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Patent application No. 1800140-4
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Applicant: Selitha Publishers/The Marquise Museum of
Contemporary Art
Agent: Ref:
Title: Dualchain business method

A written reply must be received by the Swedish Patent and Registration Office (PRV) no later than 2019-07-15.

You are required to rectify the deficiencies detailed in the attached statement, no later than the date specified above.

If the deficiencies are not rectified in time, the application will be dismissed (see Section 15 Paragraph 2 of the Patents Act).

If a reply is received in time, but the deficiencies are not completely rectified, the application may be concluded using the documents PRV has access to, without further correspondence.

Statement

Deficiencies affecting substantive examination of the application

Section 1 of the Swedish Patents Act

An invention relating to purely a business method lacks technical character and is therefore excluded from patentability i.e. is not an invention within the meaning of Section 1 of the Swedish Patents Act.

The subject matter of:

- Claim 1 discloses a method of using two tokens for logistical purposes
- Claim 2 discloses a two-tier business method using distributed ledgers
- Claim 3 discloses a logistical method of handling business goods using dualchain

merely relates to business methods, **and as such, in its current form, are not inventions within the meaning of Section 1 of the Swedish Patents Act.**

Section 8 of the Swedish Patents Act

Claim 1-3 are unclear as they do not contain those features which are essential for defining the invention for which protection is sought. Claims 1-3 lacks information regarding what context or medium the method is executed in.

Claim 1 does not disclose how two tokens are issued, and furthermore merely references a desirable result to enable a centralized and decentralized method of logistical distribution to users by issuing two tokens.

Claim 2 lacks clarity and merely discloses a desire for protection of an undisclosed method using various products and/or algorithms.

Claim 3 lacks clarity and merely discloses a desire for protection of an undisclosed method for desirably tethering physical goods to a dualchain.

Furthermore, the invention according to claim 1-3 uses vague terms “two tokens”, “two tier” and “dualchain”. The examiner led by the description understands that these terms refers to the same invention (see description page 1 lines 1-5, page 6 lines 1-20).

Due to the lack of disclosure of necessary features, a person skilled in the art would be unable to exercise the claimed invention. Consequently, the claim in its present wording does not fulfill the requirement of Section 8 of the Swedish Patents Act.

However, the examiner, led by the description, understands that the invention according to claim 1-3 has technical elements to be examined. The technical elements regarding using a website, implying a computing device, for generating two tokens represented as a crypto, implicitly understood to mean cryptographic means can therefore be assessed (see description page 1, section 2).

The notice is therefore based on the assumption that the tokens according to claim 1 are generated with cryptographic means on a computing device. The notice is further based on that the two tier method and the dualchain referred to in claims 2-3 refer to the two tokens according to claim 1.

Assessment

Novelty	Claim	1-3	Yes
	Claim		No
Inventive step	Claim		Yes
	Claim	1-3	No
Industrial applicability	Claim	1-3	Yes
	Claim		No
Not searched	Claim	---	
Not assessed	Claim	---	

Cited documents

Document D1: Exotics trading with cryptocurrency – bitcar whitepaper 2.4, 2018-01-14 [online] [retrieved 2019-03-11], Retrieved from the Internet
<URL: https://bitcar.io/documents/Bitcar_Whitepaper.pdf >

Reasoning

Independent claim 1

See deficiencies regarding claim 1.

The issuance of two tokens to enable a centralized and decentralized method of logistical distribution to users according to rules presented in this application with variations to circumvent the protection.

Document D1 represent the closest prior art. D1 discloses the use of two levels of blockchain tokens using exotic cars as a backed asset (see abstract, page 4).

D1 further discloses:

- The use of two tokens wherein a CAR token is representing an asset and a BITCAR token is representing a currency (see page 4 lines 21-25). This corresponds to the tokens in the claim.
- The tokens are issued by a computing device with cryptographic means using Ethereum smart contracts and blockchain (see page 4 lines 21-25, page 42 lines 1-10). The use of blockchain implies a decentralized method.
- The system issuing said tokens (see page 30 lines 1-20, page 41 paragraph 2). It is implicit that the issuing is done on a computing device.
- A centralized platform for connecting messages, tokens and assets (see page 29 line 1 – page 30 line 20).

The invention according to claim 1 differs from what is disclosed by D1 in that the tokens enable a method of logistical distribution to users.

The difference merely relates to a business method, and as such, lacks technical character according to Section 1 of the Swedish Patents Act. In the technical context of the invention, the full subject matter of claim 1 is taken into account when assessing inventive step. However, the above difference does not contribute to the inventive step.

Therefore, the subject matter of claim 1 is not considered to differ substantially from what is known from D1. Accordingly, the invention according to claim 1 does not involve an inventive step and cannot be granted a patent (Section 2 of the Swedish Patents Act).

Independent claim 2

See deficiencies regarding independent claims 2.

Independent claim 2 discloses the method disclosed in claim 1 wherein the token deployment options are Counterparty for Bitcoin chain, ERC-20 for Ethereum, Waves for Waves chain or any other method for distributed ledgers or similar solutions.

Document D1 represent the closest prior art. D1 discloses the use of ERC-20 and Ethereum (see page 30 lines 1-20). Then follows a similar argument regarding inventive step as for claim 1.

Therefore, the subject matter of claim 2 is not considered to differ substantially from what is known from D1. Accordingly, the invention according to claim 2 does not involve an inventive step and cannot be granted a patent (Section 2 of the Swedish Patents Act).

Independent claim 3

See deficiencies regarding independent claims 3.

Claim 3 disclosed the use of dualchain tethered to physical goods.

Document D1 represent the closest prior art. D1 discloses the use of CAR tokens representing an interest in a physical car (see page section 5.2). This corresponds to the tethering to physical goods disclosed in the claim. Then follows a similar argument regarding inventive step as for claim 1.

Therefore, the subject matter of claim 3 is not considered to differ substantially from what is known from D1. Accordingly, the invention according to claim 3 does not involve an inventive step and cannot be granted a patent (Section 2 of the Swedish Patents Act).

Per Karlsson

Patent Examiner

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Appendix to the Notice

Changes to the claims

Claims may not be amended so that they contain something not apparent from the original application. If a claim is amended so that new characteristics are included, you should also indicate where the corresponding information is to be found in the application as originally filed.

Provide new printouts

Remember to include new copies of each and every page of the sections of the patent application you have made changes to. If, for example, you altered the description, you must submit the full description again, enclosed with your reply to this Notice.

Withdrawing the application

Please note that you risk having your application published under Section 22 Paragraph 2 of the Patents Act if the last date for responding to this Notice (see page 1) is close to the publication date. The patent application becomes public 18 months from the filing/priority date, unless the application is decided upon before then. However, the application is not dismissed automatically when the response period has expired, PRV must take the decision to dismiss the application. If you do not intend to pursue your application you should therefore expressly withdraw the application in order to avoid publication. If an application has been withdrawn, it cannot be resumed later.