



11 December 2020

## PATENTS ACT 1977

APPLICANT                      Tree House Technologies Limited

ISSUE                          Whether patent application number GB 1615620.0  
                                         complies with sections 1(1)(d) and 1(2)

HEARING OFFICER              Mr B Micklewright

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## DECISION

### Introduction

- 1     This decision addresses whether the invention claimed in patent application number GB1615620.0 is excluded from patentability as a method of doing business as such and as a program for a computer as such.
- 2     The application was filed in the name of Tree House Technologies limited on 14 September 2016 and was subsequently published as GB2556332 A on 30 May 2018. The examiner argued that the invention is excluded from patentability under section 1(2)(c) of the Patents Act 1977 ("the Act") as a business method and as a program for a computer as such.
- 3     The examiner from the outset considered the claims to fall solely into the excluded categories and consequently has not performed a search, issuing a report under section 17(5)(b) dated 27 February 2018. The applicant disagreed and, following several rounds of correspondence, the matter came before me at a hearing on 22 September 2020, at which the applicant, Mr Silkander Hauser, and attorney Tim Watkin for MARKS & CLERK LLP was present.
- 4     Issues to be decided at the hearing were set out by the examiner in a pre-hearing letter of 15 April 2020. I confirm that in reaching my decision I have considered all the correspondence on file.

- 5 I note that all other matters in relation to the application, including the search, have not yet been considered by the examiner and would need consideration if the application was to be allowed on the matters considered in this decision.
- 6 I must thank the applicant Mr Hauser for giving a presentation of the invention at the hearing. This was most helpful in understanding the invention in practice and the various embodiments as described in the specification.

### **The Invention**

- 7 The invention relates to an improvement to messaging systems such as text messaging and instant messaging in order to better facilitate collective decision making amongst a group of users. Paragraphs [0011] to [0014] of the description set out the way the invention works:

**[0011]** The present invention is based on the concept of multiple users of a communication system collectively making a decision using a message containing selectable options. A message defining selectable options is here referred to as an "action message", and we consider two types of action message: task messages (which define the components of a task which have to be allocated to corresponding individuals) and proposal messages (which contain options which are not task components).

**[0012]** The decision may, for example, be who will perform various components of a task (in which case the action message is a task message), or when and/or where the users will meet, or any other logistical decision (a proposal message). The selectable options of a proposal message may for example be a plurality of alternative possibilities for a result of the decision (e.g. a list of times at which it is proposed to meet), and/or a question which needs a yes/no answer (e.g. "can we meet one hour earlier than previously agreed?").

**[0013]** The action message is viewable by an initiator of the action message and by recipients of the action message. As recipients of the action message respond to it, the action message is dynamically (that is, essentially instantaneously updated, such as with a delay of under 5 seconds or more preferably under 2 seconds), to include data indicative of their responses. Thus, it is not necessary for the participants in the decision process to review individually a large number of responses to the action message. Instead, the multiple responses into a single updated version of the original action message, so that one of the users has only to view that one action message to understand the discussion. This saves time (and thus preserves battery life) and bandwidth, and reduces the risk of error. The management of the action messages and the responses is performed by a single software application running on any given communication device, so that the user does not have to switch between multiple applications.

**[0014]** The format of the action messages is preferably designed to collate all the responses in an easily comprehensible manner. Thus, the invention is applicable to mobile communication devices having a small screen (e.g. with a diagonal length no more than 10 cms). The invention is thus readily applicable to the limited capabilities of a mobile communication device, which contrast with the more sophisticated capabilities of a personal computer.

- 8 The invention therefore relates to a communication system between a plurality of users, each user having a device capable of transmitting, receiving and displaying messages. The communication system incorporates software which is capable of transmitting a message containing options from which the user selects, and the software receives input data from users based on a selected option. The software collates the input data and responds to the users with a response message which is a modified version of the original message.
- 9 The application as filed comprises 27 claims and these claims have not been amended during the processing of the application. There are five independent claims, claim 1 and claim 11 both directed towards a computer-implemented method, claims 17 and 19 both directed towards a computer device, and claim 21 directed towards a computer program product:

1. A computer-implemented method of associating individuals with components of a task, the individuals each being associated with respective communication devices, the method comprising:

(i) transmitting a task message to a plurality of the communication devices, the task message specifying one or more task components and being associated with a record in a message database;

(ii) a respective software application installed on each communication device displaying the task message in a graphical user interface using a screen of the corresponding communication device;

(iii) the software application on at least one of the communication devices receiving data input from the corresponding individual indicating an acceptance of a task component specified by the task message, and transmitting a corresponding response message;

(iv) updating the record to associate the corresponding individual with the accepted task component; and

(v) transmitting to the plurality of communication devices an update message to modify the task message in relation to the accepted task component, wherein the software applications subsequently display the modified task message on the communication devices.

11. A computer-implemented method of obtaining results of at least one decision by individuals associated with respective communication devices, the method comprising:

(i) transmitting a first action message to the communication devices of a first group of the individuals, the first action message including a first plurality of options, a respective software application installed on each communication device displaying the first action message in a graphical user interface using a screen of the corresponding communication device;

(ii) transmitting a second action message to the communication devices of a second group of the individuals, the second action message including a

second plurality of options, a respective software application installed on each communication device displaying the first action message in a graphical user interface using a screen of the corresponding communication device;

(iii) the software application of at least one of the communication devices associated with a recipient of the first action message receiving data input from the corresponding individual indicating a selection, in relation to the first action message, of at least one of the corresponding options;

(v) transmitting to the plurality of communication devices of the first group of users a first update message to modify the first action message in relation to the selected option, wherein the software applications subsequently display the first action message in a modified form; and

(vi) transmitting to the plurality of communication devices of the second group of users a second update message to modify the second action message in relation to the selected option, wherein the software applications subsequently display the second action message in a modified form.

17. A computer device operative to associate individuals with components of a task, the individuals each being associated with respective communication devices, the computer device comprising a processor and a data storage device, the data storage device storing program instructions operative to cause the processor:

(i) to receive from a plurality of the communication devices response messages, the response messages being generated in response to a task message received by the communication devices, the task message specifying one or more task components;

(ii) based on the response messages, to update a record in a message database, the record corresponding to the task message, the updating comprising associating one of the individuals with at least one of the task components in the case of task messages, or at least one proposal option selection in the case of proposal messages; and

(iii) to transmit to the plurality of communication devices an update message to modify the task message in relation to the accepted task component, or the proposal message in relation to the chosen proposal option selection whereby the communication devices subsequently display the modified task message on the communication devices.

19. A computer device for co-ordinating the making at least one decision by individuals who are each associated with respective communication devices, the computer device comprising:

(i) a processor,

(ii) a database containing

- (a) a respective record describing a first action message sent to the communication devices of a first group of the individuals, the first action message including a first plurality of options; and
- (b) a respective record describing a second action message sent to the communication devices of a second group of the individuals, the second action message including a second plurality of options; and
- (iii) a data storage device storing program instructions operative to cause the processor:
  - (a) to receive response messages from one or more of the communication devices associated with the first group of individuals, the response messages indicating a selection of one of the corresponding options;
  - (b) to transmit to the plurality of communication devices of the first group of individuals a first update message to modify the first action message in relation to the selected option; and
  - (c) to transmit to the plurality of communication devices of the second group of individuals a second update message to modify the second action message,

wherein the communication devices subsequently display the action messages in a modified form to all users associated with the respective action message.

21. A computer program product for installation in a communication device of an individual, the computer program product containing program instructions operative to cause a processor of the communication device:

- (i) to display a task message specifying one or more task components;
- (ii) to receive data input indicating an acceptance of a task component specified by the task message;
- (iii) to transmit a response message indicative of the data input;
- (iv) to receive an update message to modify the task message in relation to the accepted task component; and
- (v) to display the modified task message.

10 The claims vary in scope but fall into two broad groups as follows:

Claims 1,17 and 21 relate to the acceptance of task components in task messages. Each user has a device that is capable of receiving, transmitting and displaying task messages and associated task components. A task message is transmitted and displayed on a plurality of the user devices. Input

data from a user is received indicating an acceptance of a task component of the transmitted task message. An updated (response) task message is transmitted based on the received input data. Claim 17 applies to proposal messages as well as task messages.

Claims 11 and 19 relate to obtaining and co-ordinating decisions made by individuals of two groups of individuals. Action messages transmitted to one group are modified in relation to options selected in action messages transmitted to the other group, although, as I will discuss below, claim 19 does not quite bring this out as clearly as claim 11.

11 I will consider both groups of independent claims in my decision.

## The Law

12 Section 1(2) of the Act states:

*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-*

- (a) a discovery, scientific theory or mathematical method;*
- (b) a literary, a 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 program for computer**;*
- (d) the presentation of information;*

*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.*

13 The provisions of Section 1(2) were considered by the Court of Appeal in *Aerotel*<sup>1</sup> where a four-step approach was set out to decide whether a claimed invention is excluded from patent protection:

- (1) Properly construe the claim;*
- (2) Identify the actual contribution;*
- (3) Ask whether it falls solely within the excluded subject matter;*
- (4) Check whether the actual or alleged contribution is actually technical in nature.*

14 It was stated by Jacob LJ in *Aerotel* that the test is a re-formulation of and is consistent with the previous “technical effect approach with rider” test established in previous UK case law. Kitchen LJ noted in *HTC v Apple*<sup>2</sup> that the *Aerotel* test is followed in order to address whether the invention makes a technical contribution to the art, with the rider that novel or inventive purely excluded matter does not count as a “technical contribution”.

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<sup>1</sup> *Aerotel Ltd v Telco Holdings Ltd and Macrossan's Application* [2006] EWCA Civ 1371

<sup>2</sup> *HTC Europe Co Ltd v Apple Inc* [2013] EWCA Civ 451

- 15 The Court of Appeal in *Symbian*<sup>3</sup> ruled that the question of whether the invention makes a technical contribution must be addressed when considering the computer program exclusion, although it does not matter whether that takes place at step 3 or step 4.
- 16 Lewison J in *AT&T/CVON*<sup>4</sup> set out five signposts that he considered to be helpful when considering whether a computer program makes a technical contribution. Lewison LJ reformulated the signposts in *HTC v Apple* in light of the decision in *Gemstar*<sup>5</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.*

### **Arguments and analysis**

- 17 I will consider each of the *Aerotel* steps in turn in my analysis.
- (1) Properly construe the claim*
- 18 As I have commented above, the independent claims form two groups and I will consider each of these groups. For the purposes of this decision I will not need to determine whether the independent claims relate to a single invention. This will need consideration by the examiner should the case be remitted back to the examiner at any point.
- 19 The claims refer to three types of messages: a task message, a proposal message and an action message, each message having associated task components, proposal options and action options, respectively. Paragraph [0011] of the description defines these terms as follows:
- “A message defining selectable options is here referred to as an “action message”, and we consider two types of action message: task messages (which define the components of a task which have to be allocated to corresponding individuals) and proposal messages (which contain options which are not task components).”

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<sup>3</sup> *Symbian Ltd v Comptroller-General of Patents* [2009] RPC 1

<sup>4</sup> *AT&T Knowledge Venture/CVON Innovations v Comptroller General of Patents* [2009] EWHC 343 (Pat)

<sup>5</sup> *Gemstar-TV Guide International Inc v Virgin Media Ltd* [2010] RPC 10

- 20 The difference between a task message and a proposal message is not always entirely clear. Claim 17 relates mainly to task messages but also refers to a proposal message. What the messages appear to have in common is that a user receives a message which includes options from which a selection is made. For the purposes of this decision I will construe the messages to have this function.
- 21 Claim 17 differs in substance from claim 1 in that it refers to proposal messages with proposal options as well as task messages with task options. I have dealt with this matter above. Apart from this, claim 17 does not pose any further construction issues.
- 22 Claim 21 is broader than claims 1 and 17 in that the steps are not directly tied into individuals. It relates merely to the task messages, task components of these messages, acceptance of task components, and modification of task messages in relation to acceptance of task components. Although the claim could be considered broad enough to cover situations where task components are accepted by automated processes without any reference to any individuals, I note that the claim specifies that the computer program product is for installation in a communication device of an individual. Moreover, the description clearly envisages the invention as solving the problem of communications between individuals. I therefore construe claim 21 as being limited to acceptance of task components by individuals, in line with claims 1 and 17.
- 23 Claim 11 includes numbered steps but is missing a step (iv). It is unclear whether there is in fact a step missed out of the claim, or whether it is merely an error in the numbering of the steps. I note however that claim 19, the other claim in this group, does not have an additional step. I will therefore construe claim 17 to be as it is drafted, without any missing step, and assume the error is in the labelling of the steps.
- 24 Claim 19 has a further problem in that, in part (iii)(c) of the claim, the second action message is modified but the basis for this modification is not defined. To be consistent with claim 11 it would seem that the intention is that the second action message is modified in relation to the selected option, as is the case with the first action message. This would provide the link between the two groups of individuals and the two action messages so as to avoid clashing actions for an individual. I will construe claim 19 accordingly.
- 25 Independent claims 1 and 11 both mention that a software application is installed on each user's communication device. This feature is not mentioned in the other independent claims 17, 19 and 21. I note however that some form of software application is implicit in each of these claims to carry out the relevant processing, to transmit and receive data, and to display messages.
- 26 Given my general construction of task messages, action messages and proposal messages and their respective task, action and proposal components, there is a body of subject matter common to all the independent claims which corresponds, broadly speaking, to claim 21:

A computer program product for installation in a communication device of an individual, the computer program product containing program instructions operative to cause a processor of the communication device:

- (i) to display a task message specifying one or more task components;
- (ii) to receive data input indicating an acceptance of a task component specified by the task message;
- (iii) to transmit a response message indicative of the data input;
- (iv) to receive an update message to modify the task message in relation to the accepted task component; and
- (v) to display the modified task message.

*(2) Identify the actual contribution*

- 27 The second stage of the *Aerotel* test is to identify the contribution. In this instance, it is the alleged contribution since no search has been performed. Jacob LJ outlined the considerations to be applied when identifying the contribution made by the claims in paragraph 43 of *Aerotel*:

*“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.”*

- 28 In the present invention the hardware architecture is made up of commonly known systems (communication devices, servers, database, processor and the like), as was acknowledged by Mr Watkin at the hearing.
- 29 The applicant argues that the examiner is incorrect to take the view that the invention is an administrative task which resides solely in software. Mr Watkin expressed at the hearing and in correspondence his view that the invention is an improved communication system rather than an improved administration system falling into the excluded category of a business method. He further expressed the view that the improved communication system is a more efficient mechanism for users to communicate with each other and a completely new way for a user ‘at a remote terminal’ to be alerted to an electronic communication that another user has transmitted.
- 30 The contribution does not in my view relate to a new method of communication *per se*. Rather it relates to using existing communication mechanisms in a different way so as to make it easier for a group of individuals to allocate tasks and make decisions. Having considered the application as a whole and the submissions made by the applicant, I assess the alleged contribution to be a communication platform having a graphic user interface which allows a plurality of individuals (users) or a plurality of groups of individuals, which are remote from each other, to communicate

with each other by means of messages, wherein each message contains options from which the users select and respond, an updated message being subsequently sent to the individuals showing the responses from other users. An advantage of this is that individuals are able to view the most up-to-date and relevant information regarding the task without having to look through large numbers of messages.

- 31 In claims 1, 17 and 21 the contribution specifically relates to users accepting task components of task messages (or proposal components of proposal messages) with the task messages modified accordingly.
- 32 In claims 11 and 19 the contribution specifically relates to updating a second action message sent to a second group of individuals in relation to an option selected by an individual in a first action message sent to a first group of individuals.

*Steps (3) and (4): Ask whether the contribution falls solely within the excluded subject matter; check it is actually technical in nature*

- 33 For convenience I will consider the third and fourth steps together. Although the contribution resides in software and communications take place between human beings, such communication is not new. The contribution is based on the types of messages and options provided which helps process all the collated responses. Mr Watkin pointed out that this results in a more efficient mechanism for users to communicate with each other.
- 34 At the hearing Mr Watkin emphasised that, in his view, the invention was an improved method of communication, highlighting that the communication takes less time than prior methods and reduces the burden on individuals involved in the communication reaching a decision. He distinguished it from two cases referred to by the examiner<sup>6</sup>, arguing that these were not relevant because the systems described in these cases were not communication systems between human beings at remote locations but transactions between a human and a computer system. These decisions are clearly linked to administrative tasks. Mr Watkin did not agree that the result of the present case was an administrative system but was about communication between individuals.
- 35 I will first consider whether the contribution lies in the field of a program for a computer as such. The contribution is implemented as a program for a computer, although of course it would be installed on computer hardware in order to operate. But this doesn't mean that the invention is necessarily excluded from patentability. I have to decide whether the contribution I have identified above falls wholly in the excluded categories, or whether it makes a technical contribution. For computer-implemented inventions the *AT&T/Cvon* signposts set out above provide helpful pointers in determining whether such inventions make a technical contribution, and I will consider them in turn.
- 36 The first signpost asks whether the claimed technical effect has a technical effect on a process which is carried on outside the computer. Mr Watkin considered this signpost to be the most relevant to the present circumstances. He argued that the

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<sup>6</sup> *Language Line Services*, BL O/324/14 and *Sustainable Energy and Heating Systems Ltd* BL O/371/14

most relevant precedent case was *Protecting Kids the World Over (PKTWO)*<sup>7</sup>, and that the present invention was distinguished from that in *Lantana*<sup>8</sup>. The most relevant paragraphs of PKTWO are paragraphs 34 and 35:

“34. I am unable to accept these submissions. I start with the proposition that the generation and transmission of an alert notification to the user/administrator is not a relevant technical process. I accept that in many cases this may be correct. Plainly it was correct in the case of two out of the three patents considered by Mann J in *Gemstar*, where information was simply displayed on a screen. But what is in play in the present case, namely an alarm alerting the user, at a remote terminal such as a mobile device, to the fact that inappropriate content is being processed within the computer, is in my judgment qualitatively different. First of all, the concept, although relating to the content of electronic communications, is undoubtedly a physical one rather than an abstract one. In that respect it was more akin to the third of the three patents considered by Mann J in *Gemstar*. Secondly, the contribution of claim 33 does not simply produce a different display, or merely rely on the output of the computer and its effect on the user. The effect here, viewed as a whole, is an improved monitoring of the content of electronic communications. The monitoring is said to be technically superior to that produced by the prior art. That seems to me to have the necessary characteristics of a technical contribution outside the computer itself.

35. Accordingly I would hold that the contribution of claim 33 does not reside wholly within the computer program as such exclusion. I think that conclusion is in accordance with the AT&T signposts. In particular I would say that the invention solves a technical problem lying outside the computer, namely how to improve on the inappropriate communication alarm generation provided by the prior art. That is sufficient in my judgment to overcome the objection on the very specific facts of the case before me.”

- 37 At the hearing Mr Watkin emphasised the statement in paragraph 34 of *PKTWO* that improved monitoring of the content of electronic communications to generate an alarm or alert was considered to be a “technical contribution outside the computer itself”. This, Mr Watkin argued, is exactly as in the present invention, particularly in that it relates to communication between human beings. In the present invention individuals are sent an update message which indicates the content of messages which other users have sent, along with other information such as the task component(s) or option(s) which had been selected or accepted by individuals.
- 38 Mr Watkin submitted that *PKTWO* was a much more relevant case than *Lantana*. He argued that the present invention significantly differed from *Lantana* in that, in the present case, there was a communication outside the computer to a human being, as in *PKTWO*, whereas in *Lantana* all the communication lay within the computer and the invention failed to alert a user to a communication by another distal user. On a similar basis Mr Watkin also distinguished the present invention from the inventions in *Aerotel/Macrossan*.
- 39 Care must be taken in considering similarities with other authorities. In *Lantana*<sup>9</sup> Justice Birss (as he then was) commented that “*Simply because it is possible to*

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<sup>7</sup> *Protecting Kids the World Over (PKTWO) LTD's Patent application* [2012] RPC 13

<sup>8</sup> *Lantana v Comptroller-General of Patents* [2014] EWCA Civ 1463

<sup>9</sup> *Lantana v Comptroller-General of Patents* [2013] EWHC 2673 (Pat)

*construct a generalised category which includes both the claimed invention in this case and a previous decision in which a claim was held to be patentable, does not help. It shows that such things can be patentable in some cases but does not show that the invention in this case is patentable.*” In paragraph 34 above the judge confirmed that in some cases the generation and transmission of an alert notification to the user/administrator is not a relevant technical process, as was the case in *Gemstar*. Floyd J (as he then was) found that the specific alarm of the invention in *PKTWO* alerting the user, at a remote terminal such as a mobile device, to the fact that inappropriate content is being processed within the computer produced the necessary characteristics of a technical contribution. I am not convinced that the updated messages transmitted to individuals in the present invention are alerts or alarms of this nature. There is no active monitoring of communications in the present case in order to generate an alarm. Rather, messages are transmitted to groups of individuals, options are selected, and then updated messages reflecting the selected options are transmitted to the respective groups of individuals. In the present case update messages are sent to modify task messages (or action or proposal messages) following selection of options by individuals. There is no alert generated in the sense of the alarm of *PKTWO*. The messages are merely part of the computer system used to carry out the administrative activities such as task allocation and coordination, or proposal coordination. The present invention is therefore distinguished from that of *PKTWO* and, to the extent that this can be considered an effect outside of the computer, it is an effect on an administrative process rather than a technical effect on a technical process. Moreover, the processing of the data takes place within the computer and does not result in an action on a process outside of the computer other than, perhaps, a perceived better experience, or a more efficient, succinct decision notification for the user. I cannot therefore identify a technical effect on a process carried on outside the computer.

- 40 I have not needed to consider the other cases referred to by the examiner, including the Court of Appeal’s judgment in *Lantana*, in my analysis, but were I to do so I would need to take the same care in comparing the cases as I have with *PKTWO*. I do however note that in *Lantana*, which related to a method for transferring files using email, the Court of Appeal said in paragraph 68: “The increase in reliability results from the use of email rather than a new method or system of communication.”
- 41 For completeness I will consider the contribution with regards to signposts ii to iv which relate to the architecture, speed and operation of the computer and can be considered together. The applicant acknowledges that the invention does not improve the computer’s architecture or its operational performance. The invention does not operate at the architectural level and does not make any changes to the underlying computer system. Nor does the contribution make the computer operate in a new way or enable the computer to operate more efficiently or effectively as a computer. Any new or improved performance is within the software application, not to the computer itself.
- 42 The final signpost looks at the problem being solved by the invention and establishes whether the problem has been solved or circumvented. I am in agreement with the examiner that reducing the number of messages exchanged between individuals may circumvent bandwidth and energy constraints, but it does not change, and therefore does not overcome, the technical constraints of the communication system.

It is noted that reducing the amount of data transmitted across a network in order to solve bandwidth limitations is specifically referred to in the Manual of Patent Practice (MoPP) as being an example of a technical problem being circumvented (see MoPP Section 1.38.5). The present invention relates to improving the communication between multiple devices by reducing the volume of messages a user needs to view. It does not do this by providing any improvements to the technical infrastructure on which the software is run, but rather by providing an analysis and decision mechanism within the software based on structured messages which include a number of options from which a selection is made. Signpost (v) also does not therefore indicate that the program provides a technical contribution.

- 43 Having considered all the signposts, none of them point to the contribution made by the inventive concept of the common subject matter of the independent claims as making a technical contribution. Taking a step back and looking at the contribution as a whole, I find that it relates wholly to improvements in organising tasks and decisions between groups of individuals implemented on a computer system. It does this by enabling individuals to select options in messages and then updating individuals on options selected. This does not make a technical contribution but is rather administrative in nature. I therefore conclude that the claimed invention lies in the excluded field of a program for a computer as such.
- 44 I will also consider the business method exclusion. The applicant expressed their view that the outcome of the communication system is a better response with regards to co-ordinating messages, speeding up the communication by filtering and presenting a reduction in message data overload. This is achieved in the way in which the software processes the data and how the data is organised within a database. As I have already said, Mr Watkin's view was that this was an improved communication system, not an improved administrative system.
- 45 I have already found that the process by which the invention operates is an administrative process rather than a technical process. It may be an improved administrative process but it is still an administrative process. The improvement lies in a better way of organising individuals to coordinate tasks and make decisions, not to a technical improvement in a system for communication between individuals. This is a better or different way of doing business. Mr Watkin also argued that the invention is improved monitoring of the actions of separated people. Even if the contribution could be characterised in this way, which is doubtful, as what the invention does is allow tasks to be accepted and decisions to be made without needing a mass of messages to be sent between individuals which could be seen to be stretching the definition of "monitoring", monitoring the actions of people does not necessarily provide a technical contribution. In the present invention any monitoring relates to monitoring whether task components have been accepted or whether options in proposal or action messages have been selected, which in my view is an administrative activity. I therefore conclude that the contribution relates to a method of doing business as such, implemented as a computer program.
- 46 My analysis above relates to the contribution made by the common subject matter of the claims and also to the specific features of the two groups of claims, namely to users accepting task components of task messages and the task message being modified accordingly, and to updating a second action message sent to a second

group of individuals in relation to an option selected by an individual in a first action message sent to a first group of individuals.

- 47 I therefore conclude that the contribution lies wholly in the excluded fields of a program for a computer as such and a method for doing business as such. I have examined the dependent claims and my arguments set out above apply equally to those claims as they do to the independent claims.

### **Conclusion**

- 48 I have found that the contribution made by the claimed invention lies wholly in the excluded fields of a program for a computer as such and a method of doing business as such. The application does not therefore comply with sections 1(1)(d) and 1(2)(c) of the Act. I therefore refuse the application.

### **Appeal**

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

**Benjamin Micklewright**

Deputy Director, acting for the Comptroller