



## PATENTS ACT 1977

APPLICANT	Eye Inside LLC
ISSUE	Whether patent application GB2307005.5 is excluded under section 1(2)(c) of the Patents Act 1977
HEARING OFFICER	Dr Andrew Rose

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### DECISION

- 1 The application is entitled “*System and method for generation of alphanumeric codes*”. It was filed on 11 May 2023, claiming a priority date of 11 May 2022, and was subsequently published as GB 2621433 A on 14 February 2024.
- 2 Throughout several rounds of correspondence, the examiner has maintained their view that the invention claimed in the application is excluded from patentability as a method for doing business and a program for a computer as such. In their letter of 11 October 2024, the applicant requested a hearing for the matter to be decided. At the hearing on 4 December 2024 the applicant was represented by Mr Richard Smith of Handsome I.P. Ltd.
- 3 The specification, including the amended claims, the objections raised by the examiner and the applicant’s arguments and observations prior to the hearing can all be viewed at the One IPO Search online file inspection service: [GB2621433 – Search for intellectual property – GOV.UK](https://www.search-for-intellectual-property.service.gov.uk/GB2621433)<sup>1</sup>

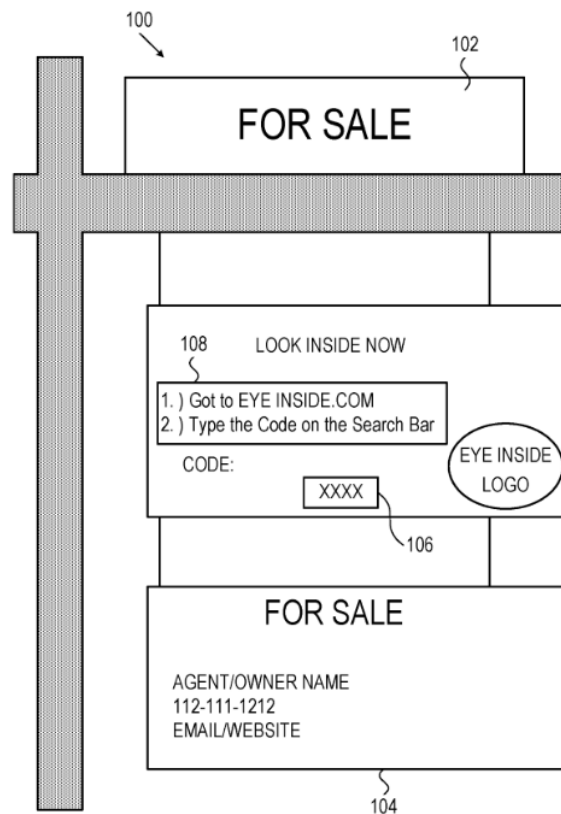
### The invention

- 4 The opening part of the description explains that the application “*relates generally to alphanumeric codes that are associated with one or more items of information. In particular, the application relates to the use of alphanumeric codes on a display or sign in order to convey the one or more items of information to a viewer of the display or sign.*”. Such signs are those which “*are frequently used in the buying, selling, or leasing of real estate. Generally, such signs and displays provide information about the product or service, as well as contact information about an individual (e.g., a salesman, real estate agent, or corporate point of contact) that may be able to provide further information about the product or service to a prospective consumer.*”.

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<sup>1</sup> <https://www.search-for-intellectual-property.service.gov.uk/GB2621433>

- 5 As explained in paragraphs 5 to 7 of the application, the problem that the applicant seeks to address is that “the viewer only has a relatively brief moment of time to view and remember the information on the sign, such as, for example, if the viewer is driving past the sign in a vehicle”. Furthermore, such “displays often contain a large amount of information that is hard for a prospective consumer to remember, especially if that consumer is viewing the display for only a short period of time” and “there exists a significant need for alphanumeric codes that are easier for a viewer to remember so that the viewer can use that code to obtain information”.
- 6 Figure 1 shows an example of such a sign:



**FIG. 1**

- 7 In my view, paragraph 70 of the description gives a good explanation of the sign aspect of the invention:

*The sign 100 comprises sign portions 102 and 104 that show a viewer of the sign that a specific parcel of property is for sale, as well as the name and contact information of the person responsible for selling the property (e.g., the owner, real estate agent, or the like). The sign 100 further comprises an alphanumeric code 106, which may be any of the alphanumeric codes described herein. For instance, the code 106 may be a four character string of alternating letters and numerical digits in a letter-numerical digit-letter-numerical digit format, such as, for example, H4S7. The sign 100 further comprises a sign portion 108 that instructs a viewer of the sign to enter the code 106 into user interface element such as a textbox or form in order to obtain additional information on the property for sale. A website or mobile*

application may contain a search bar, search field, or other field that enables the viewer to type or enter the code 106 into the user interface element. After entry of the code, the client computing device may send a representation of the code in a request to a server computing device. The server computing device may receive the request and send a response to the client computing device. As a result, the client computing device may display the aforementioned additional information for the viewer.

- 8 The process of property search is illustrated by the block diagram in Figure 9 along with the process for a user to list a property for sale and/or rent.

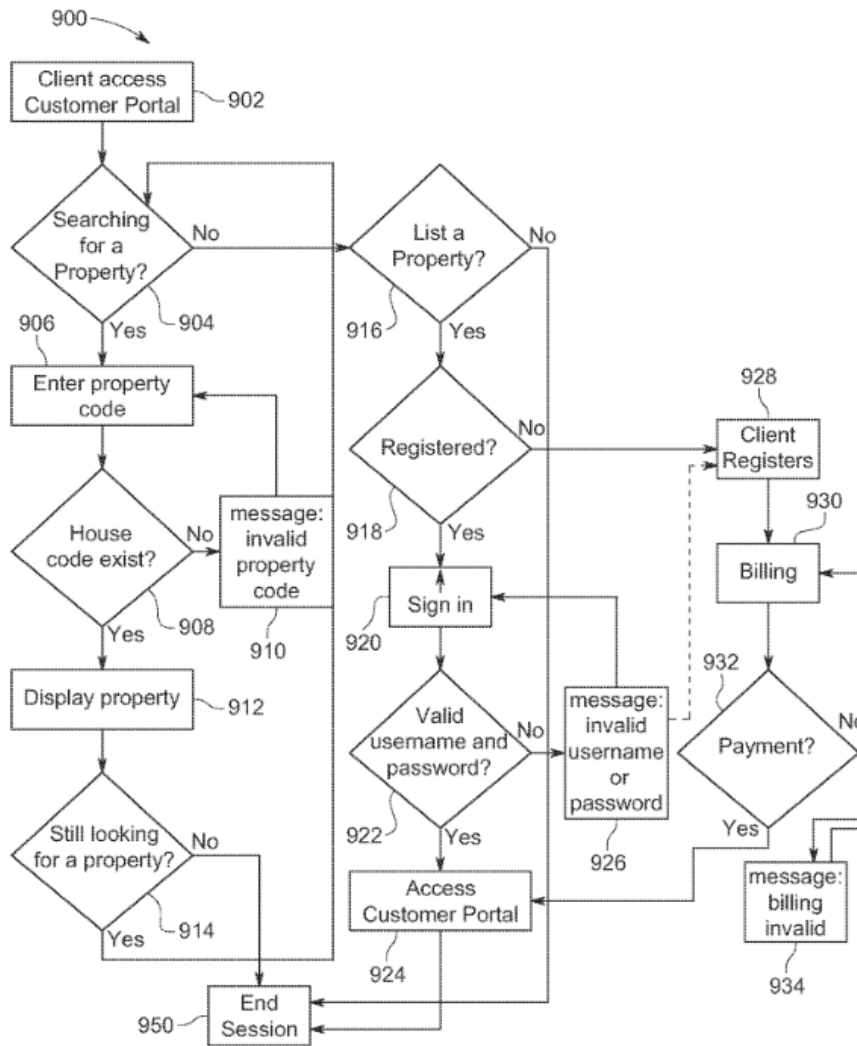
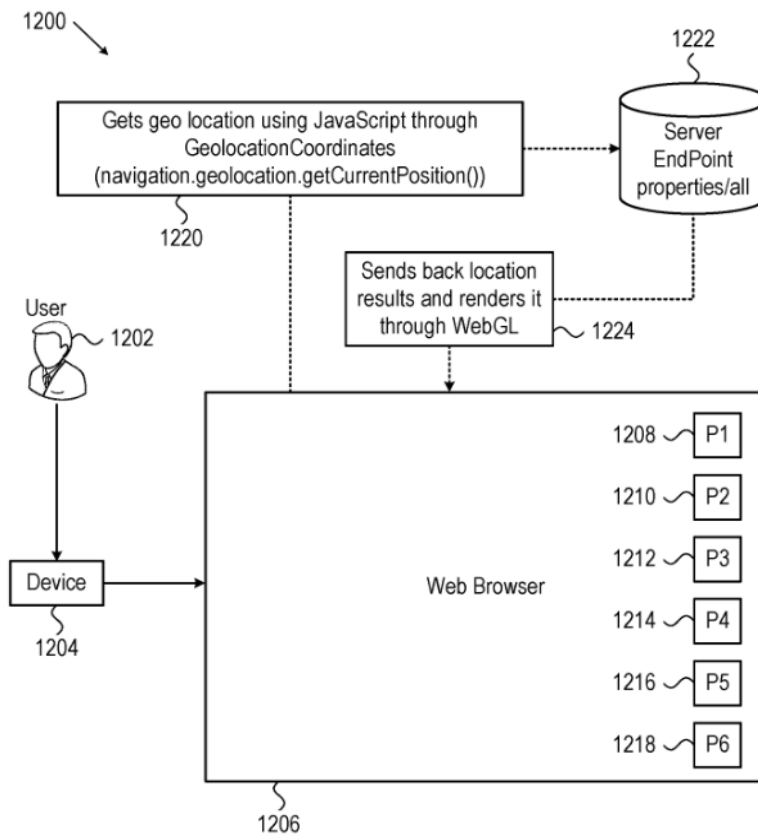


FIG. 9

- 9 As paragraph 130 explains, Figure 12 “depicts the usage of location data from a computing device to determine one or more properties that are geographically closest to the user”. In this example the client computing device 1204 determines its location using a geolocation method such as via a cellular network, wireless networks, or global positioning system (GPS) hardware. The client device then determines one or more alphanumeric codes and/or properties (1208-1216) that are closest to the location of the client device and display these on a GUI 1206 at the client device using WebGL.



**FIG. 12**

**The claims**

10 The claims as currently amended by amendments filed on 8 May 2024 include one independent claim, method claim 1 which reads as follows:

1. A method for displaying and retrieving information, the method comprising:

*displaying a visual display comprising:*

*an alphanumeric code having a first through a fourth character, the first and the third characters being alphabetical letters, and the second and the fourth characters being numerical digits, one or more products or services associated with the alphanumeric code, wherein the one or more products or services comprise a parcel of real property that is under construction;*

*generating, by at least one processor, a graphical user interface (GUI) that prompts a user to enter the alphanumeric code;*

*transmitting, by the at least one processor, the GUI to the user;*

*receiving, by the at least one processor, the alphanumeric code;*

*retrieving, by the at least one processor, information from a database relating to the one or more products or services associated with the alphanumeric code;*

*transmitting, by the at least one processor, the information to the user;*

*determining a particular location of a client computing device using at least one of a cellular network, one or more wireless networks, and global positioning system (GPS) hardware to determine latitude and longitude coordinates of the client computing device and determining at least one parcel of real property that is under construction that is within a particular distance from the latitude and longitude coordinates of the client computing device; and*

*displaying an indicator of the particular location of the client computing device and at least one graphical user interface element that represents each of the at least one parcel of real property on a map using WebGL, wherein the at least one graphical user interface element that represents each of the at least one parcel of real property comprises the alphanumeric code.*

## **The law**

- 11 Section 1(2) of the Act defines certain categories of subject-matter which are not considered to be inventions. These categories are often referred to as 'excluded subject-matter'. The relevant provisions of this section of the Act are shown below:

*1(2) It is hereby declared that the following (amongst other things) are not inventions for the purpose of the Act, that is to say, anything which consists of...*

*(c) ...a scheme, rule or method for...doing business, or a program for a computer;*

*...*

*but the foregoing provisions shall prevent anything from being treated as an invention for the purposes of the Act only to the extent that a patent or application for a patent relates to that thing as such.*

- 12 The interpretation of section 1(2) has been considered by the Court of Appeal in *Symbian*<sup>2</sup>. *Symbian* arose under the computer program exclusion, but the Court gave general guidance on section 1(2). Although the Court approached the question of excluded matter primarily on the basis of whether there was a technical contribution, it nevertheless (at paragraph 59) considered its conclusion in the light of the approach previously followed by the Court of Appeal in *Aerotel/Macrossan*<sup>3</sup>. The

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<sup>2</sup> *Symbian Ltd v Comptroller-General of Patents*, [2009] RPC 1

<sup>3</sup> *Aerotel Ltd v Telco Holdings Ltd and Macrossan's Application* [2006] EWCA Civ 1371; [2007] RPC 7

Court was quite clear (see paragraphs 8-15) that the structured four-step approach to the question in *Aerotel* was never intended to be a new departure in domestic law; that it remained bound by its previous decisions, particularly *Merrill Lynch*<sup>4</sup> which rested on whether the contribution was technical; and that any differences in the two approaches should affect neither the applicable principles nor the outcome in any particular case.

- 13 Subject to the clarification provided by *Symbian*, it is therefore appropriate to proceed on the basis of the four-step approach. In *Emotional Perception*<sup>5</sup>, the Court of Appeal expressed (at [31]) that the four steps of the *Aerotel* test are:
- (1) Properly construe the claim;
  - (2) Identify the actual contribution (although at the application stage this might have to be the alleged contribution);
  - (3) Ask whether it falls solely within the excluded matter;
  - (4) If the third step has not covered it, check whether the actual or alleged contribution is actually technical.
- 14 Lewison J (as he then was) in *AT&T/CVON*<sup>6</sup> set out five signposts that he considered to be helpful when considering whether a computer program makes a technical contribution. In *HTC v Apple*<sup>7</sup> the signposts were reformulated slightly in light of the decision in *Gemstar*<sup>8</sup>. The signposts are:
- i) whether the claimed technical effect has a technical effect on a process which is carried on outside the computer;
  - ii) whether the claimed technical effect operates at the level of the architecture of the computer; that is to say whether the effect is produced irrespective of the data being processed or the applications being run;
  - iii) whether the claimed technical effect results in the computer being made to operate in a new way;
  - iv) whether the program makes the computer a better computer in the sense of running more efficiently and effectively as a computer;
  - v) whether the perceived problem is overcome by the claimed invention as opposed to merely being circumvented.
- 15 On the exclusion of methods of doing business, it is worth noting the words of HHJ Birss QC (as he then was) in *Halliburton*<sup>9</sup> which is reproduced by Floyd J (as he then was) in *Protecting Kids the World Over*<sup>10</sup>:

The business method cases can be tricky to analyse by just asking whether the invention has a technical effect or makes a technical contribution. The reason is that computers are self evidently technical in nature. Thus when a

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<sup>4</sup> *Merrill Lynch's Application* [1989] RPC 561

<sup>5</sup> *Comptroller-General of Patents, Designs and Trade Marks v Emotional Perception AI Ltd* [2024] EWCA Civ 825

<sup>6</sup> *AT&T Knowledge Ventures/CVON Innovations v Comptroller General of Patents* [2009] EWHC 343 (Pat)

<sup>7</sup> *HTC Europe Co Ltd v Apple Inc* [2013] RPC 30

<sup>8</sup> *Gemstar-TV Guide International Inc v Virgin Media Ltd* [2010] RPC 10

<sup>9</sup> *Halliburton Energy Services Inc's Applications* [2011] EWHC 2508 (Pat) [35]

<sup>10</sup> *Protecting Kids the World Over (PKTWO) Ltd's Patent Application* [2011] EWHC 2720 (Pat) [14]

business method is implemented on a computer, the patentee has a rich vein of arguments to deploy in seeking to contend that his invention gives rise to a technical effect or makes a technical contribution. For example the computer is said to be a faster, more efficient computerized book keeper than before and surely, says the patentee, that is a technical effect or technical advance. And so it is, in a way, but the law has resolutely sought to hold the line at excluding such things from patents.

- 16 The Manual of Patent Practice (MoPP) explains the IPO's practice under the Act and makes helpful references to relevant case law. The Manual can be viewed online at the IPO website: <https://www.gov.uk/guidance/manual-of-patent-practice-mopp><sup>11</sup>.
- 17 There is no dispute concerning the relevant law and its application to the facts of this case.

### **Application of the Aerotel test**

#### Step (1): construe the claim

- 18 The examiner and the applicant agree that claim 1 is clear and its construction poses no difficulties.
- 19 I am less confident that the claim is clear. The first part of the claim down to the step of transmitting the information to the user seems to correspond to the left-hand side of the block diagram in figure 9 reproduced above, down to block 912. In that scenario the user is armed with the alphanumeric code for a specific property and in response to providing that code they receive information regarding the property. In the embodiment of figure 9 the information is displayed.
- 20 The second half of claim 1 seems to correspond to the scenario embodied in figure 12 reproduced above. In this case the location of a client computing device is displayed on a map along with the location and alphanumeric codes of one or more properties that are within a particular distance from the client computing device.
- 21 In light of the description (pages 35-36 in particular), the client computing device is construed to be a user device that both runs the GUI transmitted to the user in line 11 of the claim, and displays the WebGL map and graphical user interface elements of the final clause of the claim. For clarity and completeness I have also construed "receiving, by the at least one processor, the alphanumeric code" to mean that the alphanumeric code is input into the GUI by the user (at the client computing device) and this information is transmitted to the at least one processor.
- 22 What is not clear to me is the relationship between the two parts of the claim. At the hearing Mr Smith told me that the parcel of real property whose information is transmitted to the user in response to the alphanumeric code in the first part of claim 1 is the same parcel of real property whose location and alphanumeric code are displayed on a map in the second half of claim 1. This is consistent with the reference on the last line of the claim to "*the alphanumeric code*". However, I am not clear why the method requires "*determining at least one parcel of real property that*

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<sup>11</sup> See MoPP, Section 1, paragraphs 1.01-1.47 which sets out the office practice in relation to Section 1 of the Act. Paragraphs 1.31 – 1.39.4 refer specifically to section 1(2)(c).

*is under construction that is within a particular distance from the latitude and longitude coordinates of the client computing device” if the intention is simply to display on a map the location of the client computing device and the location of the property corresponding to the alphanumeric code provided by the user.*

- 23 At the very least it seems to me that the method of claim 1 implicitly requires that the property whose alphanumeric code is received by the processor must be within the particular distance from the client computing device. I shall proceed on this basis, although I should say that I do not believe that it affects my decision.
- 24 Finally, I note that the phrase “that is under construction” used to describe parcels of real property in claim 1 is construed simply as “of interest”. Whether the properties happen to be under construction or completed is irrelevant to the crux of the invention.

*Step (2): identify the actual contribution (although at the application stage this might have to be the alleged contribution)*

- 25 At the hearing Mr Smith stressed that the contribution lies in the field of buying and selling real estate and reiterated that the contribution is as set out in the letter of 11 October 2024:

*A computer implemented method of providing information to a user to reduce the time between identifying a parcel of property of interest, and beginning navigation to the parcel of property of interest.*

- 26 The examiner set out their formulation of the contribution in their letter of 4 November 2024, that is:

*A computer implemented method of providing information to a user wherein a four-character alphanumeric code, in the form ‘letter-number-letter-number’, is associated with a parcel of real property that is under construction and is used as input to retrieve associated information from a database and to represent the property on a digital map following a nearby property search based on the user’s location.*

- 27 Having heard from Mr Smith at the hearing, I do not think that the details of using a four-character alphanumeric code are truly what is being allegedly added to the stock of human knowledge here. Otherwise, I do not see that there is a great deal of difference between the two alternatives, and I am content with the wording of the contribution identified by Mr Smith.

*Step (3): ask whether it falls solely within the excluded subject matter*

- 28 The examiner has been clear that they believe the invention of claim 1 to be excluded from patentability as both a method of doing business and a program for a computer. I shall consider these alternatives separately.

*Method for doing business*

- 29 As I have said, Mr Smith stressed to me that the invention is concerned with the buying and selling of real estate. The letter of 11 October 2024 explains that the

*“invention outputs the location of a desired property to a user at an increased rate relative to the prior art, such that navigation to the parcel of property can begin at an earlier point in time” and that consequently “fuel consumption may beneficially be reduced”.*

- 30 It seems to me that what the invention is alleged to provide is a faster property search. Any effect such as the reduced fuel consumption to which the applicant refers is a consequence that may flow from the method claimed, but need not do so. In any case the buying and selling of real estate and the searches that form part of those processes are inherently business processes. That parts of the processes might be implemented using a computer does not change their fundamental character. It seems to me that the invention lies in the field of business, and is, at its core, an allegedly new way of conducting business as an estate agent. That is, the contribution does relate to a method of doing business, and to assess whether the invention lies solely in the excluded categories I will now go on to ask, *“what more is the ... invention than a method of doing business?”*<sup>12</sup>.

*Program for a computer*

- 31 The examiner considered all of the *AT&T* signposts in their examination reports. In their written responses to the examination reports and in their oral submissions at the hearing, the applicant has only considered the application of signposts one and five to their claimed invention. I cannot see that signposts two, three and four are helpful in indicating technicality in this case, so I will address the arguments put to me at the hearing regarding signposts one and five in turn.
- 32 Mr Smith argued that the contribution reduces travel time and distance, hence reducing fuel consumption and that these provide an effect outside the computer, adding that reducing fuel consumption is inherently technical. Following this reasoning the first signpost would indicate a technical contribution.
- 33 The examiner by contrast was of the view that the contribution of information storage and retrieval is effected entirely within the computer and the only external effect that they envisaged from their formulation of the contribution was the use of an easily memorable four-character code. They saw no technical effect on a process external to the computer.
- 34 Even accepting the contribution advanced by the applicant, I agree with the examiner. Reduced fuel consumption might be a technical effect if it were for example the result of some modification to a vehicle, but in this case it is a potential benefit from a computer implemented property search that is designed to facilitate faster or more convenient user input. That search is not a process carried on outside the computer and it is my view that signpost one does not indicate a technical effect.
- 35 Regarding the fifth signpost the applicant argues that the *“technical problem of the prior art is that the system is not fast enough to immediately output the location of the desired parcel of property”* and this problem *“is overcome, rather than circumvented, by the present invention because it enables a desired property to be located and displayed immediately to the user, without any substantial loading or*

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<sup>12</sup> *Lenovo (Singapore) PTE Ltd v Comptroller General of Patents* [2020] EWHC 1706 (Pat) [35]

*buffering time, as in the prior art*". In the letter of 11 October 2024, the applicant argues that the faster search results from "*only considering parcels of property within a given proximity, thereby reducing the amount of data that must be processed*". I can understand that this would produce a faster search, but it seems to me that this only circumvents the problem rather than overcoming it. Thus, it is my view that signpost five does not indicate a technical effect.

*Step (4): if the third step has not covered it, check whether the actual or alleged contribution is actually technical*

36 I have covered this in the analysis for step three and I am content that the contribution is not technical in nature.

### **Conclusion**

37 I have considered the claims and found that the independent claims are excluded under section 1(2)(c), as a method for doing business and a program for a computer as such.

38 The application is refused under section 18(3).

### **Appeal**

39 Any appeal must be lodged within 28 days after the date of this decision.

**DR ANDREW ROSE**

Patent Examination Group Head