

Examples of examinations on inventions related to Business Methods
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(Note) Translations contained herein are not authorized by JPO.

Example 1: Application document receipt processing system (An example case of determining according to Article 29(1) of Japanese Patent Law)

[Claim 1] (A social system not deemed to be patentable)

An application document receipt processing system having an agent that performs preparation and submission of application documents, and a public institution that receives the submitted documents, characterized in that

the agent performs the process of preparing the application documents by filling in forms corresponding to the application documents with necessary items such as the name and address of the applicant and sending the application documents to the public institution through the postal service or communication lines, and

the public institution performs the process of checking whether or not omission is present in the submitted documents, providing a receipt serial number in case no omission is present, and sending the receipt serial number to the agent, the source of the application, through the postal service or communication lines.

[Explanation]

This claim describes, in relation to an “application document receipt processing system” having an agent that performs preparation and submission of application documents, and a public institution that receives the submitted documents, nothing more than the definition of details of the handling operations performed by the agent, preparing the application documents by filling in forms corresponding to the application documents with necessary items such as the name and address of the applicant and sending the application documents to the public institution through the postal service or communication lines, and the definition of details of the handling operations performed by the official agent, checking whether or not omission is present in the submitted documents, providing a receipt serial number in case no omission is present, and sending the receipt serial number to the agent, the source of the application, through the postal service or communication lines. This claim does not describe any technical items to be specified.

In view of the above, the invention understood from the items described in this claim is not the so-called “computer system” but nothing more than an artificial arrangement, or social “setup” (social system). Therefore, the invention as a whole is not a creation of a technical idea utilizing a law of nature.

Therefore, this invention is not an “invention” as defined in Article 2 of the Patent Law, and does not fulfill the requirements specified in Article 29(1) of the Patent Law.

[References]

- Examination Guidelines for patents and utility models
Part II, Chapter 1, “Inventions having industrial applicability” 1.1(4)
- “Examples of business-related unpatentable inventions”
Example 1-1

[Claim 2] (An example that is still a social system and not deemed to be patentable in spite of using computers)

An application document receipt processing system having an agent that performs preparation and submission of application documents, and a public institution that receives the submitted documents, characterized in that

the agent uses computers to perform the process of preparing the application documents by filling in forms corresponding to the application documents with necessary items such as the name and address of the applicant and sending the application documents to the public institution through communication lines,

the public institution uses computers to perform the process of checking whether or not an omission is present in the submitted documents, providing a receipt serial number in case no omission is present, and sending the receipt serial number to the agent, the source of the application, through the communication lines.

[Explanation]

This claim describes, in relation to an “application document receipt processing system” having an agent that performs as deputy preparation and submission of application documents, and a public institution that receives the submitted documents, the definition of details of the handling operations performed by the agent, using computers to prepare the application documents by filling in forms corresponding to the application documents with necessary items such as the name and address of the applicant and sending the application documents to the public institution through the communication lines, and the definition of details of the handling operations performed by the public institution, using computers to check whether or not an omission is present in the submitted documents, providing a receipt serial number in case no omission is present, and sending the receipt serial number to the agent, the source of the application, through the communication lines. However, the contents understood from the above description are nothing more than performing various handling operations using the computer as a tool.

In view of the above, the invention understood from the items described in this claim is not the so-called “computer system” but nothing more than an artificial arrangement, or social “setup” (social system). Therefore, the invention as a whole is not a creation of a technical idea utilizing a law of nature.

Therefore, this invention is not an “invention” as defined in Article 2 of the Patent Law, and does not fulfill the requirements specified in Article 29(1) of the Patent Law.

[References]

- Examination guidelines for inventions and utility models
Part II, Chapter 1, “Inventions having industrial applicability” 1.1(4)
- “Examples of business-related unpatentable inventions”
Example 1-1, Example 1-2

[Claim 3] (An example not deemed to be patentable, in spite of being a

computer system, because the information processing using software is not concretely realized using hardware resource)

An application document receipt processing system having an agent terminal installed on the side of an agent that performs preparation and submission of application documents, and a public institution computer installed in the public institution that receives the submitted documents and is connected to the agent terminal through a communication network, characterized in that the public institution computer comprises:

means for receiving application document data coming sent from the agent terminal;

means for checking whether or not an omission of data is present in the received application document data; and

means for providing a receipt serial number in case no omission is present, and sending the receipt serial number to the agent terminal through the communication network.

[Explanation]

This claim describes “an agent terminal installed on the side of an agent that performs as deputy preparation and submission of application documents, and a public institution computer installed in the public institution that receives the submitted documents and is connected to the agent terminal through a communication network” and this invention is understood to be a so-called “computer system” having plural computers and a computer network.

It is true that this claim states explicitly that the “public institution computer” is provided with functional means: ‘a means for receiving application document data coming sent from the agent terminal,’ ‘a means for checking whether or not an omission of data is present in the received application document data,’ and ‘a means for providing a receipt serial number in case no omission is present, and sending the receipt serial number to the agent terminal through the communication network.’ However, the explicit statement of every functional means remains within the scope of explicitly stating the operational functions to be fulfilled with those means but does not state explicitly how those means are technical means realized concretely to

fulfill the operational functions using hardware resource of the computer. In effect, while the claim explicitly states the operational functions to be fulfilled with the “public institution computer”, no explicit statement is made how the information processing is concretely realized by means of software executed on the public institution computer to fulfill the operational functions and how the hardware resource of the computer is used to do so. The rest of the description in this claim does not either state explicitly that the information processing by means of software is what is concretely realized using the hardware resources of the computer.

In other words, this claim does not make any explicit statement that the information processing by means of software is concretely realized as a computer system using hardware resources.

Therefore, the invention as understood from the items described in this claim cannot be deemed to be a creation of a technical idea utilizing a law of nature.

Therefore, this invention is not an “invention” as defined in Article 2 of the Patent Law, and does not fulfill the requirements specified in Article 29(1) of the Patent Law.

[References]

- Examination guidelines for inventions and utility models
Part VII, Chapter 1, “Computer software related inventions” 2.2
- “Examples of business-related unpatentable inventions”
Example 1-3

[Claim 4] (An example deemed to be patentable)

An application document receipt processing system having an agent terminal installed on the side of an agent that performs preparation and submission of application documents, and a public institution computer

installed in the public institution that receives the submitted documents and is connected to the agent terminal through a communication network, characterized in that the public institution computer comprises:

application document storing means for storing submitted application document data, an agent ID, and a receipt serial number;

means for writing in succession the application document data and the agent ID sent from the agent terminal onto the application document storing means;

means for reading in succession the application document data and the agent ID out of the application document storing means and for detecting an omission in writing the application contents according to whether or not a NULL code is included in the application document data; and

means, in case no omission is detected, for providing a receipt serial number and storing it in the application document storing means, and for sending the receipt serial number to the agent terminal on the basis of the agent ID through the communication network.

[Explanation]

This claim describes “an application document receipt processing system having an agent terminal installed on the side of an agent that performs preparation and submission of application documents, and a public institution computer installed in the public institution that receives the submitted documents and is connected to the agent terminal through a communication network” and this invention is understood to be a so-called “computer system” having plural computers and a computer network.

This claim explicitly states that the public institution computer is provided with functional means: ‘an application document storing means for storing submitted application document data, an agent ID, and a receipt serial number,’ ‘a means for writing in succession the application document data and the agent ID sent from the agent terminal onto the application document storing means,’ ‘a means for reading in succession the application document data and the agent ID out of the application document storing means and for detecting omission in writing the application contents according to whether or not a NULL code is included in the application document data,’ and ‘a means,

in case no omission is detected, for providing a receipt serial number and storing in the application document storing means, and for sending the receipt serial number to the agent terminal on the basis of the agent ID through the communication network.’ This description explicitly states that the various functional means provided in the public institution’s computer for performing the application document receipt handling process are technical means realized concretely by arranging that the data such as the “application document data” are written and stored in succession in the application document storing means which is a hardware resource of the computer, the stored data are read in succession and omission in writing the application contents is detected according to whether or not a NULL code is included in the application document data. This claim explicitly describes that information processing by means of software is what is concretely realized using hardware resource of the computer.

In view of the above, the invention understood on the basis of the items described in this claim is a creation of a technical idea utilizing a law of nature.

[Reference]

- Examination guidelines for inventions and utility models
Part VII, Chapter 1, “Computer software related inventions”

Example 2:

(Translation of example 2 is omitted.)

Example 3: Advertisement mediating system (An example illustrating the intention of Article 36(6)(ii) and Article 29(1) of the Patent Law)

[Claim 1] (An example, [although whether it is a social system or a computer system is not clear,] not deemed to be patentable)

An advertisement mediating system mediating between an advertisement client and an advertisement agent, comprising:

idea registering function for registering the idea information of the advertisement agent;

idea searching function for searching for the registered idea information; and

providing function using the idea searching function for searching for idea information corresponding to the needs information of the advertisement client, providing the idea information to the advertisement client, and providing the needs information to the advertisement agent.

[Claim 2] (An example explicitly stated to be a computer system and deemed to be patentable)

An advertisement mediating system in which client-side computers separately owned by plural advertisement clients and agent-side computers separately owned by plural advertisement agents are separately connected to an advertisement mediating computer through a communication network, characterized in that the advertisement mediating computer comprises:

idea information storing means for storing the advertisement agent's idea information as related to an agent ID and idea classifying data for indicating, with bit positions, at least one target commodity category;

idea information registering means for registering the agent ID, the idea information, and the idea classifying data sent from the agent-side computer at the idea information registering means;

means for receiving, from the client-side computer, mediation request data including a client ID, needs information, and needs classifying data of the same format type as the idea classifying data;

idea extracting means for searching and extracting acceptable idea by performing, upon receiving the mediation request data, on all the idea

information stored in the idea information storing means, a series of processes including:

process of reading the agent ID, the idea information, and the idea classifying data from the idea information storing means and storing them in an operational storing means;

process of implementing an AND operation of the idea classifying data and the needs classifying data;

process of implementing a EXCLUSIVE-OR operation of the calculated results of the logical multiplication and the needs classifying data; and

unacceptable idea deleting process of deleting, from the operational storing means, the agent ID, the idea information, and the idea classifying data as unacceptable in the case that the calculation of the exclusive logical addition results in other than zero; and

idea providing means for sending, when the process with the idea extracting means is over, the idea information stored in the operational storing means to the client-side computer along with sending the needs information to the agent-side computer corresponding to the agent ID stored in the operational storing means.

[Explanation]

• Claim 1

(Decision with Article 36(6)(ii) of the Patent Law)

This claim explicitly states, as functions to be provided to the “advertisement mediating system” mediating between the ‘advertisement client’ and the ‘advertisement agent,’ the ‘idea registering function for registering the idea information of the advertisement agent’, ‘the idea searching function for searching the registered idea information’, and the ‘providing function using the idea searching function for searching the idea information corresponding to the needs information of the advertisement client, providing the idea information to the advertisement client according to the search result, and providing the needs information to the advertisement agent’. However, it is not clear whether the above description which explicitly states the functions is intended to specify the operational function (performed by humans) or the processing function performed by the computer.

Therefore, the invention related to this claim is not clear and does not fulfill the requirements specified in Article 36(6)(ii) of the Patent Law.

(Decision about Article 29(1))

If the description of the respective functions in this claim is assumed to specify the operational function performed by humans, the invention understood on the basis of the items described in this claim is not the so-called “computer system,” but nothing more than an artificial arrangement or a social “setup” (social system), and as a whole is not a creation of a technical idea utilizing a law of nature.

If the description of the respective functions in this claim is to specify the processing function performed by computers, then the description of any functional means provided in the ‘computer system’ is not more than specifying the operational function to be fulfilled with those means, and does not specify how the technical means is realized concretely using the hardware resource of the computer. In other words, since no description of information processing by means of software as a computer system realized concretely using the hardware resource of the computer is present in this claim, the invention understood on the basis of the items described in this claim is deemed not to be a creation of a technical idea utilizing a law of nature.

Therefore, in any case, since this invention is not an “invention” as specified in Article 2 of the Patent Law, it does not fulfill the requirements specified in Article 29(1) of the Patent Law.

• **Claim 2**

This claim describes an “advertisement mediating system in which client-side computers separately owned by plural advertisement clients and agent-side computers separately owned by plural advertisement agents are separately connected to an advertisement mediating computer through a communication network”. The invention is understood to be the so-called “computer system” as a network constituted with plural computers.

This claim specifies that the “advertisement mediating computer” comprises: ‘an idea information storing means for storing the advertisement agent’s idea information as related to idea classifying data for indicating, with bit positions, the agent ID and at least target commodity category’; ‘an idea information registering means for registering the agent ID, the idea information, and the idea classifying data sent from the agent-side computer at the idea information registering means’; ‘a means for receiving, from the client-side computer, the client ID, the needs information, and mediation request data including needs classifying data of the same format type as the idea classifying data’; ‘an idea extracting means for searching and extracting acceptable idea by performing, upon receiving the mediation request data, to all the idea information stored in the idea information storing means, a series of processes including: a process of reading the agent ID, the idea information, and the idea classifying data from the idea information storing means and storing them in an operational storing means; a process of calculating a logical multiplication of the idea classifying data and the needs classifying data; a process of calculating an exclusive logical addition of the calculated results of the logical multiplication and the needs classifying data; and an unacceptable idea deleting process of deleting, from the operational storing means, the agent ID, the idea information, and the idea classifying data as unacceptable in the case that the calculation of the exclusive logical addition results in other than zero; and an idea providing means for sending, when the process with the idea extracting means is over, the idea information stored in the operational storing means to the client-side computer along with sending the needs information to the agent-side computer corresponding to the agent ID stored in the operational storing means.

The above description specifies that the respective functional means provided to the advertisement mediating computer for performing the advertisement idea mediating process are technical means concretely realized by the processes of writing and storing in succession, in the idea information storing means which is a hardware resource of the computer, the “idea information”, the “agent ID”, and the “idea classifying data”, and searching and extracting the idea information matching the advertisement client’s needs by reading the stored data in succession and performing a logical calculation process on the ‘idea classifying data’ and the ‘needs classifying data’.

In this claim the information processing by means of software is concretely realized utilizing hardware resources of the computer.

Therefore, the invention understood on the basis of the items described in this claim is a creation of a technical idea utilizing a law of nature.

In this way, since the information processing by means of software is specified in claim 2 as what is concretely realized using the hardware resources of the computer, the failure of claim 1 to fulfill the requirements of definiteness and statutory subject matter is remedied.

[References]

- Examination guidelines for inventions and utility models
 - Part II, Chapter 1, “Inventions having industrial applicability” 1.1(4)
 - Part VII, Chapter 1, “Computer software related inventions” 2.2.2(1)
- “Examples of business-related unpatentable inventions”
 - Example 1-1, Example 1-2, Example 1-3,

Example 4:

(Translation of example 4 is omitted.)

Example 5: System for selling children’s bicycles (An example of determining the inventive step according to Article 29(2))

[Claim 1] (Example lacking inventive step)

A system for selling children’s bicycles to provide commodity information on children’s bicycles through the Internet, comprising:

means for entering information about what a user desires including at least color and cartoon character desired by users,

means for entering physical information about user such as the height of users,

means for searching commodity information according to the information about what the user desires and determining the size information of the commodity according to the physical information about user,

means for creating made-to-order information according to the information about what the user desires and physical information about user in case the commodity choosing means cannot determine the commodity, and

means for receiving an order for the commodity chosen with the commodity choosing means or an order for the commodity according to the made-to-order information created with the made-to-order information creating means.

[Detailed Description of the Invention]

(Omitted in original)

FIG. 1

Make	Commodity code	Wheel size	Frame type	Suitable height	Color	Character
A bike C	AM0118	18	A	100 - 130	Red, Blue	M
A bike C	AM0120	20	A	110 - 140	Red, Blue	M
A bike C	AM0122	22	A	120 - 150	Red, Blue	M
A bike C	BN0218	18	B	110 - 130	Orange, Purple	N
A bike C	BN0220	20	B	120 - 140	Orange, Purple	N
A bike C	BN0222	22	B	130 - 150	Orange,	N

					Purple	
...

FIG. 2

Step1: Enter info about what user desires such as color and character. Go to Step 2.

Step 2: Enter physical info about user such as height. Go to Step 3.

Step 3: Search commodity info according to info about what user desires. Go to Step 4.

Step 4: Can a commodity be found? If yes, go to Step 5. If no, go to Step 7.

Step 5: Determine size info according to physical info. Go to Step 6.

Step 6: Can suitable size be found? If yes, go to Step 8. If no, go to Step 7.

Step 7: Create made-to-order info. Go to Step 8.

Step 8: Receive order for commodity.

[Reference]

The following features are described in the reference:

- A commodity selling system through the Internet to provide commodity information on clothing to a consumer’s computer.

- A user interface is employed for the user to choose commodity information on clothing and to enter information about what the user desires such as color and design in order to select the desired commodity, and physical information about user such as height for deciding the size of the commodity.

- The commodity selling system searches the commodity information database (see FIG. 1) using the information about what the user desires and physical information about user sent from the consumer’s computer as search keys and, if commodity that conforms to the conditions is present, sends the information to the consumer’s computer.

- In case no commodity is present that matches the conditions, the commodity selling system creates made-to-order commodity information matching the conditions and sends the information to the consumer’s computer.

- The consumer's computer employs a user interface to output to the display any commodity information received from the commodity selling system and to give order instructions for purchasing the commodity.

FIG. 1

Commodity	Size	Design	Suitable height	Color
Sweater	S	V-neck	140 – 150	Red, Navy blue
Sweater	M	V-neck	150 – 160	Pink, Light navy blue
Sweater	L	V-neck	160 – 170	Dark red, Dark navy blue
Sweater	S	Turtle	130 – 155	Dark orange, Dark purple
Sweater	M	Turtle	150 – 175	Orange, Purple
Sweater	L	Turtle	170 – 185	Light orange, Light purple
...

[Explanation]

When the invention related to Claim 1 is compared with the invention described in the reference, they are the same with respect to:

“A selling system for providing commodity information through the Internet, comprising:

means for entering information about what user desires including at least color users desire,

means for entering physical information about user such as the height of users,

means for searching commodity information according to the information about what user desires and determining the size information of the commodity according to the physical information about user,

means for creating made-to-order information according to the information about what user desires and physical information about user in case the commodity choosing means cannot determine the commodity, and

means for receiving an order for the commodity chosen with the commodity choosing means or an order for the commodity according to the made-to-order information created with the made-to-order information creating means, and different with respect to:

(1) Target commodities for selling are bicycles for children on the one hand and

clothing on the other, and

(2) “Cartoon character” is used as the information about what user desires on one hand and not used on the other.

The above differences are examined: The difference in the commodities sold is nothing more than a change in the kind of commodities handled by the selling system. From another viewpoint, while the information about what user desires including “cartoon character” is used as a search key, choosing commodities by cartoon character is a common practice. Therefore, the invention of Claim 1, “A system for selling children’s bicycles,” is nothing more than an arrangement in which the target commodities of the “Clothing selling system,” (the invention described in the cited reference,) are changed and a generally known commodity choosing method is applied, which could have been easily created by those skilled in the art.

Therefore, the invention according to Claim 1 could have been easily devised by those skilled in the art on the basis of the invention described in the cited reference.

(Remarks: It should be noted that example 5 explains the method of determining inventive step and that, in actual examination practice, requirements of statutory subject matter etc. are also separately determined.)

[Reference]

- Examination guidelines for patents and utility models
Part II, Chapter 2, “Novelty, inventive step”
Part VII, Chapter 1, “Computer software inventions” 2.3
- “Examples of business-related un-patentable inventions”
Example 3-1, Example 3-2, Example 3-3