

Appeal decision

Appeal No. 2014-25182

Korea

Appellant

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The case of appeal against the examiner's decision of refusal of Japanese Patent Application No. 2012-558060, entitled "MOBILE PAYMENTS" (International Publication No. WO 2011/118899 published on September 29, 2011, National Publication of International Patent Application No. 2013-522755 published on June 13, 2013) has resulted in the following appeal decision:

Conclusion

The appeal of the case was groundless.

Reason

No. 1 History of the procedures

The application was originally filed on November 29, 2010 as an International Patent Application (Priority Date: March 25, 2010, US); a notice of reasons for refusal was issued on January 6, 2014; the written opinion and the written amendment were submitted on March 28, 2014; the examiner's decision of refusal was issued on August 7, 2014; an appeal against the examiner's decision of refusal was made on December 9, 2014; and a written amendment was submitted on the same date.

No. 2 Decision to dismiss amendment for the written amendment dated December 9, 2014

[Conclusion of Decision to Dismiss Amendment]

The amendment dated December 9, 2014 shall be dismissed.

[Reason]

1. The invention in this application and the invention after amendment

The amendment by the written amendment dated December 9, 2014 (hereinafter referred to as the "Amendment") is to amend the Claims amended by the written amendment dated March 28, 2014 from:

"[Claim 1]

A method for processing a payment transaction at a computing device, the method comprising the steps of:

associating purchaser information having an identification number of a purchaser terminal with payer information having an identification number of a payer terminal;

receiving a payment request including the purchaser information from a purchaser at the computing device;

determining whether or not payment information associated with the purchaser information exists in the computing device, wherein the payer information is included in the payment information having payment account information or credit card information of a payer;

transmitting a message requesting to approve a payment transaction in response to the payment request using the payment account or the credit card of the payer to the payer terminal after a determination is made that the payment information associated with the purchaser information exists in the computing device;

receiving an authorization acknowledgement including a password to approve the payment transaction in response to the payment request from the payer terminal;

determining whether or not the payment request meets payment terms when the authorization acknowledgement is received from the payer terminal; and

processing the payment transaction at the computing device by executing the payment transaction using the payment information when the payment request meets the payment terms.

[Claim 2]

The method according to claim 1, wherein the step of processing the payment transaction further comprises rejecting the payment request when a determination is made that the payment information associated with the purchaser information does not exist in the computing device.

[Claim 3]

The method according to claim 1, wherein the message requesting to approve the payment transaction in response to the payment request includes information specifying the purchaser terminal and the amount of payment requested in the payment request by the purchaser terminal.

[Claim 4]

The method according to claim 1, wherein the step of processing the payment transaction further comprises rejecting the payment request when the payment request does not meet the payment terms.

[Claim 5]

The method according to claim 1, wherein the payment terms include at least one of an amount payable at one time, an amount payable for a month, and a payment period.

[Claim 6]

The method according to claim 1, wherein the payment request is wirelessly received from the purchaser at the computing device.

[Claim 7]

A system comprising:

- a receiver configured to receive a payment request including purchaser information from a purchaser terminal;

- a database configured to receive and/or store payment information having payer information having an identification number of a payer terminal and payment account information or credit card information of a payer and associated with purchaser information having an identification number of the purchaser terminal;

- a processor configured to determine whether or not the payment information associated with the purchaser information exists in the database; and

- an authorizer configured such that the processor determines that the payment information associated with the purchaser information exists in the database, then transmits a message requesting to approve a payment transaction in response to a payment request using a payment account or a credit card of a payer to the payer terminal, then receives an authorization acknowledgement including a password to approve the payment transaction in response to the payment request from the payer terminal, and then grants permission to the payment request, wherein

- the processor is configured such that when the authorizer receives the authorization acknowledgement from the payer terminal, the processor determines whether or not the payment request meets the payment terms, and when the payment request meets the payment terms, the processor processes the payment transaction using the payment information.

[Claim 8]

The system according to claim 7, wherein the processor is further configured such that when a determination is made that the payment information associated with

the purchaser information does not exist in the database, the processor rejects the payment request.

[Claim 9]

The system according to claim 7, wherein the message requesting to approve the payment transaction transmitted by the authorizer includes information specifying the purchaser terminal and an amount of payment requested in the payment request by the purchaser terminal.

[Claim 10]

The system according to claim 7, wherein the processor is configured such that when the payment request does not meet the payment terms, the processor rejects the payment request.

[Claim 11]

The system according to claim 7, wherein the payment terms include at least one of an amount payable at one time, an amount payable for a month, and a payment period."

to

" [Claim 1]

A method for processing a payment transaction at a computing device, the method comprising the steps of:

associating purchaser information having an identification number of a purchaser terminal with payer information having an identification number of a payer terminal;

receiving a payment request including the purchaser information from a purchaser at the computing device;

determining whether or not payment information associated with the purchaser information exists in the computing device, wherein the payer information is included in the payment information having payment account information or credit card information of a payer;

transmitting a text message or an SMS message requesting to approve a payment transaction in response to the payment request using the payment account or the credit card of the payer to the payer terminal after a determination is made that the payment information associated with the purchaser information exists in the computing device;

receiving an authorization acknowledgement which is a text message or an SMS message including a password to approve the payment transaction in response to the payment request from the payer terminal;

determining whether or not the payment request meets payment terms when the authorization acknowledgement is received from the payer terminal; and

processing the payment transaction at the computing device by executing the payment transaction using the payment information when the payment request meets the payment terms.

[Claim 2]

The method according to claim 1, wherein the step of processing the payment transaction further comprises rejecting the payment request when a determination is made that the payment information associated with the purchaser information does not exist in the computing device.

[Claim 3]

The method according to claim 1, wherein the message requesting to approve the payment transaction in response to the payment request includes information specifying the purchaser terminal and the amount of payment requested in the payment request by the purchaser terminal.

[Claim 4]

The method according to claim 1, wherein the step of processing the payment transaction further comprises rejecting the payment request when the payment request does not meet the payment terms.

[Claim 5]

The method according to claim 1, wherein the payment terms include at least one of an amount payable at one time, an amount payable for a month, and a payment period.

[Claim 6]

The method according to claim 1, wherein the payment request is wirelessly received from the purchaser at the computing device.

[Claim 7]

A system comprising:

- a receiver configured to receive a payment request including purchaser information from a purchaser terminal;

- a database configured to receive and/or store payment information having payer information having an identification number of a payer terminal and payment account information or credit card information of a payer and associated with purchaser information having an identification number of the purchaser terminal;

- a processor configured to determine whether or not the payment information associated with the purchaser information exists in the database; and

an authorizer configured such that the processor determines that the payment information associated with the purchaser information exists in the database, then transmits a text message or an SMS message requesting to approve a payment transaction in response to a payment request using a payment account or a credit card of a payer to the payer terminal, then receives an authorization acknowledgement which is a text message or an SMS message including a password to approve the payment transaction in response to the payment request from the payer terminal, and then grants permission to the payment request, wherein

the processor is configured such that when the authorizer receives the authorization acknowledgement from the payer terminal, the processor determines whether or not the payment request meets the payment terms, and when the payment request meets the payment terms, the processor processes the payment transaction using the payment information.

[Claim 8]

The system according to claim 7, wherein the processor is further configured such that when a determination is made that the payment information associated with the purchaser information does not exist in the database, the processor rejects the payment request.

[Claim 9]

The system according to claim 7, wherein the message requesting to approve the payment transaction transmitted by the authorizer includes information specifying the purchaser terminal and an amount of payment requested in the payment request by the purchaser terminal.

[Claim 10]

The system according to claim 7, wherein the processor is configured such that when the payment request does not meet the payment terms, the processor rejects the payment request.

[Claim 11]

The system according to claim 7, wherein the payment terms include at least one of an amount payable at one time, an amount payable for a month, and a payment period." Note that underlines are added by the Appellant to indicate corrected parts.

2. Purpose of the Amendment

The amendment "a text message or an SMS message requesting to approve the payment transaction" in Claims 1 and 7 after amendment of the case is to add a

limitation that "a message requesting to approve the payment transaction" before amendment is limited to "a text message or an SMS message".

In addition, the amendment "an authorization acknowledgement which is a text message or an SMS message including a password to approve the payment transaction" in Claims 1 and 7 after amendment of the case is to add a limitation that "an authorization acknowledgement including a password to approve the payment transaction" before amendment is limited to "a text message or an SMS message".

As described above, the amendment in Claims 1 and 7 falls under the amendment intended for restriction of the scope of claims as prescribed in Article 17-2(5)(ii) of the Patent Act.

3. Judgment on independent requirements for patentability

Since the Amendment of the case is intended for restriction of the scope of claims, it is examined whether or not the invention according to Claim 1 after Amendment of the case (hereinafter referred to as the "Amended Invention") complies with the provision of Article 126(7) of the Patent Act which is applied mutatis mutandis pursuant to Article 17-2(6) of the Patent Act (whether or not the Amended Invention can be patented independently at the time of the patent application) as follows:

(1) Cited Document

(1-1) Japanese Unexamined Patent Application Publication No. 2006-293500 cited in the reasons for refusal stated in the examiner's decision (hereinafter referred to as "Cited Document 1") describes the drawings and the following matters. Note that underlines are added by the body.

(a) "[Claims]

[Claim 1]

A payment service server comprising:

a registration unit that, based on a request from an owner of payment means, registers an identifier of a third party mobile terminal for permitting use of the payment means; and

an information processing unit that, based on a use authentication request of the payment means from a mobile terminal, confirms whether or not the mobile terminal is

the registered third party mobile terminal, and if confirmed, performs use authentication.

[Claim 2]

The payment service server according to claim 1, wherein
the registration unit registers an identifier of the mobile terminal and a
maximum payable amount; and
the information processing unit confirms that a used amount is within the
maximum payable amount."

(b) "[0027]

FIG. 2 illustrates an example of payment means data stored in a database 51, which include "registration No.", "registration date", "payment means No. "(credit card number, etc.), "payment means owning user" (identifier of a mobile terminal such as a telephone number), and "email address".

[0028]

FIG. 3 illustrates an example of authorized user data stored in the database 51, which include "authorization No.", "registration date", "payment means owning user", "authorized user", "used amount" (maximum payable amount), and "authorized state" (authentication confirmation state by the payment authentication server)."

(c) "[0033]

FIG. 7 assumes that information about payment means 1 of a user 2A owning the payment means 1 is preliminarily registered in the payment service server 5 as the payment means data. The user 2A owning the payment means 1 accesses the payment service server 5 from the user's own mobile terminal 3A, and requests the payment service server 5 to allow the mobile terminal 3B owned by the user 2B to use the payment means 1 (Step S101). Note that not only use permission but also maximum payable amount setting can be requested. In response to this request, the payment service server 5 causes the authentication unit 52 to authenticate whether or not the mobile terminal 3A is valid. If valid, the registration unit 53 registers the user 2B and the mobile terminal 3B as the authorized user data in the database 51.

[0034]

Then, the user 2B accesses the shop server 6 from the user's own mobile terminal 3B, selects the commodities desired to be purchased, and then selects the payment using the payment means 1 in the name of the user 2A (Step S102).

[0035]

At this time, a use authentication request for the payment means 1 is transmitted from the mobile terminal 3B of the user 2B to the payment service server 5 (Step S103). The payment service server 5 authenticates that the accessing terminal is the registered mobile terminal 3B, and then calls the use history and the credit limit of the user 2B.

[0036]

Then, the payment service server 5 requests order data about the commodity selected by the user 2B from the shop server 6, and acquires the order data (Step S104).

[0037]

The payment service server 5 makes inquiries about the use history, the maximum payable amount, and the price of the selected commodity, and transmits an order confirmation to the mobile terminal 3B (Step S105). After confirmation, the user 2B transmits an order request (Step S106). In response to this, the payment service server 5 transmits an order reservation to the shop server 6 (Step S107), and the payment service server 5 transmits an order reservation completion notice to the mobile terminal 3B (Step S108).

[0038]

Then, the payment service server 5 notifies the mobile terminal 3A of the user 2A owning the payment means 1 of the payment request (Step S109). After the notice is confirmed and no problem is found, the mobile terminal 3A confirms the order content and the payment method (Step S110).

[0039]

The payment service server 5 transmits an authorization request for the payment means 1 owned by the user 2A to the payment authentication server 7 (Step S111). When the authorization response is received from the payment authentication server 7 (Step S112), the payment service server 5 notifies the mobile terminal 3A of the payment result (Step S113). In addition, the payment service server 5 notifies the shop server 6 of the payment result (Step S114), and notifies the mobile terminal 3B of the payment result of the commodities subject to order reservation (Step S115). Then, the shop server 6 notifies the mobile terminal 3B of the ordered commodity information and status (Step S116).

[0040]

As described above, in the first embodiment of the present invention, the user 2B has no payment means such as a credit card; and the user 2A has the payment means 1 such as a credit card and capability of purchase payment and can pay the commodity purchased by the user 2B. In addition, the user 2A can set an amount available to the

user 2B, and the user 2B can purchase a commodity with a price permitted by the user 2A from the shop server 6 on the Internet. At this time, the user 2A performs final payment (confirmation) of the commodity purchase. For example, a parent having a credit card grants a right to his/her child (a minor) not having a credit card, such as 'the child may purchase up to 3,000 Yen this month'. Then, the child can purchase up to 3,000 Yen from a commodity site on the Internet, but the parent needs to perform final confirmation of the purchase payment. Toward the commodity purchase of up to 3,000 Yen, the child performs commodity selection, destination input, and the like, and the parent performs purchase payment."

(d) [FIG. 2] illustrates payment means data which are stored associated with a payment means No., a payment means owning user number, and an email address.

(e) [FIG. 3] illustrates authorized user data which are stored associated with a payment means owning user number such as "090-5689-1234", an authorized user number such as "090-4567-1234", and a used amount.

(f) [FIG. 7] illustrates a sequence diagram including a step S109 of transmitting a payment request notice from the payment service server 5 to the mobile terminal 3A; and a step S110 of transmitting an order confirmation notice from the mobile terminal 3A to the payment service server 5.

(1-2) According to the above description, the Cited Document 1 includes the following:

(A) Paragraph [0033] of (c) above describes such that the user 2A owning the payment means 1 accesses the payment service server 5 from the user's own mobile terminal 3A, and requests the payment service server 5 to allow the mobile terminal 3B owned by the user 2B to use the payment means 1; and the registration unit 53 registers the user 2B and the mobile terminal 3B as the authorized user data in the database 51.

In addition, paragraph [0028] of (b) above and (e) above describe such that the authorized user data stored in the database 51 are stored associated with the payment means user number and the authorized user number; and "090-5689-1234" as an example of the payment means user number and "090-4567-1234" as an example of the authorized user number obviously represent telephone numbers.

Accordingly, it can be said that in the above description means, based on a request from the user 2A owning the payment means, the payment service server 5

causes the registration unit 53 to register the telephone number of the mobile terminal 3A of the user 2A and the telephone number of the mobile terminal 3B of the user 2B as the authorized user data in the database 51.

(B) Paragraph [0027] of (b) above and (d) above describe such that the database 51 stores the payment means data associated with the payment means No. such as a credit card number, the telephone number of the payment means owning user, the maximum payable amount, and the email address.

(C) Paragraphs [0035] and [0037] of (c) above describe such that a use authentication request for the payment means 1 is transmitted from the mobile terminal 3B of the user 2B to the payment service server 5; the payment service server 5 authenticates that the accessing terminal is the registered mobile terminal 3B, and then calls the use history and the credit limit of the user 2B;

the payment service server 5 makes inquiries about the use history, the maximum payable amount, and the price of the selected commodity, and transmits an order confirmation to the mobile terminal 3B; and after confirmation, the user 2B transmits an order request.

(D) Paragraphs [0038] to [0039] of (c) above describe such that then, the payment service server 5 notifies the mobile terminal 3A of the user 2A owning the payment means 1 of the payment request (Step S109); after the notice is confirmed and no problem is found, the mobile terminal 3A confirms the order content and the payment method (Step S110); the payment service server 5 transmits an authorization request for the payment means 1 owned by the user 2A to the payment authentication server 7 (Step S111); and when the authorization response is received from the payment authentication server 7 (Step S112), the payment service server 5 notifies the mobile terminal 3A of the payment result (Step S113).

In addition, since (f) above illustrates a step S110 of transmitting an order confirmation notice from the mobile terminal 3A to the payment service server 5, it can be said that in Step S110, the order confirmation notice indicating that no problem is found in the order content and the payment method is transmitted to the payment service server 5.

Accordingly, it can be said that the above description means that then, the payment service server 5 notifies the mobile terminal 3A of the user 2A owning the payment means 1 of the payment request; after the notice is confirmed and no problem

is found, the mobile terminal 3A transmits the order confirmation notice indicating that no problem is found in the order content and the payment method to the payment service server 5; the payment service server 5 transmits an authorization request for the payment means 1 owned by the user 2A to the payment authentication server 7; and when the authorization response is received from the payment authentication server 7, the payment service server 5 notifies the mobile terminal 3A of the payment result.

(E) [Claim 2] of (a) above describes such that the payment service server sets a maximum payable amount and confirms that the used amount is within the maximum payable amount.

In addition, paragraph [0040] of (c) above describes such that the user 2A can set an amount available to the user 2B, and the user 2B can purchase a commodity with a price permitted by the user 2A, but the user 2A performs final confirmation of the commodity purchase.

Accordingly, it can be said that the above description means that the user 2A can set a maximum payable amount to the user 2B; the payment service server confirms that the amount used by the user 2B is within the maximum payable amount; and a commodity within a permitted amount of price can be purchased, but the user 2A performs final confirmation of the commodity purchase.

(F) As described above, the Cited Document 1 describes the following invention (hereinafter referred to as "Cited Invention")

"A method comprising the steps of:

based on a request from a user 2A owning the payment means, the payment service server 5 causes the registration unit 53 to register the telephone number of the mobile terminal 3A of the user 2A and the telephone number of the mobile terminal 3B of the user 2B as the authorized user data in the database 51;

in addition, the database 51 stores the payment means data associated with the payment means No. such as a credit card number, the telephone number of the payment means owning user, the maximum payable amount, and the email address;

a use authentication request for the payment means 1 is transmitted from the mobile terminal 3B of the user 2B to the payment service server 5; The payment service server 5 authenticates that the accessing terminal is the registered mobile terminal 3B, and then calls the use history and the credit limit of the user 2B;

the payment service server 5 makes inquiries about the use history, the maximum payable amount, and the price of the selected commodity, and transmits an

order confirmation to the mobile terminal 3B; After confirmation, the user 2B transmits an order request;

then, the payment service server 5 notifies the mobile terminal 3A of the user 2A owning the payment means 1 of the payment request; when the notice is confirmed and no problem is found, the mobile terminal 3A notifies the payment service server 5 of the order confirmation notice indicating that no problem is found in the order content and the payment method; the payment service server 5 transmits an authorization request for the payment means 1 owned by the user 2A to the payment authentication server 7; when the authorization response is received from the payment authentication server 7, the mobile terminal 3A is notified of the payment result;

further, the user 2A can set a maximum payable amount to the user 2B; the payment service server confirms that the amount used by the user 2B is within the maximum payable amount; a commodity within a permitted amount of price can be purchased, but the user 2A performs final confirmation of the commodity purchase."

(1-3) Japanese Unexamined Patent Application Publication No. 2002-189971 cited as a well-known example in the examiner's decision of refusal (hereinafter referred to as "well-known example 1") describes the drawings and the following matters. Note that underlines are added by the body.

(g) "[0134] In the flow F29, whether or not the credit user makes a more expensive purchase is checked by referring to the content of the second upper limit amount B44 illustrated in FIG. 7. An unauthorized user generally makes an easily cashable, very expensive purchase such as jewelry. Based on this behavior, when the first mobile phone is used for a purchase of 50,000 yen or more, the present embodiment performs an authentication process of the flow F30 and after using the second mobile phone.

[0135] In the flow F30, the telephone number B47 of the second mobile phone stored by the credit company server B34 is called via a data communication network. In the flow F31, an authorizer other than the credit user holding the second mobile phone performs a password number input processing. The authorizer may be a housemate of the credit user (for example, assuming that the credit user is a mother, the authorizer may be the father) or may be a lawyer who may offer part of the service.

[0136] In the present embodiment, the authorizer performs authentication using the second mobile phone, but in other embodiments, a stationary phone may be used or a network-connected personal computer may be used.

[0137] In the flow F32, a match between the password number inputted by the second mobile phone B33 and the password number B48 stored by the card company server B34 is detected. If a match is detected, the authentication process is completed. In the flow F33, an authorization notice is transmitted from the credit company server B34 to the POS system B31.

[0138] If a match is not detected, unauthorized use of the card is determined. In the flow F35, an error notice is transmitted. In the flow F36, to crack down on the unauthorized user, the error notice is transmitted to a security guard room of a company owning the POS system.

[0139] The POS system receives the authorization notice in the flow F33; and then in the flow F34, recognizes that the authentication process has been completed and then performs payment execution.

[0140] As described above, according to the second embodiment, in a system performing commodity sales by a credit card number of a mobile phone, authentication of the credit card number is implemented by a password number inputted from the first mobile phone owned by the credit user and a password number inputted from the second mobile phone owned by the authorizer, to thereby enable highly secure authentication, which can thus provide an authentication system that can eradicate organized crime due to not only unauthorized use of a mobile phone at time of loss or theft thereof but also unauthorized credit number registration by an unauthorized organization."

(2) Comparison

Next, the Amended Invention and the Cited Invention are compared.

(A) "The payment service server 5" in the Cited Invention corresponds to "the computing device" in the Amended Invention.

In addition, the user 2A of the Cited Invention is a user who owns the payment means, and the user 2B is a user who requests an order for a commodity. Thus, "the mobile terminal 3A of the user 2A" in the Cited Invention corresponds to "the payer terminal" in the Amended Invention, and "the mobile terminal 3B of the user 2B" corresponds to "the purchaser terminal" in the Amended Invention.

(B) The Cited Invention is "a method for requesting the payment authentication server 7 to authorize the payment means 1 owned by the user 2A and notifying the mobile terminal 3A of the payment result when the authorization response is received from the

payment authentication server 7". Thus, the Cited Invention is common to the Amended Invention in terms of "a method for processing the payment transaction in the computing device".

(C) "Based on a request from a user 2A owning the payment means, the payment service server 5 causes the registration unit 53 to register the telephone number of the mobile terminal 3A of the user 2A and the telephone number of the mobile terminal 3B of the user 2B as the authorized user data in the database 51" in the Cited Invention means registering by associating "the telephone number of the mobile terminal 3A of the user 2A" with "the telephone number of the mobile terminal 3B of the user 2B". Thus, the Cited Invention is common to the Amended Invention in that "the purchaser information having the identification number of the purchaser terminal is associated with the payer information having the identification number of the payer terminal".

(D) It is clear that "a use authentication request for the payment means 1 is transmitted from the mobile terminal 3B of the user 2B to the payment service server 5; and the payment service server 5 authenticates that the accessing terminal is the registered mobile terminal 3B, and then" in the Cited Invention means that in order to use the payment means, the user 2B of the mobile terminal 3B requests the payment service server to authenticate whether or not the accessing terminal is the registered mobile terminal 3B; and "the use authentication request for the payment means 1" includes the telephone number of the mobile terminal 3B as the information that can identify the mobile terminal 3B registered in the payment service server.

In addition, it can be said that "after confirmation, the user 2B transmits an order request" means that the user 2B requests the payment since the payment service server subsequently transmits the payment request to the mobile terminal 3A.

Therefore, "the order request" in "a use authentication request for the payment means 1" and "after confirmation, the user 2B transmits an order request" in the Cited Invention corresponds to "the payment request including the purchaser information" of the Amended Invention and it is clear that the payment service server of the Cited Invention receives these requests. Thus, "a use authentication request for the payment means 1 is transmitted from the mobile terminal 3B of the user 2B to the payment service server 5" and "after confirmation, the user 2B transmits an order request" in the Cited Invention is common to the Amended Invention in that "a payment request including the purchaser information is received from a purchaser at the computing device".

(E) "the database 51 stores the payment means data associated with the payment means No. such as a credit card number, the telephone number of the payment means owning user, the maximum payable amount, and the email address" in the Cited Invention means that "the telephone number of the payment means owning user" and "the payment means No. such as a credit card number" are included in "the payment means data".

Considering the above, "the payment means data" including "the payment means No. such as a credit card number" in the Cited Invention correspond to "the payment information having the credit card information of the payer" in the Amended Invention, and further "the telephone number of the payment means owning user" is included in "the payment means data". Thus, "the payment means data" in the Cited Invention are common to the Amended Invention in that "the payer information is included in the payment information having the credit card information of the payer".

(F) "The payment service server 5 authenticates that the accessing terminal is the registered mobile terminal 3B, and then calls the use history and the credit limit of the user 2B" in the Cited Invention obviously means that determining whether or not the telephone number of the mobile terminal 3B of the user 2B is registered as the authorized user data. Thus, the Cited Invention is common to the Amended Invention in that "determining whether or not the payment information associated with the purchaser information exists in the computing device".

(G) "then, the payment service server 5 notifies the mobile terminal 3A of the user 2A owning the payment means 1 of the payment request" in the Cited Invention means that after authentication of the mobile terminal 3B, a payment request is transmitted to the mobile terminal 3A of the user 2A in which the payment means No. such as a credit card number is registered. Thus, the Cited Invention is common to the Amended Invention in that "after it is determined that the payment information associated with the purchaser information exists in the computing device, a message requesting to approve the payment transaction in response to the payment request using the credit card of the payer is transmitted to the payer terminal".

(H) "after the notice is confirmed and no problem is found, the mobile terminal 3A transmits the order confirmation notice indicating that no problem is found in the order content and the payment method to the payment service server 5; the payment service

server 5 transmits an authorization request for the payment means 1 owned by the user 2A to the payment authentication server 7; and when the authorization response is received from the payment authentication server 7, the mobile terminal 3A is notified of the payment result" in the Cited Invention means that "order confirmation" from the mobile terminal 3A requests the payment service server to authorize the payment means. Thus, it can be said that receiving "the order confirmation" means that the payment service server receives information for approving the payment transaction. In addition, it is obvious that the payment service server uses "the payment means No. such as a credit card number" in "the payment means data" to request the authorization.

Thus, the Cited Invention above is common to the Amended Invention in that "an authorization acknowledgement which is a message for approving the payment transaction in response to the payment request is received from the payer terminal" and "processing the payment transaction at the computing device by executing the payment transaction using the payment information".

(I) From (A) to (H) above, the Amended Invention and the Cited Invention are in correspondence in the following point:

Therefore, the Amended Invention and the Cited Invention are in correspondence in the following point:

"A method for processing a payment transaction at a computing device, the method comprising the steps of:

associating purchaser information having an identification number of a purchaser terminal with payer information having an identification number of a payer terminal;

receiving a payment request including the purchaser information from a purchaser at the computing device;

determining whether or not payment information associated with the purchaser information exists in the computing device, wherein the payer information is included in payment information having credit card information of a payer;

transmitting a message requesting to approve a payment transaction in response to the payment request using the credit card of the payer to the payer terminal after a determination is made that the payment information associated with the purchaser information exists in the computing device;

receiving an authorization acknowledgement which is a message for approving the payment transaction in response to the payment request from the payer terminal; and processing the payment transaction at the computing device by executing the

payment transaction using the payment information."

The Amended Invention and the Cited Invention are different in the following points.

[The different feature 1]

"a message" for "requesting to approve the payment transaction" and "authorization acknowledgement" in the Amended Invention are "a text message or an SMS message", while "payment request" and "order confirmation" in the Cited Invention are unclear as to what kind of message they are.

[The different feature 2]

"authorization acknowledgement" of the Amended Invention includes "a password for approving the payment transaction", while "order confirmation" of the Cited Invention does not include such a password.

[The different feature 3]

"when the authorization acknowledgement is received from the payer terminal, whether or not the payment request meets the payment terms is determined", and "when the payment request meets the payment terms," the payment transaction is executed in the Amended Invention, while this is not the case in the Cited Invention.

(3) Judgment by the body

(3-1) Examination on the different feature 1

"The payment means data" stored in the database 51 of the Cited Invention include "an email address" as information to communicate with the mobile terminal 3A. Including email content as "a text message" is commonly practiced. Thus, a person skilled in the art could have easily conceived of communicating by email including "a text message" when the payment service server transmits "a payment request" to the mobile terminal 3A in the Cited Invention. Further, a person skilled in the art could have easily conceived of receiving "an order confirmation" by email including "a text message" as the reply.

In addition, "the payment means data" stored in the database 51 of the Cited Invention also includes "a telephone number" as information to communicate with the mobile terminal 3A. Communicating by "an SMS message" using "a telephone number" is also commonly practiced. Thus, a person skilled in the art could have easily conceived of communicating by "an SMS message" when the payment service

server transmits "a payment request" to the mobile terminal 3A in the Cited Invention. Further, a person skilled in the art could have easily conceived of receiving "an order confirmation" by "an SMS message" as the reply.

(3-2) Examination on the different feature 2

For example, the well-known example 1 describes shopping using the first mobile phone such that the credit company server calls the telephone number of the second mobile phone; the authorizer owning the second mobile phone is requested to input the password number; and when the inputted password number matches the password number stored in the credit company server, payment at the POS system is performed. When payment approval for shopping using a mobile terminal is performed at another terminal, the payment approval by authenticating the password information inputted from another terminal is a well-known art in the technical field related to payment systems.

Using password as personal identification information is commonly practiced. Thus, a person skilled in the art could have easily conceived of using the well-known art in the Cited Invention to configure that when the user 2A confirms the order content and the payment method, "the order confirmation" including the password is transmitted from the mobile terminal 3B to the payment service server.

(3-3) Examination on the different feature 3

The Cited Invention describes that "the user 2A can set a maximum payable amount to the user 2B; the payment service server confirms that the amount used by the user 2B is within the maximum payable amount; and a commodity with a permitted price can be purchased, but the user 2A performs final confirmation of the commodity purchase." The payment service server confirms whether or not the used amount is within the maximum payable amount so that the user 2B can purchase only the commodity with a permitted price.

In order to allow only the commodity within the permitted price to be purchased, the confirmation of the used amount may be performed as appropriate at any timing before the authorization request for payment transaction. Thus, it is a matter of design choice, to the extent that a person skilled in the art could have appropriately implemented to configure that after the order confirmation is received from the mobile terminal 3A, a determination is made whether or not the used amount is within the maximum payable amount; and when the used amount is within the maximum payable amount, authorization is requested.

(3-4) Even if these different features are comprehensively considered, the function and effect exerted by the Amended Invention is merely within a range expected from the function and effect of the Cited Invention, and thus cannot be regarded as a particularly distinguishing effect.

(4) Summary

As described above, the Amended Invention could have been easily made by a person skilled in the art based on the Cited Invention and the well-known arts, and thus the appellant should not be granted a patent for it independently at the time of patent application under the provisions of Article 29(2) of the Patent Act.

Therefore, the Amendment of the case violates the provisions of Article 126(7) of the Patent Act which is applied *mutatis mutandis* pursuant to the provisions of Article 17-2(6) of the Patent Act, and should be dismissed in accordance with the provisions of Article 53(1) of the Patent Act applied *mutatis mutandis* by replacing certain terms pursuant to Article 159(1) of the Patent Act.

No. 3 Consideration on the Invention of the present application

1. Consideration on the Claims of the present application

As the amendment dated December 9, 2014 was dismissed as above, the invention (hereinafter referred to as the "Invention") relating to Claim 1 of the present application is recognized as follows, as specified by the matters described in Claim 1 according to the scope of claims amended by the written amendment dated March 28, 2014:

"[Claim 1]

A method for processing a payment transaction at a computing device, the method comprising the steps of:

associating purchaser information having an identification number of a purchaser terminal with payer information having an identification number of a payer terminal;

receiving a payment request including the purchaser information from a purchaser at the computing device;

determining whether or not payment information associated with the purchaser information exists in the computing device, wherein the payer information is included in the payment information having payment account information or credit card information of a payer;

transmitting a message requesting to approve a payment transaction in response to the payment request using the payment account or the credit card of the payer to the payer terminal after a determination is made that the payment information associated with the purchaser information exists in the computing device;

receiving an authorization acknowledgement including a password to approve the payment transaction in response to the payment request from the payer terminal;

determining whether or not the payment request meets payment terms when the authorization acknowledgement is received from the payer terminal; and

processing the payment transaction at the computing device by executing the payment transaction using the payment information when the payment request meets the payment terms."

2. Cited Document

The Cited Document and the matters described therein cited in the reasons for refusal stated in the examiner's decision are recognized as described in "(1) Cited Document" of "3. Judgment on independent requirements for patentability" above.

3. Comparison / judgment

The Invention is configured by omitting the following configurations from the Amended Invention considered in "3. Judgment on independent requirements for patentability" above: the configuration that "the message requesting to approve the payment transaction" is "a text message or an SMS message"; and the configuration that "the authorization acknowledgement including the password to approve the payment transaction" is "a text message or an SMS message".

In view of the above, the Amended Invention corresponding to the invention including all constituent components of the Invention and further adding other constituent components could have been easily made by a person skilled in the art based on the Cited Invention and the well-known arts as described in "(3) Judgment by the body" of "3. Judgment on independent requirements for patentability" above. Thus, for the same reason as described above, the Invention could also have been easily made by a person skilled in the art based on the Cited Invention and the well-known arts.

In addition, the function and effect of the Invention is merely within a range expected from the function and effect of the Cited Invention and the well-known arts, and thus cannot be regarded as a particularly distinguishing effect.

4. Summary

Therefore, the Invention could have been made easily by a person skilled in the art based on the Cited Invention and the well-known arts, and thus, the appellant should not be granted a patent for the Invention in accordance with the provisions of Article 29(2) of the Patent Act.

4. Closing

As described above, the application should be rejected, without further examining the other claims, because the Invention could have been made easily by a person skilled in the art based on the Cited Invention and the well-known arts, and the appellant should not be granted a patent for the Invention in accordance with the provisions of Article 29(2) of the Patent Act.

Therefore, the appeal decision shall be made as described in the conclusion.

December 22, 2015

Chief administrative judge:	KANEKO, Koichi
Administrative judge:	MIDORIKAWA, Takashi
Administrative judge:	ISHIKAWA, Shoji