BESCHWERDEKAMMERN DES EUROPÄISCHEN PATENTAMTS

BOARDS OF APPEAL OF THE EUROPEAN PATENT OFFICE

CHAMBRES DE RECOURS DE L'OFFICE EUROPEEN DES BREVETS

A		B		C	X

File Number: T 280/91 - 3.4.1

Application No.: 84 103 242.8

Publication No.: 0 123 149

Title of invention: Card authenticating apparatus for card-based transaction processing system

Classification: G07F 7/08

D E C I S I O N
of 1 February 1993

Applicant: Omron Tateisi Electronics Co.

Headword:

EPC Article 56

Keyword: "Inventive step (denied)"

Europäisches Patentamt | European Patent Office | Office européen des brevets

Beschwerdekammern | Boards of Appeal | Chambres de recours

Case Number : T 280/91 - 3.4.1

D E C I S I O N
of the Technical Board of Appeal 3.4.1
of 1 February 1993

Appellant : Omron Tateisi Electronics Co.
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Decision under appeal : Decision of the Examining Division of the European Patent Office dated 13 November 1990 refusing European patent application No. 84 103 242.8 pursuant to Article 97(1) EPC.

Composition of the Board :

Chairman : G.D. Paterson
Members : Y. van Henden
U.G.O.M. Himmler

Summary of Facts and Submissions

I. European patent application No. 84 103 242.8 was refused by decision of the Examining Division.

The reason given for the refusal was that, starting from the prior art acknowledged in the patent application and taking into consideration the teachings of document

D1: GB-A-1 592 481,

a person skilled in the field of card authenticating apparatuses for card based transaction processing systems would not have to display any inventive talent to arrive at the invention covered by the new Claim 1 filed in reply to the second communication of the Examining Division.

II. The Applicant lodged an appeal against the decision of the Examining Division. With his Statement of grounds of appeal he submitted a new Claim 1 for replacing the one previously on file.

III. In a communication issued on 14 May 1992 in pursuance of Article 110(2) EPC, the Board drew the Appellant's attention to editorial deficiencies in the draft of the new main claim and took the provisional view that, starting from the state of the art acknowledged in the application and from his basic technical knowledge, a skilled person working in the field of card-based transaction systems would arrive at the subject-matter of said claim without being involved in the exercise of inventive ingenuity.

IV. In reply, the Appellant filed on 24 September 1992 a new description and a new Claim 1 in which amendments had been performed without, however, affecting the scope of claimed protection. In the accompanying letter, he explained the

reasons why he did not share the Board's opinion as regards patentability of the claimed subject-matter. Accordingly, he requested the grant of a European patent on the basis of his new Claim 1 and, subsidiarily, oral proceedings.

V. Claim 1 as filed on 24 September 1992 reads

"A card authenticating apparatus for a card based transaction processing system comprising:

means (6) for designating a given one of card issuers who corresponds to a card placed in said card authenticating apparatus,

first memory means (10) for storing data representing telephone numbers of central units (13) of said card issuers,

automatic dialling means (12) for automatically establishing connection of a telephone line (a, b) defined by a dialled telephone number,

control means (9) for, upon designating a card issuer by said designating means (6), reading out a central unit telephone number of the card issuer designated by said designating means (6) from said first memory means (10) and actuating the automatic dialling means (12) to dial the read-out central unit telephone number,

characterized by

second memory means (11) for storing data representing telephone numbers of operator telephones (14) of said card issuers,

means (8) for producing a command requesting speech communication with an operator of the card issuer designated by said designating means (6), said command causing the control means (9) to read out the operator telephone number of the card issuer designated by said designating means (6) from said second memory means (11)

and to actuate the automatic dialling means (12) to dial the read-out operator telephone number."

VI. Oral proceedings were held on 1 February 1993.

During the hearing, the Appellant's representative requested that the decision under appeal be set aside and that a patent be granted on the basis of Claim 1 as filed on 24 September 1992.

VII. In support of his request, the Appellant substantially argued as follows:

Just like the one described in (D1), the claimed card authenticating apparatus establishes a connection to a designated card issuer's centre. Nevertheless, unlike the known apparatus, it is also suitable for automatically establishing a subsequent connection to the telephone of an operator working with said card issuer if needed. To salespersons operating card authenticating apparatuses, such a possibility represented at the priority date of the application, i.e. ten years ago, a great advance in the art. Dialling the telephone number of an operator when further information was needed in addition to that got from a card issuer's centre was indeed a tedious and time-consuming procedure. Albeit the problem was as old as card authenticating apparatuses were, the technician of ordinary skill was, however, unable to find its solution. Card authenticating apparatuses according to the prior art were indeed nothing else than special computer terminals and had not yet been combined with devices for establishing telephone communications, which devices belong to an entirely different category of systems. Therefore, the exercise of inventive ingenuity was necessary to arrive at the claimed subject-matter, and the

more so as nothing but a general speech request has to be made, without any new indication of the card issuer.

VIII. After deliberation by the Board, the Chairman gave the decision that the appeal was dismissed.

Reasons for the Decision

1. The only matter at issue was that of inventive step.

2. The pre-characterising part of Claim 1 corresponds to the prior art acknowledged in the preamble to the description of the present application. The Appellant never contended that a card authenticating apparatus of the kind referred to in said part of the claim would not have already been made available to the public before the priority date of the application.

3. The problem to be solved by the invention is that of improving the efficiency of transaction procedures comprising the authentication of credit cards, which procedures often require salespeople having already established a communication with the central computer unit of a card issuing company to inquire of an operator working for said company whether envisaged transactions are authorized or not. This entails the necessity of searching the telephone number of the operator, and that of dialling said number.

It is nonetheless clear that, to the skilled person working in the field of card-based transaction systems and involved in the design of a card authenticating apparatus comprising automatic dialling means for establishing connections to the central computer units of card issuing companies by the way of telephone lines, the frequency of

the need for communications by telephone with operators of card issuers which salespeople feel represents in itself a strong incentive to seek how to spare said salespeople the trouble of having often to search the telephone numbers of such operators and then to dial them. Now, since use of automatic dialling is already made to establish connections to computer units by way of telephone lines, as acknowledged in the pre-characterising part of Claim 1, it is just as obvious to the skilled person that, by extending this use to communications by telephone to be established at salespeople's demand between them and operators of card issuers, the difficulties experienced by salespeople would at least be alleviated.

4. According to the prior art acknowledged in the present patent application, the procedure for establishing the connection to the central unit (13) of a card issuer consists in designating the card issuer corresponding to the card inserted in the groove (4) of the card authenticating apparatus, reading from a first memory means (10) data representing the card issuer's telephone number, and actuating automatic dialling means which dial said telephone number. To anyone skilled in the field of telephony, it is thus obvious that means analogous to those provided for dialling the telephone number of the central unit (13) may also be used for automatically establishing the connection to the telephone of the card issuer's operator.

The means provided for establishing the connection to the central unit (13) of the card issuer corresponding to the inserted card comprise: the keys (6) for designating said card issuer; first memory means (10) in which data representing telephone numbers of such central units are stored; means (12) for automatically dialling telephone numbers; and control means (9) which, upon designation of

the card issuer through depression of the related key (6), read from the first memory (10) the telephone number of said card issuer's central unit and actuate the dialling means (12) to dial this telephone number. Yet, bearing in mind that the authenticating apparatus is connected to a card issuer's central unit by way of a telephone line and that the connection is established by dialling a telephone number, the skilled person readily understands that the dialling means (12) already provided are necessarily suitable for automatically dialling the telephone numbers of card issuer's operators. Therefore, providing separate dialling means for establishing communications with operators is obviously superfluous. Likewise, no display of inventive talent is required from the skilled person to provide additional memory means for storing data representing telephone numbers of operators, which means may be referred to as "second memory means (11)", nor to program the control means (9) in such a way that, upon reception of an appropriate order, it reads the desired telephone number from said second memory means and initiates the automatic dialling thereof.

Now, the designation of a card issuer's operator implicitly includes that of the card issuer himself. Therefore, providing on the keyboard (3) of the authenticating apparatus additional keys (6) for designating the operators would, in a manner which is obvious to the skilled person, result in doubling the card issuers designating means. Such a measure is obviously disadvantageous for it requires additional circuitry and, since the number of keys on the top surface of the authenticating apparatus cannot be increased at will, furthermore reduces the number of card issuing companies with which it will be possible to establish communications. Moreover, it cannot escape the attention of the skilled person that whenever a communication with a

card issuer's operator is needed, a communication with the card issuer's central unit is made, which means that said card issuer has already been designated and that the information inputted by the salesperson when depressing the corresponding key in order to establish the connection to said central unit is not yet lost. Said skilled person, therefore, readily understands that the only instruction the control means (9) still needs before establishing a communication with the card issuer's operator is merely that such a communication is desired, and he understands as well that said instruction can be inputted by means of any appropriate command, in particular a "SPEECH" key to be depressed.

This, however, leads to the subject-matter of Claim 1 without requiring any display of inventive talent.

5. To support the view that the subject-matter of Claim 1 would nonetheless involve an inventive step, the Appellant submitted that card authenticating apparatuses according to prior art were in fact special computer terminals and, therefore, that they belonged to an entirely different category of systems.

Yet, the Board observes that, even where special lines are to be used for communications between computers and remote terminals, the procedure for establishing such communications is substantially the same as that for establishing a communication by telephone. Consequently, if a microprocessor is programmable in such a way that it can initiate the operation of automatic dialling means suitable for connecting a card authenticating apparatus to a central computer unit, there is no reason why said microprocessor would not be programmable for initiating the automatic dial of a telephone number. The Board thus cannot share the Appellant's view that fundamental

differences between the two kinds of communications would have led the skilled person away from the claimed invention.

6. In the Board's judgment, therefore, the subject-matter of Claim 1 lacks an inventive step.

7. Claim 1 is not allowable - Article 52(1) EPC in conjunction with Article 56 EPC.

Order

For these reasons, it is decided that:

The appeal is dismissed.

The Registrar: The Chairman:

M. Beer G.D. Paterson

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