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Datasheet for the decision of 26 July 2023

Case Number: T 2462/18 - 3.5.01

Application Number: 10745874.7

Publication Number: 2396756

IPC: G06Q20/00

Language of the proceedings: EN

Title of invention:
APPARATUS AND METHOD FOR COMMERCIAL TRANSACTIONS USING A COMMUNICATION DEVICE

Applicant:
4361423 Canada Inc.

Headword:
Transaction terminal/CANADA

Relevant legal provisions:
EPC Art. 56

Keyword:
Inventive step - (no)

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Case Number: T 2462/18 - 3.5.01

D E C I S I O N
of Technical Board of Appeal 3.5.01
of 26 July 2023

Appellant: (Applicant)	4361423 Canada Inc. 4141 Sherbrooke St. W., Suite 400 Montreal QC H3Z 1B8 (CA)
Representative:	Grünecker Patent- und Rechtsanwälte PartG mbB Leopoldstraße 4 80802 München (DE)
Decision under appeal:	**Decision of the Examining Division of the European Patent Office posted on 3 May 2018 refusing European patent application No. 10745874.7 pursuant to Article 97(2) EPC.**

Composition of the Board:

Chairman	W. Chandler
Members:	L. Falò
	C. Schmidt

Summary of Facts and Submissions

I. This is an appeal against the examining division's decision to refuse European patent application No. 10745874.7.

II. The application was refused on the grounds of added subject-matter (Article 123(2) EPC) and lack of inventive step (Article 56 EPC) over D1, WO 02/33669.

III. In the statement setting out the grounds of appeal, the appellant requested that the decision of the examining division be set aside and that a patent be granted on the basis of the sole request filed therewith. There was a further auxiliary request for oral proceedings.

IV. In the communication accompanying the summons to oral proceedings, the Board set out its preliminary view that the claims of the request complied with the requirements of Article 123(2) EPC, but were not inventive over D1. The Board also raised an objection under Article 84 EPC.

V. In a letter of reply the appellant informed the Board that it did not intend to file further submissions nor to attend the oral proceedings, which were subsequently cancelled.

VI. Claim 1 of the main request reads:

An apparatus for effecting a commercial transaction with a remote transaction server using a transaction card via a communication device,

characterized in that

said apparatus comprises:

an input device for capturing information from the transaction card, said input device comprises a device selected from: an analog signal reader, a digital signal reader, a bar code reader, a magnetic stripe reader, an integrated circuit reader, a smartcard reader, an EMV reader, an optical scanner and any combination thereof;

a controller for converting the captured transaction card information into a signal having an analog format suitable for transmission to an analog hands-free jack of said communication device, said communication device being a mobile phone; and

a connector adapted to be inserted into said analog hands-free jack of said communication device for the transmission of analog format signals therebetween;

wherein when said input device captures the transaction card information, said controller converts the transaction card information into said analog format signal and transmits said converted signal via said connector to said communication device;

wherein said communication device transmits the captured card information to the remote transaction server, the remote transaction server sends the received card information to a remote processor of the institution that has issued the transaction card, the remote processor of the institution that has issued the transaction card validates the transaction, transaction validation information is then returned to the remote

transaction server which in turn returns the transaction validation information to the communication device.

VII. The appellant's arguments can be summarised as follows:

The system of D1 requires three components (a POS device, a payment terminal and a mobile phone). The system according to the invention only requires two (a POS transaction device and a mobile phone), which makes it less expensive. A further difference is that the terminal of D1 does not include an input device suitable for capturing information from a transaction card. Providing such a device would not be obvious for the skilled person who, starting from the system of D1, would rather make use of the input means already provided in the POS terminal. A further benefit of the claimed apparatus is that it is more portable.

Reasons for the Decision

Inventive step

1. The invention concerns a device for carrying out commercial transactions. Known systems typically combine POS terminals with communication devices for connecting with external servers. Because of the many different software and hardware platforms available, combining these devices may lead to compatibility problems. In some cases, the installation of specific software on the communication device may be required (see description, paragraph [0004]).

The invention addresses these problems by providing a transaction device which includes an input interface

for capturing transaction card data (paragraph [0073], Figure 4, 12, 38, 39), as well as a controller for converting the captured information into an analog signal (for example an audio signal, see paragraph [0074]). The signal is then transmitted to a communication terminal using an analog channel over a wired or wireless communication link (paragraph [0076], Figure 2, 30), and forwarded by the terminal to the remote transaction server (paragraph [0077], Figure 6, 26, 22). In this way, the communication terminal is not involved in the processing of the transaction data as it merely relays the analog signal between the apparatus and the server. This simplifies the interface requirements and increases compatibility.

2. D1 discloses a payment terminal device adapted to connect to an authorisation centre over a mobile phone in order to exchange payment data (page 2, lines 4 to 13). The payment device and the mobile phone communicate by exchanging acoustic signals over a voice channel. The acoustic signals from the payment device are relayed to the authorisation centre and vice versa over the mobile phone (page 3, lines 11 to 28). The authorisation centre is similar to those used for credit card authorisation and may be connected over a data network to another financial information system, such as a bank (page 6, last six lines, Figure 1, 6).

3. D1 does not disclose the feature of providing an input device suitable for capturing information from a card and comprising "*a device selected from: an analog signal reader, a digital signal reader, a bar code reader, a magnetic stripe reader, an integrated circuit reader, a smartcard reader, an EMV reader, an optical scanner and any combination thereof*".

In the Board's view, however, this feature is an obvious solution to the technical problem of automating the process of entering of transaction data.

The appellant argued that the skilled person, starting from D1, would not provide further input means, since these were already provided in POS terminals, to which the device of D1 was coupled.

The Board is not persuaded by this argument. The payment device of D1 includes a keyboard, which is typically also present in POS terminals (page 5, lines 12 to 15). Hence D1 not only does not teach away, but explicitly discloses duplicating at least one type of input means normally present on POS terminals on the transaction terminal device.

4. Claim 1 further differs from D1 in that the connector is adapted to be inserted in the analog hands-free jack of the communication device.

The Board observes that the data exchanged between the payment device of D1 and the communication device (mobile phone) are voice data information or acoustic signals in the frequency band of the human voice (page 2, lines 19 to 32; page 3, lines 10 to 26). The coupling means of the payment device are connected to the mobile phone over a wired connection via "*a plug connector of the mobile phone in order to exchange information or voice data information in the form of electrical signals between the mobile phone and the coupling means*" (page 4, lines 9 to 17).

This renders a connection over the analog hands-free jack of the mobile phone one of the obvious design choices, if not the most obvious.

5. The appellant argued that the system of D1 requires three components (a POS device, a payment terminal device and a mobile phone), while the invention only requires two.

The Board disagrees. Even though the payment device of D1 does include an interface for connecting to a point of sale (POS) device or to release means of a vending machine (page 2, lines 32 to 33, page 10, last paragraph, Figure 1, 13), an interaction with these means is not necessary for processing the transaction, which is carried out through the exchange of payment data between the payment device and the authorisation centre (see for example page 2, lines 12 to 19). Moreover, integrating the POS and the payment device as a single terminal would be an obvious design possibility for the skilled person.

6. A further argument was that the invention improved portability. The Board cannot however identify in claim 1 any feature which credibly increases portability in comparison with the system of D1.

7. Accordingly, none of the distinguishing features can establish an inventive step over D1 so that claim 1 of the sole request is not inventive (Article 56 EPC).

Order

For these reasons it is decided that:

The appeal is dismissed.

The Registrar: The Chairman:

T. Buschek W. Chandler

Decision electronically authenticated