



PATENTS ACT 1977

APPLICANT	Tracelink, Inc.
ISSUE	Whether patent application GB 2003284.3 is excluded under section 1(2)
HEARING OFFICER	J Pullen

DECISION

Background

- 1 Patent application GB 2003284.3 ("the application") entitled "Blockchain assisted asset pedigree traceback" was filed on 6 March 2020 in the name of Tracelink, Inc.. It has an earliest declared priority date of 8 March 2019 and was published as GB 2583832 A on 28 July 2021.
- 2 On 4 August 2022, the examiner issued an examination opinion, setting out an objection that the invention relates to a method of doing business and a program for a computer as such and is excluded from patent protection under s.1(2). Along with the examination opinion, the examiner issued a report under section 17(5)(b) explaining that, in light of the excluded matter objection, a search had not been performed.
- 3 As no response was received to the examination opinion, the examiner re-issued the examination opinion as an abbreviated examination report under section 18(3) on 19 July 2022.
- 4 The applicant responded by filing a set of amended claims with their agent's letter of 20 January 2023 and argued that the invention was not excluded under s.1(2). The examiner maintained the objection in a second examination report dated 17 March 2023.
- 5 The applicant responded by filing a further set of amended claims with their agent's letter of 11 July 2023 and again argued that the invention was not excluded under s.1(2). In this response, in the event the examiner still considered the invention to be excluded, the applicant also requested a decision based on the papers on file.
- 6 The issue of excluded matter before me was set out in the examiner's pre-hearing report of 26 July 2023. I confirm that I have considered all papers currently on file in reaching my decision.

The invention

- 7 The application relates to the field of asset tracing, and more particularly to the lifetime accounting of the creation, movement and consumption of an asset from manufacturing source through to end consumer.
- 8 Classically, asset pedigree tracking is of great importance in the context of regulated industry such as in drug distribution. More specifically, trace back (and trace forward) are essential components of pedigree tracking. In trace back, any participant in the chain of distribution of an asset may make an inquiry as to the pedigree of a specified asset, usually by serial number, to an original source of the asset beyond the most immediate supplier to the participant. Conversely, in trace forward, any participant in the chain of distribution of an asset may inquire as to the ultimate disposition of an asset to consumption, also usually by serial number.
- 9 Notably, in many countries, in furtherance of the traceability of a pharmaceutical asset, the relevant regulatory environment requires drug manufacturers to affix a scannable product identifier to all drugs that are packaged for pharmaceutical use. The purpose of this requirement is to enable the confirmation of the validity, legitimacy, and source of all applicable products within the pharmaceutical supply chain in real time. Consequently, each participant in the supply chain of a pharmaceutical must be able to provide information of any given product within short period of time -sometimes in mere days, as well as notify the relevant governmental regulatory body and all partners in the supply chain of the pharmaceutical of any problems for example contamination and manufacturers defect. Thus, for each transaction in which a participant in the supply chain of an asset transfers ownership of the asset, the participant must pass along that transaction history, transaction information, including lot-level information, and a transaction statement of the product, all within a single document. It is this document, the trace history, that must be stored.
- 10 As will be apparent, the process of determining the trace history of an asset requires the cooperation of each participant in the supply chain. As well, the contemporary process of trace request processing, whether trace forward from a point in the supply chain to ultimate consumption, or trace back from a point in the supply chain to the point of manufacture, requires a certain degree of transparency such that each participant of the supply chain subject to the request gains visibility into the identity of each other participant. This visibility is required to verify the authenticity of the generated trace document. Yet, revealing the identity of each participant in the supply chain may not be desirable as the identity of one or more of the participants may be proprietary to the immediate upstream and downstream participants in the supply chain. Further, the involvement of so many participants in the supply chain offers unwanted opportunities for the mutation of the trace report so as to produce inaccurate data within the trace report.
- 11 Figure 1 of the application illustrates a process for trace history generation. An originator participant 150A in a custody chain of participants 150A, 150B, 150C issues a trace history request 160 to a next participant 150B in the custody chain in respect to an identifiable asset and records onto a blockchain 100 a transaction 180 that includes identifier for the request 160 and a hash value of the request 160 mid receives in return from the blockchain 100, an automatically generated transaction

identifier. The next participant 150B verifies the trace history request 160 by issuing a query 190 to a block 110 on the blockchain 100 with the transaction identifier for the trace history request 160 and originator identification of the originator participant 150A. To the extent that the blockchain 100 includes a block 110 that includes a request identifier 120 corresponding to that of the query 180 and that the originator identification of the query 180 can be located within the block 110 as the originator of the trace history request, and that a hash value stored in the block 110 for the request identifier 120 matches a hash computed for the trace history request 160, the trace history request 160 is verified.

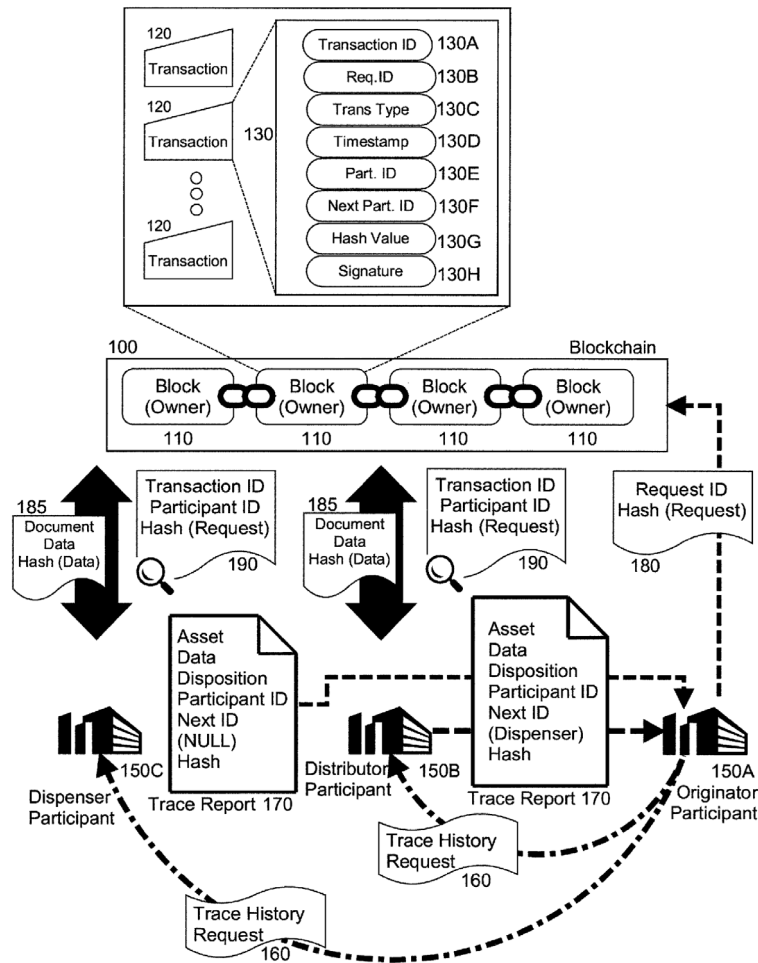


FIG. 1

- 12 Once the next participant 150B verifies the trace history request 160, the next participant 150B generates a trace history document 170 including asset data pertaining to the asset, such as an asset name, serial number and order number, and an indication of a disposition of the asset, such as accept and forward to a next nearest participant in the custody chain, or accept and terminate as an origin or final destination of the asset, or split as between two or more different nearest participants in the custody chain, or a denial of handling the asset. The trace history document 170 additionally is generated to include a self-identifier for the next participant 150B and an identifier of the next nearest participant 150C in the custody chain. Finally, the trace history document 170 is generated to include a hash value for the data in the trace history document 170. Then, a blockchain write operation 185

is issued to the blockchain 100 with a transaction identifier 130A, a request identifier 130B of the request 160, a transaction t)-pc 130C corresponding to the indication of the disposition of the asset, a timestamp 130D, the self-identifier 130E for the next participant 150B, an identifier for a next nearest participant 130E to the next participant 150B, and the hash value 130G for the data 140 in the trace history document 170 along with a digital signature of the next participant 150B.

- 13 Then, the trace history document 170 is returned to the originator participant 150A. The originator participant 150 then verifies the authenticity of the trace history document 170 in reference to the hash value 130G stored in the blockchain 100 for the transaction identifier 130A provided by the next participant 150B. Consequently, the originator participant 150A then identifies the next nearest participant 150C from the trace history document 170 and issues a next trace history request 160 to the next nearest participant 150C. The process then repeats such that the originator participant 150A is able to aggregate the data from the various trace history documents 170 produced by each of the participants 150B, 150C in the custody chain so as to produce a complete trace history for the identified asset while permitting full verification of each trace history request 160 and the returned trace history documents in reference to the block 110 on the blockchain 110 without revealing to each of the participants 150B, 150C the identity of one another.
- 14 The latest set of claims filed with agent's letter dated 11 July 2023 has eighteen claims including three independent claims directed to a trace history generation method (claim 1), a data processing system configured for trace history generation (claim 7) and a computer program product for trace history generation (claim 13). As the claims share unity of invention they will stand or fall together, for the purposes of analysis I will address claim 1 but the analysis will apply equally to each of the independent claims. Claim 1 is set out below:
 1. *A trace history generation method comprising:
 - (i) receiving a trace history request from an originating participant amongst several participants in a custody chain of transactions of an identifiable asset, the originating participant originating the trace history request, by an intermediate one of the several participants in the custody chain, from over a computer communications network, the trace history request comprising a request for the identifiable asset accompanied by an identification of the originating participant, data identifying the asset and a parent transaction identification in association with another of the participants in the custody chain, and a hash encrypted form of the data;
 - (ii) assigning an identifier for the trace history request and verifying the trace history request by interrogating a blockchain at a block corresponding to the identification of the originating participant, with the hash encrypted form of the data;
 - (iii) on condition that the trace history is not verified, transmitting a rejection to the originating participant over the computer communications network, but otherwise on condition that the trace history is verified, generating a trace history document including the data identifying the asset, an identifier of the intermediate one of the several participants, and a disposition of the identified asset including an identifier of a next nearest one of the several participants in the custody chain, computing a hash for the generated trace history, performing a blockchain transaction that records and stores the computed hash in connection with the assigned identifier of the trace history request and transmitting in a response the generated trace history document to the originating participant over the computer communications network;*

(iv) formulating a new trace history request for the next nearest one of the several participants; and
repeating operations (i)-(iv) with a new intermediate, wherein the new intermediate is the previously identified next nearest one of the several participants, until the originating participant has received a respective trace history document from each of the participants in the custody chain.

The law

- 15 The examiner has raised an objection under section 1(2) of the Patents Act 1977 that the invention is not patentable because it relates inter-alia to one or more categories of excluded matter. The relevant provisions of this section of the Act are shown in bold below:

1(2) It is hereby declared that the following (among other things) are not inventions for the purposes of this Act, that is to say, anything which consists of

–

(a) a discovery, scientific theory or mathematical method;

(b) a literary, dramatic, musical or artistic work or any other aesthetic creation whatsoever;

(c) a scheme, rule or **method for performing a mental act, playing a game or doing business, or a program for a computer;**

(d) the presentation of information;

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

- 16 The examiner and the applicant agree that the assessment of patentability under section 1(2) is governed by the judgment of the Court of Appeal in *Aerotel*¹, as further interpreted by the Court of Appeal in *Symbian*².
- 17 In *Aerotel*, the court reviewed the case law on the interpretation of section 1(2) and approved a four-step test for the assessment of what is often called "excluded matter", as follows:

Step one: properly construe the claim

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

Step three: ask whether it falls solely within the excluded matter

Step four: check whether the actual or alleged contribution is actually technical in nature.

¹ *Aerotel Ltd v Telco Holdings Ltd and Macrossan's Application* [2006] EWCA Civ 1371, [2007] RPC 7

² *Symbian Ltd's Application* [2008] EWCA Civ 1066, [2009] RPC 1

- 18 Subsequently, the Court of Appeal in *Symbian* made clear that the *Aerotel* test is not intended to provide a departure from the previous requirement set out in case law, namely that the invention must provide a "technical contribution" if it is not to fall within excluded matter. The *Aerotel* test has subsequently been endorsed by the Court of Appeal in its decisions in both *HTC*³ and *Lantana*⁴.
- 19 Lewison J (as he then was) in *AT&T/CVON*⁵ set out five signposts that he considered to be helpful when considering whether a computer program makes a technical contribution. In *HTC* the signposts were reformulated slightly in light of the decision in *Gemstar*⁶. 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.*
- 20 Paragraph 41 of *AT&T/CVON* emphasises that consideration of the signposts should properly reflect both stages 3 and 4 of the *Aerotel* approach:
- If there is a technical effect in this sense, it is still necessary to consider whether the claimed technical effect lies solely in excluded matter.*
- 21 The signposts are merely guidelines; although they provide a useful aid in assessing the technical character of a claimed invention, they were not intended to provide a definitive test (as Lewison LJ's obiter remarks in paragraph 149 of *HTC* make clear). Several judgments have emphasised this point - John Baldwin QC (sitting as a Deputy Judge) in *Really Virtual*⁷ noted that the signposts, although useful, are no more than signposts and that there will be some cases in which they are more helpful than in others. Kitchin LJ made similar remarks in paragraph 51 of *HTC* that their usefulness does not mean they will be determinative in every case.

Arguments and analysis

Step 1: Properly construe the claims

³ *HTC Europe Co Ltd v Apple Inc* [2013] RPC 30

⁴ *Lantana v Comptroller-General of Patents, Designs and Trade Marks* [2014] EWCA Civ 1463

⁵ *AT&T Knowledge Venture/CVON Innovations v Comptroller General of Patents* [2009] EWHC 343 (Pat)

⁶ *Gemstar-TV Guide International Inc v Virgin Media Ltd* [2010] RPC 10

⁷ *Really Virtual Co Ltd v UK Intellectual Property Office* [2012] EWHC 1086 (Ch)

- 22 The first step of the test is to construe the claims. In his pre-hearing report, the examiner has explained that he considers claim 1 to define:

A method of generating a 'trace history' or 'chain of custody document' for an asset such as a pharmaceutical product. A request for the trace history of an asset is received from an originating participant via an intermediate participant in the custody chain. This request includes an identifier of the requestor, an identifier of the asset, an identifier of a parent transaction associated with another participant in the chain of custody, and a hash of these three pieces of data. The request is assigned an identifier and verified by interrogating a blockchain block corresponding to the requestor's identity with the hash. If the verification fails, the originating participant receives a rejection message. If the verification succeeds, a trace history document is generated. The trace history document includes the identifier of the asset, an identifier of the intermediate participant, and a disposition including an identifier of the next participant in the chain. The originating participant receives the generated trace history document, and a hash of the generated document is stored on the blockchain in connection with the assigned request identifier. This process recurses, with the identified 'next participant in the chain' taking on the role of 'intermediate participant' at each stage, until the originating participant has a trace history from every participant in the full chain of custody. This means "the originating participant has obtained full information of the entire custody chain."

- 23 I do not think understanding the meaning of the claims presents any real problem and I consider them to be clear. There is no dispute between the applicant and the examiner as to how the independent claims should be construed.

Step 2: Identifying the actual or alleged contribution

- 24 Jacob LJ outlined the considerations to be applied when identifying the contribution made by the claims in paragraph 43 of *Aerotel* – the critical factors for the examiner to consider are emphasised:

"The second step – identify the contribution - is said to be more problematical. How do you assess the contribution? Mr Birss submits the test is workable – it is an exercise in judgment probably involving the problem said to be solved, how the invention works, what its advantages are. What has the inventor really added to human knowledge perhaps best sums up the exercise. The formulation involves looking at substance not form – which is surely what the legislator intended."

- 25 The examiner has considered the above questions and identified the contribution made by the present invention to be:

A computer program for generating a 'trace history' or 'chain of custody' document for an asset by verifying a hash of information identifying a requestor, the asset and a parent transaction against a blockchain block corresponding to the requestor's identity and, if verification succeeds, generating a trace history document including information identifying the asset, an intermediate participant and a next participant, and storing a hash of this document on the blockchain. This process is repeated with each 'next participant' taking the place of the 'intermediate participant' until full information of the asset's entire custody chain has been obtained.

The applicant has not explicitly disagreed with the examiner's view of the contribution and has not provided a clear alternative definition of what they believe to be the contribution made by the proposed invention.

- 26 In their agent's letter of 20 January 2023, the applicant objected to the examiner treating independent claims 1, 7, and 13 together. It was highlighted that claim 7 takes the form of 'a novel data processing system' which 'recites multiple technical elements that interact with each other in a technical fashion' and so cannot be excluded as a computer program or a business method.
- 27 The examiner countered that the applicant's argument focussed on the literal form of the claims rather than their substance and this argument is set out in paragraphs 33-37 of his pre-hearing report. It is critical to consider the true substance of the proposed invention rather than focusing on the strict literal form of the claims and I agree with the examiner that whilst independent claims 1, 7 and 13 relate to different categories of protection, they do not differ in substance.
- 28 The examiner considers the hardware used in implementing the method of the invention to be conventional, as summarised in paragraph 11 of his communication of his pre-hearing report. While hardware may be necessary for the implementation of the invention, it does not form part of the contribution.
- 29 I agree with proposed contribution put forward by the examiner.

Steps 3 and 4: Does the contribution fall solely within excluded matter/is it technical in nature?

- 30 What I must now decide is whether the contribution identified above relates solely to a program for a computer as such and/or a method of doing business as such. This corresponds to step three of the *Aerotel* test.
- 31 The fourth step of the test is to check whether the contribution is technical in nature. In paragraph 46 of *Aerotel* it is stated that applying this fourth step may not be necessary because the third step should have covered the question. This is because a contribution which consists solely of excluded matter will not count as being a "technical contribution" and will not, as the fourth step puts it, be "technical in nature". Similarly, a contribution which consists of more than excluded matter will be a "technical contribution" and so will be "technical in nature".
- 32 In this case, the arguments concerning whether the invention is excluded are very much wrapped up with the question of whether the contribution is technical in nature. Given that, I have considered the third and fourth steps together.

Computer program

- 33 In this case, it is clear that the arrangement of hardware used to implement the invention is immaterial to the working of the invention. The hardware is all conventional hardware. Whilst the invention undoubtedly uses a computer program for its implementation, the mere fact that the invention is effected in software does not mean that it should be necessarily excluded as a program for a computer as such. What matters is whether or not the program provides a technical contribution.
- 34 The applicant argues that the contribution achieves two technical effects over and above standard computing and communication protocols. Firstly, the method provides enhanced data security in terms of preserving the anonymity of participants

in the custody chain to a high degree. Secondly, the method is more efficient in that the specific operations carried out in accordance with the claimed method reduces the computational burden required to authenticate each participant in the method.

- 35 At this point it is useful to consider the *AT&T/CVON* signposts as they are a helpful aid when considering whether a computer program makes a technical contribution. The examiner has made reference to the signposts in his examination reports. In his assessment of the five signposts the examiner determined that the contribution failed to satisfy any of the signposts.

Signpost (i)

- 36 The first signpost asks whether the claimed technical effect has a technical effect on a process which is carried on outside the computer. The applicant considers the contribution to satisfy the first signpost. It is argued that identifying an asset and a parent transaction associated with another participant in the asset's chain of custody represent external effects outside of the computer. As these steps rely on technical processes, such as transferring a hash of data across a computer network, it is suggested that this represents a technical contribution falling outside the exclusions.
- 37 I agree that, whilst the asset and participants may well be outside the computer, the process of identifying them occurs entirely within the computer system as argued by the examiner in paragraphs 19-21 in his pre-hearing report.
- 38 The applicant has also argued the fact that the enhanced security is achieved inside the overall computing environment does not preclude this effect from contributing to the patentability of the claimed method because the enhanced security is still achieved between 'physically and logically distinct devices'. In this sense, it is not possible for the 'computer' of the analysis to encompass the entirety of the system that communicates over the network because such an analysis neglects the important technical contributions arising from inter-device communications.
- 39 Again, I agree with the examiner that in this case 'the computer' would be the entire network of conventional computers, this is based on paragraph 30 of *Lantana*⁸. Whilst the contribution may rely on communications between a network of computers, this is not outside the computer arrangement. The 'computer' in this analysis encompasses each of the systems which communicates over the network. There is no technical step added or removed outside of the computer from that of conventional systems in this case. The 'inter-device communications' used are entirely conventional in a technical sense; all that has changed is the content of those communications, which is entirely administrative in nature. As such, no technical effect is imparted. The generation of a 'trace history' or 'chain of custody' document may have advantages for the requestor and participants, but it is not solving a technical problem, nor is it having a technical effect on a process carried on outside of the computer. Therefore, in my view the first signpost is not met.

⁸ *Lantana v Comptroller-General of Patents* [2013] EWHC 2673 (Pat)

Signposts (ii)-(iv)

- 40 The applicant has argued that the method is more efficient in that the specific operations carried out in accordance with the claimed method reduces the computational burden required to authenticate each participant in the method.
- 41 I agree with the examiner's assessment of signposts (ii)-(iv). The contribution does not address a problem at the architecture/hardware level of a computer, it uses known hardware with any adaptations being made at the application level. The computer does not operate in a new way other than the running of the program of the contribution. To my mind, this does not provide a 'better' computer; the computer is as efficient as before in its functioning as a computer, it is only the software application for recording and generating chain of custody information which can be said to be better. There is no effect on how the computer itself fundamentally technically operates beyond the normal interaction between an application program and the computer. Consequently, the signposts (ii)-(iv) do not assist the applicant.

Signpost (v)

- 42 The fifth and final signpost asks whether the perceived problem is overcome by the claimed invention as opposed to merely being circumvented. The fifth signpost looks at the technical character of an alleged invention by means of the problem addressed. When the problem is a technical one, the alleged invention can be considered to have a technical nature leading to it falling outside the exclusion. However, in this case I am minded to agree with the examiner that the problem to be solved is not technical in nature. The contribution relates generating a 'trace history' or 'chain of custody' document for an asset and thus the nature of the problem is purely administrative.
- 43 The applicant has highlighted two alleged technical advantages as set out in paragraph 34 above. In paragraph 29 of his pre-hearing report the examiner makes reference to John Baldwin QC who confirmed in *Really Virtual* that preserving the anonymity of participants or users of a service is not a technical problem. Further, as discussed above in relation to signposts (ii)-(iv) and argued by the examiner (summarised in paragraph 30 of the pre-hearing report), any limitation in the computer's resources has been circumvented by writing different software which uses less of those resources. Any advantages which are inherent in the blockchain does not form part of the contribution.
- 44 The invention doesn't solve a technical problem lying within the computer or network. It provides a software function whereby a 'trace history' or 'chain of custody' document is generated. The contribution is not a technical solution, but an exercise in data and information manipulation and selection. Therefore, signpost (v) is not satisfied.
- 45 Therefore, I consider the contribution identified above to relate to a program for a computer as such.

Business method

- 46 I have identified the contribution above to be a computer program for generating a 'trace history' or 'chain of custody' document for an asset by verifying a hash of information identifying a requestor, the asset and a parent transaction against a blockchain block corresponding to the requestor's identity and, if verification succeeds, generating a trace history document including information identifying the asset, an intermediate participant and a next participant, and storing a hash of this document on the blockchain. This process is repeated with each 'next participant' taking the place of the 'intermediate participant' until full information of the asset's entire custody chain has been obtained. This is argued, by the examiner, to be an administrative task and therefore a purely business consideration which does not make any fundamental technical improvement to the underlying computer system.
- 47 The applicant has argued that, whilst the contribution has a business and administrative context, it is still possible to have a technical contribution in this context. The applicant has drawn my attention to *Lenovo*⁹ in support of this argument and as the invention in *Lenovo* was considered to not be a computer program as such and thus allowable, the present invention should also be considered allowable. The applicant considers the claimed invention solves a technical problem of how to simultaneously improve the security and efficiency of communications between participants in a custody chain. By solving this technical problem, it is clear that the claimed invention goes beyond merely being a method of doing business, similar to the case in *Lenovo*.
- 48 In my view, the key paragraph for consideration from *Lenovo* is paragraph 36 [emphasis added] which reads:

*The key question in this case is whether the invention involves a different physical interaction with the world outside the computer, as compared to what had gone before. As I have said already, I would agree with the reasoning at the end of paragraph 26 if the technical effect relied on resided in pressing a button in a computer system because that is a conventional feature of using conventional computer systems. Those features may be technical in a sense, but they cannot add technical character to make a computer program as such patentable. However, again as explained above, the point of this invention is the opposite. It is in US 438 that the user has to press a button to choose which card to use or to split the payment between two cards. In the *Lenovo* invention, this is handled automatically at the point of sale because the user's preferences have already been acquired and stored elsewhere. The automatic nature of the process is recognised in the formulation of contribution identified in the decision at paragraph 21. As a result of this automatic feature, **the card clash problem experienced with contactless payment cards is solved without the user having to take any extra physical step at the point they use their contactless cards.** In my judgment that difference is an effect of the invention which is neither a computer program as such nor a method of doing business as such nor a combination of the two. That difference is technical in character and, in the context of the invention as a whole, it is not just one of the normal incidents of a conventional computer system.*

- 49 It is clear from this passage that it is not the automation of previous manual step on its own that was decisive in *Lenovo* but rather that that automation solved a problem

⁹ *Lenovo (Singapore) PTE Ltd v Comptroller General of Patents* [2020] EWHC 1706 (Pat)

with card clash. It was this latter aspect that provided the necessary technical character to the problem being solved. The fact that the user had set preferences at an earlier stage, resulted in a different physical interaction with the world outside of the computer at the point the user used their contactless cards. In the cited prior art, US 438 the user has to press a button to choose which card to use or to split the payment between two cards at the point of sale. However, in *Lenovo* when the user presents multiple cards the card clash problem is overcome automatically since the user has previously set preferences for splitting any payments between multiple cards i.e. the need for the user to press a button at the point at which they present their cards for payment is removed.

- 50 In *Lenovo*, the user has a different physical interaction with the world outside the computer, as compared to what had gone before as the user is no longer required to take any extra physical steps at the point of use of their cards due to user preferences set previously. The user merely presents their cards, and payment split between cards is carried out automatically. This is not at all analogous to the present invention. I agree with the examiner that the contribution does not solve a technical problem which is akin to *Lenovo*. Therefore, I do not consider the present invention to be allowable for the same reasons set out in *Lenovo*.
- 51 The nature of the problem addressed by this invention is purely administrative and not technical in nature. In *Merrill Lynch*¹⁰ it was discussed at page 569 that the fact that the method may be an improvement on previous methods is immaterial. The prohibition in section 1(2)(c) is generic and draws no distinction between the method by which the mode of business is achieved. The independent claims are directed to a method, system and computer program for generating a 'trace history' or 'chain of custody' document. That is simply a method of doing business.
- 52 Looking at the fourth step, as discussed above I do not consider the contribution to be technical in nature.

Other matters

- 53 Several other lines of argument, related to peripheral issues, have been put forward in the agent's communications. These are fully addressed by the examiner in paragraphs 38-53 of his report of 26 July 2023. I do not intend to restate them here, but I am in agreement with the examiner's position.

Conclusion

- 54 For all the reasons set out above, I find that the claimed invention is excluded under section 1(2)(c) as a method of doing business and a program for a computer as such. I refuse this application under section 18(3).

¹⁰ *Merrill Lynch's Application [1989] RPC 561*

Appeal

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

J Pullen

Deputy Director, acting for the Comptroller