PRV
SWEDISH PATENT AND REGISTRATION OFFICE

NOTICE (4 MONTHS)

Date 2020-03-04

Patent application No. 1800140-4
International classification (IPC) G06Q20/00

Selitha Publishers/The Marquise Museum of Contemporary Art
c/o Kerstin Celander Olsson
Serenadgatan 28
215 72 Malmö

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 2020-07-06.

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.

P.O. Box 5055, SE - 102 42 Stockholm, Sweden [Visitors: Valhallavägen 136]
Phone: +46 8 782 28 00, Fax: +46 8 666 02 86, Bankgiro: 5050 - 0248
prv@prv.se, www.prv.se

Statement

Summary
This is a second notice with regards to the applicant's response dated 2019-03-18. PRV cannot grant you a patent as the invention is not regarded as inventive with regards to prior art and the claims comprises several deficiencies with regards to Section 1 and Section 8 of the Swedish Patents Act.

Deficiencies affecting substantive examination of the application
Section 1 of the Swedish Patents Act
Claims 1-3 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 also lack information regarding what context or medium the method is executed in.

Claim 1 does not disclose how two tokens are issued, and 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 since it merely discloses a desire for protection of an undisclosed method using various products and/or algorithms.

Claim 3 lacks clarity since it 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, and the response from the applicant, understands that these terms refers to the same invention (see description page 1 lines 1-5, page 6 lines 1-20).

Due the lack of disclosure of necessary technical features, a person skilled in the art would be unable to exercise the claimed invention. The claims need to present all the **technical** features, where each claim shall state those features that are necessary for the intended result to be achieved (Section 12 of the Swedish Patent Regulations).

Claims 1-3 do not present any technical steps, and instead just defines the subject matter in terms of the result to be achieved which merely amounts to a statement of the underlying problem. Consequently, the claims in its present wording do 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 claims 1-3 has some technical elements to be examined such as 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).

As such, the only technical features relevant for assessment is a computing device using or generating two cryptographical tokens.

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

The examiner will in the following text answer the opposing arguments raised by the applicant's response. The arguments are arranged in the same order as the applicant in the response.

Claim 1

Tokens

The applicant argues that the token issuance is well documented in patent application which demonstrates a visual and verbal example of the simplistic token issuance process. While this may be true, independent claims of a patent and patent application need to disclose all technical features needed for a person skilled in the art to perform the invention and they need to be disclosed unambiguously (Section 8 of the Swedish Patents Act).

The current claim only discloses that tokens are issued, which is not a technical feature without any context or further details of the issuing procedure, context of the issuing, and how the tokens enable the result stated, that is to 'enable a centralized an decentralized method of logistical distribution to users according to rules".

Claim 2

Foreign patent law

The applicant argues that the invention is patentable under laws in the United States. This is however of no relevance to Swedish law or the Swedish Patents Act.

PRV Phone call

The applicant argues that PRV has encouraged the applicant to file a patent. The examiner finds no records of a phone call of the matter related to the application, and it is not the duty of the agency to give advice on any matter regarding whether to file or not to file a patent application. It is however of no relevance to the subject matter of patentability, as it is only the subject matter of the claims that is assessed by the examiner.

Copy of documents

The applicant is requesting a copy of the received documents in order to ensure that it is the same content of 17 pages that was delivered by the applicant during summer of 2018. The examiner directs the applicant to PRVs file inspection webpage "aktinsyn" available at https://tc.prv.se/aktinsyn .The applicant can, on the webpage, enter the application number and see a digital copy of all documents, notices and notes relating to the application. As such, we can clearly state that incoming 2018-08-15, we have in total received a form consisting of 3 pages, a description of 8 pages, claims 1 page, abstract 1 page, and drawings of 4 pages which makes a total of 17 pages as stated by the applicant.

Demonstration

The applicant is offering to demonstrate the invention for an examiner in Stockholm. The examiner does not see the relevance in a demonstration as the examiner is insisting that the technical features of the invention is understood fully. The examiner wishes to note that while the applicant can request an informal discussion over the phone or in person (muntlig konferens), the examiner does not see how this would advance the case in any meaningful way.

Second layer abstraction

The applicant argues that the invention is enabling a new abstract second layer use case for previously disclosed technology. This is however not relevant for two reasons:

1) It is not stated in the claim.
2) It does not disclose any technical feature relevant for assessment as it is merely a statement of a result to be achieved.

Claim 3

The examiner interprets the response from the applicant as that the applicant agrees with the examiner in that claim 3 is novel but lacks inventive step due

to merely disclosing a business method.

The applicant wishes to transfer the application to the United Stated, or a separate international application. This is however of no concern regarding the patentability of the application under the Swedish Patents Act and is a matter completely separate from the technical assessment of the invention.

Arguments regarding Section 8 of the Swedish Patents Act
Correct filings
The applicant argues that PRV does not have the correct application. As previously stated, the applicant can observe the documents associated with the application at above mentioned website.

However, the examiner wishes to point out that each claim (which all have been disclosed in the previous notice) shall state those features that are necessary for the intended result to be achieved (Section 12 of the Swedish Patent Regulations). This is not the case with the current claims as they only comprise business methods or results to be achieved and can only implicitly by knowledge of the field and led by the description be understood to have some technical features, namely a computing device comprising two cryptographic tokens.

Decentralized platform
The applicant argues that the technical elements are part of a cryptographic decentralized platform and marketplace called waves dex, and Internet websites through a domain provider.

The examiner agrees that while this may be the case, however, this information is not relevant for two reasons:

1) It is not stated in the claim.
2) It does not disclose any technical feature relevant for assessment as it is merely a statement of a result to be achieved and does not resolve the problem of clarity as it discloses no new technical features relating to the tokens or other features in the claims.

Use case
The applicant argues that the claims disclose a novel use case with commercial value. The examiner agrees that the claims are novel, and thus offer a novel business use case. The claims however only relate to business methods which are not relevant for assessing inventive step as the subject matter of business methods is considered a non-technical feature (Section 1 of the Swedish Patents Act). Therefore, it is not relevant for assessment.

Contested date of prior art
The applicant questions that the prior art cited in the previous notice was actually publicly available when filing the patent application. The applicant argues this both by the fact that it is possible to forge dates, and that some

specific third party sources have not reported on the subject matter of the prior art.

The examiner has conducted a thorough investigation of the prior art date and has no reason to question the dating of the document.

Separation of decentralized and centralized market
The applicant argues that there is a technical feature in separating a decentralized and a centralized market using two distinct blockchain tokens layered into a business method. The examiner disagrees with this statement, as no technical feature has been given to support this claim. Furthermore, separation of markets relates merely to a business method which is a non-technical feature not relevant for assessment (Section 1 of the Swedish Patents Act).

Fraud and financial loss prevention
The applicant argues that the inventive step of the application influences user behavior to conform to rules, which further prevents fraud and financial loss. The examiner disagrees that this is of relevance to inventive step as the subject matter of user influencing, fraud prevention, and financial loss are all non-technical features providing no technical effect (Section 1 of the Swedish Patents Act). Furthermore, no technical features are disclosed to achieve this result.

Other statements
Any legal matter regarding the applicant and other parties such as foreign countries or other organizations is of no concern regarding the technical assessment of the patent application.

PRV cannot give any advice on how to proceed with your innovation in terms of presenting it to the public, however, the patent application is during the time of writing, public since 2019-11-05.

Concluding reasoning regarding patentability
Hence, the same statement as the previous notice regarding inventive step applies.

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 two 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).

Magnus Norgren
Patent Examiner
Telephone reception: 08-782 28 00, direct 08-782 25 51

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.