



PATENTS ACT 1977

APPLICANT	ProEventa, Inc.
ISSUE	Whether patent application GB 1517371.9 complies with sections 1(2) and 76
HEARING OFFICER	Dr C L Davies

DECISION

Background

- 1 This decision relates to the issue of whether the application, GB 1517371.9, published as GB 2526749 A, meets the requirements of sections 1(2)(c), 1(2)(d) and 76 of the Patents Act 1977 (“the Act”).
- 2 Throughout the examination process, the examiner has maintained that the application is excluded from patentability under sections 1(2)(c) and 1(2)(d) of the Act. In response to the examiner’s initial examination report, the applicant filed amended claims with their letter of 20th January 2020. The examiner considered the amended claims to add matter under section 76. Despite further amendment of the claims and arguments filed by the applicant in their letter of 15th June 2020, the examiner maintains the amended claims add matter and are excluded from patentability. The examiner considered the latest arguments and amendments and summarised his objections in his letter of 14th July 2020. In that letter he informed the applicant that the application would be forwarded for a decision. The applicant’s arguments and observations are set out in their letters dated 20th January 2020 and 15th June 2020.
- 3 My assessment and analysis are based upon claims 1-15 filed on 15th June 2020 and the corresponding specification. For the avoidance of doubt, no further arguments, amendments or auxiliary requests have been filed since the examiner’s letter of 14th July 2020.
- 4 The specification including the claims, the objections raised by the examiner and the applicant’s arguments and observations can all be viewed at the IPO’s online file inspection service:

<https://www.ipo.gov.uk/p-ipsum.htm>

The application

- 5 The application discusses why it is important to recognize and treat problems and issues that prevent goals and other objectives from being achieved. However, electronic systems, equipment, software, and processes for tracking, treating, and recording results, such as for individuals with special needs, have not improved as significantly. For example, some organizations still use paper documents and charts to track individuals' information or a single computing system available from only one location to enter and review data. As a result, viewing, updating, managing, and sharing, relevant information may be more difficult than it should be.
- 6 The claimed invention relates to a system and method for tracking outcome specific data. This is achieved by receiving input that defines accounts for service providers as part of a client management programme, where the accounts are stored in a server. Clients are assigned to at least one provider as selected by an administrator. Providers are prompted automatically to provide health data about each of the clients and periodically sending/updating that data. The data received from the providers is compiled and a rule is set to obtain a score associated with the clients' progress against at least one goal using devices communicating with the server. The compiled data and the score are analysed to determine a status of the client and whether the data has reached a threshold to become significant. Upon the threshold becoming significant an alert including the compiled data is automatically communicated to the provider assigned to the client.

The law

- 7 The relevant law is defined in sections 1(2) and 76 of the Act and can be viewed online at the IPO's website:

The Act: <https://www.gov.uk/guidance/the-patent-act-1977>

The Rules:

<https://www.gov.uk/government/publications/the-patents-rules-2007-and-patents-fees-rules-2007>

- 8 The Manual of Patent Practice 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's website: <https://www.gov.uk/guidance/manual-of-patent-practice-mopp>. In particular, sections 1.33-1.39.2 are helpful which relate to business methods and computer programs.
- 9 There is no dispute concerning the relevant law and its application to the facts of this case.

Argument and analysis

- 10 I have carefully considered both the examiner's objections and the applicant's arguments as set out in the correspondence on file, and the relevant law and practice. Taking all of this into consideration, I agree with the examiner's assessment and analysis of the issues as set out in his letter dated 14th July 2020 and find that the application fails to meet the requirements of sections 1(2)(c) (business method

and a computer program as such), 1(2)(d) (the presentation of information) and 76 of the Act.

Conclusion

- 11 This application is refused under section 18(3) of the Act.

Appeal

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

C.L. Davies

Deputy Director, acting for the Comptroller