



PATENTS ACT 1977

APPLICANT

Suunto OY

ISSUE

Whether patent applications GB1521192.3 and
GB1521193.1 comply with section 1(2) of the
Patents Act 1977

HEARING OFFICER

Phil Thorpe

DECISION

Introduction

1. Patent applications GB1521192.3 and GB1521193.1 were both filed on 1st December 2015 and were respectively published as GB2544982 and GB2544983 on 7th June 2017.
2. There have been several rounds of correspondence between the applicant and the examiner and several amendments made to both applications. Nevertheless, they have been unable to agree that the applications comply with section 1(2) of the Patents Act 1977 ("the Act") and specifically whether they consist of a program for a computer. Consequently, the matter has come to me to reach a decision based upon the papers on file.
3. Given the similarities between the two applications it has been decided they will be considered together.

GB1521192.3

The invention

4. GB1521192.3 relates to a smart watch having activity tracking capabilities. More particularly the invention is concerned with determining an activity route for a smart watch, and particularly to determining such a route based on the location of the watch gained from a satellite positioning receiver within the watch and where the route is further determined from at least one other factor taken from a thematic map database.
5. A thematic map database can be compiled to cover a geographic area, an example would be a heat map in which areas of greater activity, or intensity, would be shown as 'hotter'. The thematic database of the present invention

can also comprise data relating to at least one of crime density, traffic density, and avalanche risk for a certain area. The activity route can then be determined with respect to at least one of these factors, for example a user wishing to start an activity such as jogging may wish to avoid the pollution typically associated with areas of relatively high traffic density, or for safety may wish to avoid areas with high crime density.

6. The claims as currently amended were filed on 3rd April 2020. There are three independent claims 1, 11 and 21. Claims 11 and 21 relate to a method and a non-transitory computer readable medium respectively and comprise the same features as claim 1. As claims 11 and 21 differ from claim 1 in form only and not substance I am satisfied they stand or fall with claim 1.

7. Claim 1 currently reads as follows:

A smart watch comprising at least one processing core, at least one memory including computer program code, the at least one memory and the computer program code being configured to, with the at least one processing core, cause the smart watch at least to:

- *determine a route based at least partly on a thematic map database and a current location of the smart watch, wherein the smart watch is configured to determine the current location using a satellite positioning receiver comprised in the smart watch, wherein the thematic map database associates activity type intensities with locations, wherein the route is further determined based on at least one of the following contents of the thematic map database: avalanche risk density to route ski sessions in safe areas, traffic density to avoid high-traffic density areas and crime density to avoid high-crime areas, and wherein the route is determined to be interruptible when the route passes its start point at a point along the route before an end point of the route;*
- *present the determined route as a suggested route to a first user, and*
- *responsive to the first user approving the suggested route, initiate an activity session based on the suggested route.*

The law

8. The examiner has raised an objection under section 1(2) of the Patents Act 1977 that the invention is not patentable because it relates to one or more categories of excluded matter. The relevant provisions of this section of the Act are shown with added emphasis 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 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.

9. As explained in the notice published by the UK Intellectual Property Office (IPO) on the 8th December 2008¹, the starting point for determining whether an invention falls within the exclusions of section 1(2) is the judgment of the Court of Appeal in *Aerotel/Macrossan*².
10. The interpretation of section 1(2) has been considered by the Court of Appeal in *Symbian*³. *Symbian* arose under the computer program exclusion, but as with its previous decision in *Aerotel* 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 *Aerotel* approach. The 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*⁴ 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.
11. Subject to the clarification provided by *Symbian*, it is therefore appropriate to proceed on the basis of the four-step approach explained at paragraphs 40–48 of *Aerotel* namely:
 - (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.*
12. Lewison J (as he then was) set out in *AT&T/CVON*⁵ five signposts that he considered to be helpful when considering whether a computer program

¹ <http://www.ipo.gov.uk/pro-types/pro-patent/p-law/p-pn/p-pn-computer.htm>

² *Aerotel Ltd v Telco Holdings Ltd and Macrossan's Application* [2006] EWCA Civ 1371; [2007] RPC 7

³ *Symbian Ltd v Comptroller-General of Patents*, [2009] RPC 1

⁴ *Merrill Lynch's Appn.* [1989] RPC 561

⁵ *AT&T Knowledge Ventures/CVON Innovations v Comptroller General of Patents* [2009] EWHC 343 (Pat); [2009] FSR 19

makes a technical contribution. In *HTC*⁶ the signposts were reformulated slightly in light of the decision in *Gemstar*⁷ and so they are as follows:

- 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.*

13. It is important to stress that these signposts are just that. They are not barriers or hurdles that need to be individually or collectively overcome by the applicant. They are rather a non-exhaustive list of some of the factors that can indicate in some cases whether a particular contribution may be technical.

Applying the Aerotel test

Step 1 - Properly construe the claim

14. The claims are generally clear however there is one point I would like to highlight. Claim 1 includes the feature that “*the route is determined to be interruptible when the route passes its start point at a point along the route before an end point of the route*”. The applicant has suggested in the response dated 3rd April 2020 that this should be construed to mean that “*when the route passes its start point again, the user may interrupt the route before it has been fully completed. In other words, the route is interruptible at a midpoint*” (my emphasis).
15. There is support for this in the description in paragraph 50 which notes with reference to figure 2A which shows a possible route on a map on the watch that:

⁶ *HTC v Apple* [2013] EWCA Civ 451

⁷ *Gemstar-TV Guide International Inc v Virgin Media Ltd* [2009] EWHC 3068 (Pat); [2010] RPC 10

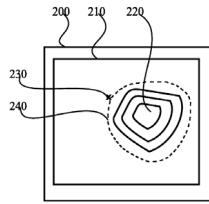


FIGURE 2A

A start point 230 is illustrated in the user interface, as is a route 240, which is indicated with a dashed line. In this example, the route may be traversed twice to obtain the physical exercise effect the user wants. The route proceeds along a relatively constant elevation around the hill, and when traversed twice provides an opportunity to interrupt the activity session halfway through, as the user passes start point 230. To interrupt the session, the user can simply stop at start point 230 instead of beginning a second lap along the route. In this example the area of map 220 may be indicated in the thematic map database as being associated with past activity sessions of a corresponding, or indeed same, activity type as the session the user selects.

16. An alternative, though more unlikely, construction of the claim would be that it is not limited to interrupting the route on a second circuit but rather if the present location was distanced from the start position of the route then the route could be interrupted when the user first passes the start position. This is a minor point and I do not believe anything really hinges on it other than to say this feature has been construed to mean the route is interruptible after passing the route start point.

Step 2 - Identify the actual contribution

17. Jacob LJ addressed this step in *Aerotel/Macrossan* where he noted:

“43. 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.”

18. Jacob LJ goes on to say that in the end:

“the test must be what contribution has actually been made, not what the inventor says he has made”.

19. The applicant suggests that the problem the invention seeks to solve is to design a user interface without too many buttons. I am not persuaded that that really is the problem that the invention here is addressing. The application acknowledges that smart watches with touch screens are known. Hence the problem lies not in the nature of the interface in general but rather in how specific route information is determined and then presented to the user on the smart watch and then in response to a user input, an activity session is initiated on the watch based on the route.
20. The applicant goes on to suggest that the invention works by “sensing context (or contextual information) including the location of the device, but also security risks and the behaviour of the user”. Again, I do not think that this is

right. What the claimed invention does is determine the location and then determine from that, together with other stored information in the thematic map which can include for example crime density, a route. Hence the watch does not sense anything other the location of the watch.

21. The applicant then I believe gets to the heart of the invention when it suggests that the advantage of the invention is that it allows a user to select a route, which is chosen automatically based on location and on other relevant stored information, and start an activity session without having to make a selection from a wide range of options.
22. A search and examination have been carried out which suggests that the invention now claimed is novel and inventive. In the course of the examination the examiner noted that smart watches which suggest routes based on current location derived from a GPS receiver within the watch were known in the art. He referred by way of example to US2012/0109518 which discloses a pedometer having a GPS system that can obtain the current position of the user and then generate and display suggested paths for different exercise activities from that start position (see figure below).

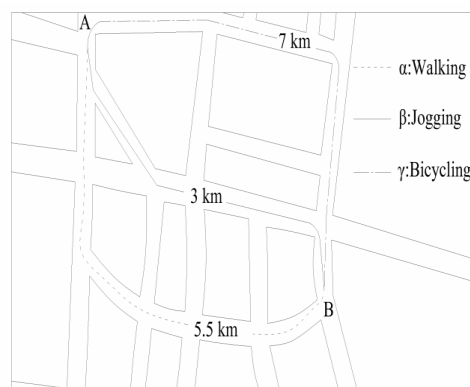


FIG. 4

23. Hence considering this disclosure, the applicant's arguments and the context of the invention as a whole, I am of the view that the contribution is a smart watch that can determine and present a route to a user, based on the location of the watch and on certain other specific information stored in a thematic map database, and then initiate an activity based on that route in response to an input from the user.

Step 3 - Ask whether it falls solely within the excluded matter

Step 4 - Check whether the actual or alleged contribution is actually technical

24. I will consider steps 3 and 4 together, i.e. whether the contribution is technical or whether it falls solely within the excluded matter of a program for a computer.
25. The applicant argues that signposts i), iii), iv) and v) from *HTC* are all relevant. It argues firstly that a technical effect is provided by the fact that the selection

of the suggested activity type is carried on outside of the computer with on average fewer interactions than would be the case typically.

26. One of the inventions in *HTC* related to touch sensitive screens which were capable of responding to more than one touch at one time. More specifically the invention enabled each view within a particular window to be configured as a multi-touch view or a single touch view. Further, each view could be configured as an exclusive or a non-exclusive view. Depending on the configuration of the view, touch events in that and other views could be ignored or recognised. Importantly, ignored touches need not be sent to the application. LJ Lewison, when considering the relevance of signpost i) found in paragraph 154 that:

“The claimed invention has a technical effect on a process carried out outside the computer. At one end, it makes the writing of software easier. I do not agree with the judge that this is simply a redistribution of labour. It is a reduction of labour, because once the device is programmed with the claimed invention software writers can use it over and over again. To borrow Mr Burkill's analogy, a multi-touch device which sends all touches to the applications is like a water system with an uncontrolled flow of mains water. The invention consists of the provision of taps. The application designer does not have to design and fit his own taps in order to use the device. All he has to do is to decide whether he wants the taps turned on or off. At the other end, it interacts with the end user who touches the screen. This, too, is a process happening outside the computer.”

27. It is clearly necessary to be cautious in reading too much from other decisions without a thorough consideration of the similarities and differences between the inventions in issue however I am content that how the invention here interacts with the user could also be considered as relating to a process happening outside the computer. However, the invention here does not have the same level of generality and functionality as the invention that Lewison J was considering. The invention here does not for example provide a new tool for other programs to use. Rather what it does is to provide information from a specific application to the user of the watch in a more efficient manner ie. without them having to scroll through a number of screens. That is not solving any technical problem with the interface as such even accounting for the small size of the screen on the watch. Hence, I do not consider that the first signpost is met here.

28. The applicant argues that because the GPS receiver within the smart watch receives information through connectivity to the outside world, the software application in the smart watch is not self-contained and hence the smart watch is being made to operate in a new way. I do not really follow this line of reasoning not least because as I have already discussed it was known at the time of filing for smart watches to comprise GPS receivers handling information from the outside world. For signpost iii) to be met, the computer (or in this case the smart watch) itself must operate in a better way than it did before as a result of the program being run. Whilst the smart watch may operate differently, that is entirely because of the new program rather than any technical improvements in the watch itself. I would add that my conclusion here would be unaltered if, as the applicant suggests, the device uses the current location of the device as the start point for the route or that it initiates an activity based on the user approving the route. Again, neither of these

activities point to the computer or watch operating in a new way as envisaged by the third signpost.

29. Regarding the fourth signpost, the applicant submits that the intuitive, context-sensitive device with a simplified layout provides a better device and that automation of a previously manual task is inherently more efficient. However, in order to meet the fourth signpost, the computer itself must operate more efficiently and effectively as a result of running the program. Any efficiency or gain in effectiveness that the user experiences here stems not from the computer being made more efficient or effective but rather from the program undertaking more of the data processing tasks that the user might have had to do previously. That does not make the computer a better computer in the sense of the fourth signpost.
30. Finally, in relation to the fifth signpost, the applicant submits that the problem of providing a relevant activity route with enhanced security to a smart watch with a small interface is overcome by reducing user interaction and interface with the device. However, the problem here of dealing with the information displayed on a small interface, and a user's interaction with that interface, is not being overcome in any technical sense. Rather it is circumvented by filtering or prioritising the information to be displayed according to the contextual information provided by the thematic map database. The user's input to the interface are also still handled conventionally. Hence, the fifth signpost has not been met.
31. The applicant makes two further general arguments to illustrate that the invention involves a technical contribution. It suggests by way of an example that a total of a hundred routes are available on the smart watch. It then argues that without the invention, the process of choosing a route based on the location and some other stored factor for example crime rate, would require either that the user interface of the smart watch would have to be impractically large so as to fit each of the one hundred routes on the screen, or each route would have to be so small that a user would struggle to read the routes. There is a third option not mentioned by the applicant which would be to sequentially present the one hundred routes to the user. In any event the solution that is provided by the invention is, as I noted above in respect of signpost v), based on prioritising the information presented. More specifically the program chooses a suggested route. This is in my view a programming choice relying on data processing that circumvents rather than solves any technical issues relating to the ability of the screen to present information.
32. The applicant seeks finally to argue that if the invention here is found to be "non-technical" then a Geiger counter would also be "non-technical" since it too merely runs a program and displays information which, as with the measurements taken by the invention here, is also technical in nature. I am not convinced that this argument really helps the applicant. It appears to be confusing the nature of the invention with the question of whether it provides a technical contribution. A computer, or for that matter a smart watch, is technical in nature. Equally identifying a position using GPS or sensing

radiation levels is a technical activity. But none of that on its own is sufficient, otherwise every computer implemented invention would fall outside the excluded fields. The courts have consistently held that the presence of conventional hardware, even where it is technical in nature, is not enough to prevent the invention from being held to be excluded. That applies equally to the use of entirely standard means of determining location or the presence of radiation. Thus, an entirely conventional Geiger counter characterised for example only by the way that its program displays the information would according to the applicant not be excluded even if there was nothing technical in the new way that the information was presented. That is clearly at odds with the test in *Aerotel*.

33. The invention here uses entirely conventional hardware and location detection means being characterised by the way it determines and presents particular route information based on stored data. And for the reasons I have set out above I do not believe that that provides for the required technical contribution.

34. In conclusion, none of the signposts from *HTC* assist the applicant here. Further taking a step back I am of the view that whilst the invention is carried out on a technical apparatus namely a smart watch, the contribution provided by the claimed invention is not a technical contribution.

GB1521193.1

The invention

35. The invention in GB1521193.1 is also concerned with determining an activity type for a smart watch, and particularly to determining such an activity based on the location of the watch gained from a satellite positioning receiver within the watch.

36. One way to simplify the interaction between the user and the watch is to predict the activity type the user is going to engage in. Users may engage in activity sessions, and information on such sessions may be collected in a server apparatus. The collected information may be used to compile a thematic map database of activity sessions, such that the thematic map database associates densities of user activity type uses with geographic locations. Such a database may be referred to as a heat map, for example.

37. The database thus may indicate, as a function of location, statistical probabilities of a set of user activity types, based on the activity types of the past activity sessions at that location. As an example, the database may be queried with a location, and the database may responsively indicate that 55% of past activity sessions in that location have been jogging sessions, 35% have been cycling sessions, 5% have been walking sessions and 5% have been other or unrecognized-type sessions. The database can then return the set of user activity types in probability order without explicitly indicating the

probabilities themselves. In some embodiments, the database returns only the most likely activity type, based on the information contained in the database.

38. The watch is also able to make a recording of the activity. That recording may comprise information about the route taken during the activity session, a metabolic rate or metabolic effect of the activity session, a time that the activity session lasted, or a quantity of energy consumed during the activity session. It can also be a sound recording obtained during the activity session and an elevation map along the route taken during the activity session.
39. The claims as currently amended were filed on 3rd April 2020. There are four independent claims 1, 12, 23 and 24. As claims 12, 23 and 24 differ from claim 1 in form only and not substance, I am satisfied they stand or fall with claim 1. Claim 1 reads as follows:

Claim 1

A smart watch comprising at least one processing core, at least one memory including computer program code, the at least one memory and the computer program code being configured to, with the at least one processing core, cause the smart watch at least to:

determine a predicted user activity type based at least partly on a thematic map database and a current location of the smart watch wherein the thematic map database is configured to indicate statistical probabilities of a set of user activity types, based on the activity types of past activity sessions at the current location, and wherein the thematic map database is configured to return the set of user activity types in probability order,

present the predicted user activity type as a suggested activity type to a first user,

responsive to the first user approving the suggested activity type, initiate an activity session of the suggested activity type and

provide a recording of the activity session, the recording comprising information on at least one of the following: a route taken during the activity session, a metabolic rate or metabolic effect of the activity session, a quantity of energy consumed during the activity session, a sound recording obtained during the activity session and an elevation map along the route taken during the activity session.

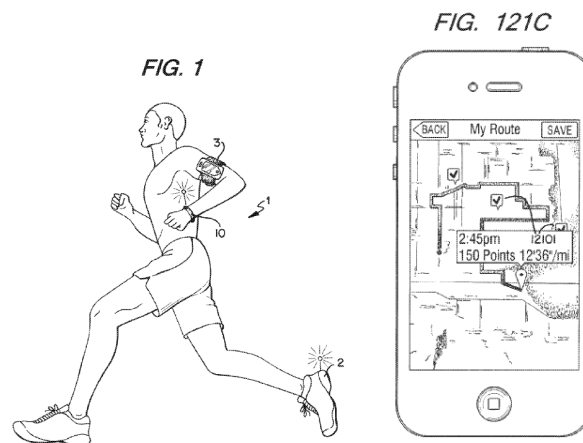
Applying the Aerotel test

Step 1 - Properly construe the claim

40. The claims are generally clear.

Step 2 - Identify the actual contribution

41. The applicant notes that any assessment of contribution should consider the problem being solved, how the invention works and what are its advantages. It suggests that the problem the invention seeks to solve is to design a user interface without too many buttons. I am not persuaded that that really is the problem that the invention here is addressing. The application acknowledges that smart watches with touch screens are known. Hence the problem lies not in the nature of the interface in general but rather in how specific activity information is determined and then presented to the user on the smart watch and then in response to a user input, an activity session is initiated on the watch and a recording made of that session.
42. The applicant goes on to suggest that the invention works by “sensing context (or contextual information) including the location of the device and by adapting its output on the context. I accept that determining location is an aspect of the invention however there is nothing to suggest that the way that location is determined is anything other than conventional.
43. The applicant then I believe gets to the heart of the invention when it suggests that the advantage of the invention is that the user is presented with a set of activity types in probability order which reduces the burden on the user having to swipe through multiple options. The user can then select and start an activity type and obtain a recording of the activity session in a convenient and efficient way especially considering the size of the screen on the smart watch.
44. A search and examination have been carried out which suggests that the invention now claimed is novel and inventive. The search did however reveal US2013106603 which discloses a wrist wearable device 10 that is able to record a route taken and then transmit it to a connected mobile phone 121c.



45. Also found was US20150006290 which discloses a watch that can suggest a range of activities based on the location of the watch.
46. Hence considering these documents and the applicant's arguments, I consider the contribution to be providing, in a smart watch that can determine its location and record an activity, the ability to suggest an activity to a user

based on the location of the watch and certain other information stored in a thematic database, present a ranked list of possible user activities to the user, initiate an activity based on that activity in response to an input from the user and then record the activity.

Step 3 - Ask whether it falls solely within the excluded matter

Step 4 - Check whether the actual or alleged contribution is actually technical

47. I will consider steps 3 and 4 together, i.e. whether the contribution is technical or whether it falls solely within the excluded matter of a program for a computer.
48. The applicant argues that signposts i), iii), iv) and v) from *HTC* are all relevant. It argues firstly that a technical effect is provided by the fact that the selection of the suggested activity type is carried on outside of the computer with on average fewer interactions than would be the case typically. However, I do not believe that this is what signpost i) is alluding to. Indeed, there is nothing to suggest that the invention has any form of “technical” effect on any process carried on outside of the computer.
49. The applicant argues that the smart watch is caused to operate in a different way in that it indicates the statistical probabilities of a set of user activity types based on past activity sessions at the current location and then ranks these before presenting them to the user. For signpost iii) to be met however, the computer (or in this case the smart watch) itself must operate in a better way than it did before as a result of the program being run. Whilst the smart watch may operate differently in this case, that is not because the watch is being made to operate in a new way in a technical sense but rather because it is running a new program. In other words, the watch itself is operating in a conventional way albeit that it is running a new program.
50. Regarding the fourth signpost, the applicant submits that invention converts the smart watch into a more usable tool for managing information. However, in order to meet the fourth signpost, the computer itself must operate more efficiently and effectively as a result of running the program. Any efficiency or gain in effectiveness that the user experiences here stems not from the computer or smart watch being made more efficient or effective but rather from the program undertaking more of the tasks that the user might have had to do previously. Hence previously a user might have had to scroll through the records of activities undertaken at a particular location to identify the type of activity that was undertaken the most, this is now done automatically by the program. This is more efficient for the user, but it is not because the computer or smart watch is operating more efficiently itself but rather because of the way that the stored activity information is processed. That does not make the computer a better computer in the sense of signpost iv).
51. Finally, in relation to the fifth signpost, the applicant submits that the problem of providing relevant activity types to a user of a smart watch with a small interface is overcome by reducing user interaction and interface with the device. It suggests that this is a quantum leap improvement in the computer

as no button hardware and drivers for them are needed. Also, space is freed up for other hardware. These it suggests are all tangible, physical and technical effects.

52. I am not entirely sure that the invention does eliminate button hardware or drivers as the watch, even if it is limited to this application, and there does not appear to be any suggestion of that in the application, would nevertheless still require a user interface to enable the user to initiate the suggested activity type. Indeed, I can see nothing that overcomes the problem of the small interface. Rather what the invention does is to overcome the problem of the user having to scroll through a number of records by doing this automatically for the user. Whilst that may make the smart watch easier to use, it is not because any technical problem has been solved. Hence, the fifth signpost has not been met.
53. The applicant makes two further general arguments to illustrate that the invention involves a technical contribution. It suggests by way of an example that a total of one hundred activity types are available on the smart watch. It then argues that without the invention providing a ordered list of activity types based on probability, the process of choosing an activity type would require either that the user interface of the smart watch would have to be impractically large so as to fit each of the one hundred activity types on the screen, or each activity type would have to be so small that a user would struggle to read the activity type. There is a third option not mentioned by the applicant which would be to sequentially present the one hundred activity types to the user. In any event the solution that is provided by the invention is, as I noted above in respect of signpost v), based on prioritising the information presented. More specifically the program chooses to provide an ordered list of activity types based on probability. This is in my view a programming choice that circumvents rather than solves any technical issues relating to the ability of the screen to present information.
54. The applicant seeks finally to argue that if the invention here is found to be “non-technical” then a Geiger counter would also be “non-technical” since it too merely runs a program and displays information which, as with the measurements taken by the invention here, is also technical in nature.
55. As noted in respect of GB1521192.3 above, I am not sure that this argument really helps the applicant. It appears to be confusing the nature of the invention with the question of whether it provides a technical contribution. A computer or for that matter a smart watch is technical in nature. Equally identifying a position using GPS or sensing radiation levels is technical. But none of that on its own is sufficient, otherwise every computer implemented invention would fall outside the excluded fields. The courts have consistently held that the presence of conventional hardware even where it is technical in nature is not enough to prevent the invention from being held to be excluded. That applies equally to the use of entirely standard means of identifying location or the presence of radiation. Thus, an entirely conventional Geiger

counter characterised for example only by the way that its program displays the information would according to the applicant not be excluded even if there was nothing technical in the new way that the information was presented. The invention here uses entirely conventional hardware and location detection means and recording means. It is characterised by the way it determines and presents activity type information based on stored data. And for the reasons I have set out above, I do not believe that that provides for the required technical contribution.

56. In conclusion, none of the signposts from HTC assist the applicant here. Further taking a step back I am of the view that whilst the invention is carried out on a technical apparatus such as a smart watch, the contribution provided by the claimed invention is not a technical contribution.

Conclusion

57. I find that the invention claimed in GB1521192.3 falls solely within the matter excluded under section 1(2) as a program for a computer as such. I therefore refuse this application under section 18(3).
58. I find that the invention claimed in GB1521193.1 falls solely within the matter excluded under section 1(2) as a program for a computer as such. I therefore refuse this application under section 18(3).

Appeal

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

Phil Thorpe

Deputy Director, acting for the Comptroller