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**Datasheet for the decision
of 1 February 2008**

Case Number: T 0781/05 - 3.4.03

Application Number: 97934782.0

Publication Number: 0960395

IPC: G07C 9/00

Language of the proceedings: EN

Title of invention:

Identity card, information carrier and housing designed for
its application

Applicant:

Chiptec International Ltd.

Opponent:

-

Headword:

-

Relevant legal provisions:

EPC Art. 52(1), 54, 56

Keyword:

"Novelty, inventive step (yes) - after amendment"

Decisions cited:

-

Catchword:

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Case Number: T 0781/05 - 3.4.03

D E C I S I O N
of the Technical Board of Appeal 3.4.03
of 1 February 2008

Appellant: Chiptec International Ltd.
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Representative: Jilderda, Anne Ayolt
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Decision under appeal: Decision of the Examining Division of the
European Patent Office posted 5 January 2005
refusing European application No. 97934782.0
pursuant to Article 97(1) EPC.

Composition of the Board:

Chairman: R. G. O'Connell
Members: R. Bekkering
U. Tronser

Summary of Facts and Submissions

- I. This is an appeal against the refusal of application 97 934 782 for lack of novelty (main request), lack of inventive step (first auxiliary request) and added subject-matter (second auxiliary request).

At oral proceedings before the board the appellant applicant requested that the decision under appeal be set aside and a patent granted on the basis of the following documents:

Claims 1 to 8 and description pages 1 to 12 filed during oral proceedings and drawings as originally filed (and published).

- II. Claim 1 reads:

"1. An electronic travel document comprising a portable information carrier device, the information carrier device comprising a memory to store personal user data, including personal details identifying the user and personal characteristics data of the user, and comprising means to read and represent said personal details which identify the user, in which said means comprise a portable unit to receive said portable information carrier having representation means to represent said personal details which identify the user, in which said personal characteristics data comprises personal characteristics parameter data derived from personal characteristics data of the user, and in which the information carrier device comprises processing circuitry which is set to compare personal characteristics parameter data derived from externally

generated personal characteristics data with said personal characteristics parameter data which is stored in said memory and to provide a result indicating if the stored personal characteristics data matches the externally generated personal characteristics data."

III. The following prior art documents are referred to:

D1: EP-A-0 159 539

D2: DE-A-37 06 466

D4: EP-A-0 292 249

D11: WO-A-94 23399

IV. The appellant applicant argued as follows:

The subject-matter of claim 1 was novel and involved an inventive step over the cited prior art. Document D4 was the only prior art dealing with a travel document. However, there was no suggestion therein of a portable unit for displaying personal details identifying the user. Furthermore, no biometric data or parameter data were involved and there was no comparison of such data with externally generated biometric data for identification purposes.

Document D2 was concerned with access to a system and not with a travel document and thus related to a different technical field. Furthermore there were no personal data stored on the card and no means for displaying such data. Moreover, raw sensor data were used rather than biometric parameter data and the

comparison with the stored data was performed in the unit reader and not in the card.

Reasons for the Decision

1. The appeal is admissible.
2. *Amendments*

Claim 1 is based on claims 1 and 5 as originally filed and page 9, second paragraph and page 10, second paragraph of the description as originally filed.

Dependent claims 2 and 3 are based on original claim 2 and page 3, second paragraph of the description as originally filed.

Dependent claim 4 is based on page 8, last paragraph and page 10, second paragraph of the description as originally filed.

Dependent claims 5 and 6 are based on original claim 6 and page 6, second paragraph of the description as originally filed.

Dependent claims 7 and 8 are based on page 11, second paragraph of the description as originally filed,

The amendments thus comply with Article 123(2) EPC.

3. *Novelty*

3.1 *Document D4*

Document D4 discloses an electronic token - such as a smart card - having processing means, memory means and input/output means and which is attached to a document. The token is programmed with data pertaining to the document and its user. Moreover a read/write unit is disclosed for interacting with the token to interrogate or change the data stored within the token (column 1, line 58 to column 2, line 21). As described in D4, in order to access the token using the reader, the user will be required to enter passwords and/or PIN numbers in the usual manner. The intelligence of the processing electronics within the token can be used to permit or deny access to the primary (parts) or to varying parts of it dependent upon the user. Varying levels of security with or without authentication may be applied and received or transmitted data may be encrypted. The electronic token may be secured to a passport where a machine readable version of the visual contents of the passport is maintained securely in the memory. Entry and exit details, visas etc. can be added to the passport and token as it is used (column 3, line 28 to column 4, line 11).

The subject-matter of claim 1 differs herefrom by the following features:

- the means for reading and representing the personal details which identify the user (the read/write unit in document D4) is a portable unit having representation means to represent the

personal details which identify the user and is comprised in the electronic travel document, and

- the data stored comprises personal characteristics parameter data derived from personal characteristics data of the user, and the device comprises processing circuitry set to compare personal characteristics parameter data derived from externally generated personal characteristics data with said personal characteristics parameter data stored in said memory and to provide a result indicating whether the stored personal characteristics data matches the externally generated personal characteristics data.

The subject-matter of claim 1 is accordingly new over document D4 (Articles 52(1) and 54(1) and (2) EPC).

3.2 *Document D2*

Document D2 discloses a portable unit for chip cards with a reader unit, a display and a keyboard for use in a data exchange system wherein access authorisation to the system is verified by a comparison between a PIN entered by means of the keyboard and a PIN stored in the chip. The portable unit is equipped with a recessed grip for receiving the hand of the user, said grip having a plurality of different sensors for the acquisition of biometric data, for instance pertaining to hand geometry, fingerprint, skin temperature or skin resistance. The biometric data acquired by the sensors are forwarded to the chip card and checked for identity with data stored thereon. Thereby a simple, unmanipulable identification of the rightful chip card

owner is ensured (column 2, lines 11 to 15 and lines 42 to 52).

Contrary to the appellant's contention, in the board's reading of document D2 at least some of the biometric data considered qualify as "personal characteristics parameter data derived from externally generated personal characteristics data" and are compared by the processing circuitry of the chip card with "personal characteristics parameter data" stored in the card as per claim 1.

However, the subject-matter of claim 1 differs from D2 by the following features:

- the chip card is a travel document,
- personal details identifying the user are stored on the card and the reader unit is set for displaying such details, and
- the reader unit is comprised in the travel document.

Hence the subject-matter of claim 1 is also new over document D2 (Articles 52(1) and 54(1) and (2) EPC).

3.3 The subject-matter of claim 1 is also new over the remaining available prior art.

4. *Inventive step*

4.1 Document D4 relates to a travel document and is judged by the board to provide the closest prior art.

Although in the judgement of the board, having regard to the above listed differences between claim 1 and document D4, it would be obvious to a skilled person to strengthen the PIN protection of personal data on the card against unauthorised access disclosed in D4 by adding a biometric data verification as suggested in document D2, it would not be obvious further to provide a portable unit as part of the travel document with representation means to represent personal details identifying the user stored on the card.

Generally, and this is evidently also the case for the passport of document D4, the read/write unit is owned and controlled by the customs or other verifying authority and not comprised in the travel document of the user. These conventional read/write units are however relatively advanced pieces of equipment and will not be generally available everywhere. Where this equipment is not available, eg in case of apprehension of the user on the street or in a country in which the infrastructure required for automatic identification does not exist, the portable unit of claim 1 as part of the travel document provides at least for the primary reading and representation means in order to be able to establish at least the alleged identity of its user. In this way the invention provides for an identity card which is compatible with both modern, progressive identification methods and a more conventional method of identification (original application, page 2, line 30 to page 3, line 5).

The above problem and claimed solution is not addressed or rendered obvious by document D4.

In the system disclosed in document D2, the reader unit is part of the systems infrastructure, is bulky and does not form part of what is carried by the user. Furthermore, the reader unit does not serve to display personal details which identify the user stored on the card. Therefore this document does not render the claimed solution obvious either.

Although portable reader units for cards to be carried by the card owner are *per se* known (see eg documents D1 and D11), none of these are for reading and displaying personal details which identify the user within the context of a travel document, let alone one including biometric data.

It follows that the subject-matter of claim 1, having regard to the available state of the art, is not obvious to the person skilled in the art and, thus, involves an inventive step (Articles 52(1) and 56 EPC).

- 4.2 Claims 2 to 8 are dependent on claim 1, providing further limitations. The subject-matter of these claims, therefore, also involves an inventive step.
5. The description has been adapted to the amended claims.
6. The patent application amended in accordance with the appellant's request also meets the remaining requirements of the EPC, so that a patent can be granted on the basis of these documents.

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 with the order to grant a patent in the following version:

Claims 1 to 8 and description pages 1 to 12 filed during oral proceedings and drawings as originally filed (and published).

Registrar

Chair

S. Sánchez Chiquero

R. G. O'Connell