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D E C I S I O N
of 17 November 2005

Case Number: T 0317/04 - 3.4.03

Application Number: 90309751.7

Publication Number: 416916

IPC: G07F 7/10

Language of the proceedings: EN

Title of invention:
An electronic cashless system

Patentee:
FUJITSU LIMITED

Opponent:
GIESECKE & DEVRIENT GmbH

Headword:
Cashless/FUJITSU

Relevant legal provisions:
EPC Art. 100(c), 111(1)

Keyword:
"Remittal to the department of first instance"

Decisions cited:
-

Catchword:
-



Case Number: T 0317/04 - 3.4.03

D E C I S I O N
of the Technical Board of Appeal 3.4.03
of 17 November 2005

Appellant: FUJITSU LIMITED
(Proprietor of the patent) 1015, Kamikodanaka
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Kanagawa 211 (JP)

Representative: Stebbing, Timothy Charles
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Respondent: GIESECKE & DEVRIENT GmbH
(Opponent) Prinzregentenstr. 159
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Decision under appeal: Decision of the Opposition Division of the
European Patent Office posted 29 December 2003
revoking European patent No. 416916 pursuant to
Article 102(1) EPC.

Composition of the Board:

Chairman: R. G. O'Connell
Members: G. Eliasson
T. Bokor

Summary of Facts and Submissions

- I. This is an appeal against the revocation of European patent 0 416 916 on the ground that the subject matter of claim 1 extended beyond that of the application as filed (Articles 100(c) and 123(2) EPC).
- II. The appellant proprietor filed amended claims with the statement of grounds of appeal.
- III. At oral proceedings before the board, the parties made the following requests:

The appellant proprietor requests that the decision under appeal be set aside and that the patent be maintained on the basis of claims 1 to 9, submitted with the statement of the grounds of appeal as first auxiliary request, promoted to main request during the oral proceedings.

The respondent opponent requested that the appeal be dismissed.

- IV. Claim 1 under consideration reads as follows (emphasis by the board):

"1. An electronic cashless system comprising:
a cashless medium (1) having a memory means (11) storing amount information and a personal identification code, key input means (216) to be operated by an owner of the cashless medium, and operation means (12) for putting the cashless medium in an active state when the personal identification code matches a personal

identification code inputted to the cashless medium (1) through the key input means, and for subtracting a purchase amount from said amount information when making a transaction with a seller and storing the result in said memory means (11);

an automatic transaction terminal device (2) having reading/writing means for writing amount information to the cashless medium (1); and a center device (3) for receiving payment information processed by the cashless medium (1); characterised in that:

the center device (3) comprises:

a deposit ledger file (321), connected to the automatic transaction terminal device (2), storing amount information on amount balances of multiple accounts;

a non-settled fund file (322) for storing amount information; and

a seller ledger tile (323) for storing amount information on an amount balance of each seller;

and in that said amount information stored in the memory means (11) of the cashless medium (1) is a balance which is decreased when making a transaction with a seller, and **is increased or decreased by respectively transferring funds from a deposit account of the owner to the non-settled fund file, or from the non-settled fund file to a deposit account of the owner.**"

- V. The respondent opponent made no objections under Articles 84 and 123 (2) and (3) EPC against the present request.

Reasons for the Decision

1. The appeal is admissible.
2. *Amendments and Clarity*
 - 2.1 The only issue dealt with in the decision under appeal was the ground for opposition under Article 100(c) EPC, i.e. whether the subject matter of the patent as amended extends beyond the content of the application as filed. This ground of opposition was introduced by the opposition division of its own motion pursuant to Article 114(1) EPC.
 - 2.2 With respect to claim 1 as granted, present claim 1 further specifies in the last paragraph that the balance stored in the cashless medium is increased or decreased by respectively transferring funds between a deposit account of the owner to the non-settled fund file or from the non-settled fund file to a deposit account of the owner. This is described in detail in column 15, lines 28 to 33, column 19, lines 2 to 9 and 34 to 42 and column 20, lines 27 to 36 of the application as published.

The subject-matter of the amended claim is thus directly and unambiguously derivable from the application as originally filed. The amended features furthermore restrict the protection conferred with

respect to claim 1 as granted. The amendments are furthermore clear.

Claim 1 as amended therefore meets the requirements of Articles 84 and 123(2) and (3) EPC.

3. Since the decision under appeal dealt only with the ground of opposition under Article 100(c) EPC, the opposition division has not dealt with the question whether the claimed subject matter involves an inventive step having regard to the prior art cited by the opponent (Article 100(a)). The board therefore finds it appropriate to remit the case to the department of first instance for further prosecution pursuant to Article 111(1) EPC.

Order

For these reasons it is decided that:

1. The decision under appeal is set aside.
2. The case is remitted to the department of first instance for further prosecution.

Registrar

Chair

D. Meyfarth

R. G. O'Connell