these features contribute to the inventiveness of the claimed method.

Motsvarande argumentation och ändringar är naturligtvis även applicerbara på de självständiga kraven 8, 25, 25, 33 och 42.

Även om du har lite varierande språkbruk i diskussionen ovan, hoppas jag att du har möjlighet att beakta argumentationen och de föreslagna kravändringarna. Om du ser detta som en framkomlig väg i den fortsatta handläggningen av ärendet, kommer vi naturligtvis att lämna in ändrade krav på svenska och en inlaga innefattande argumentationen ovan, men på svenska.

Jag skulle uppskatta om du bekräftar mottagande av mejlet. Jag vill även tacka för att vi får denna möjlighet till underhandsdiskussion av ärendet. I övrigt önskar jag dig en trevlig helg och ser fram emot en återkoppling när du har hunnit gå igenom kravändringsförslag och argumentation.

Mvh, Margareta

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