Appeal decision

Appeal No. 2017-433

Appellant MUFG Bank, Ltd.

Patent Attorney Takahashi Hayashi and Partner Patent Attorneys

The case of appeal against the examiner's decision of refusal of Japanese Patent Application No. 2016-122731, entitled "PROVISION DEVICE, INFORMATION PROCESSING DEVICE, AND PROGRAM", has resulted in the following appeal decision.

Conclusion

The appeal of the case was groundless.

Reason

No. 1 History of the procedures, or the like

1 History of the procedures

The present application is an application filed on June 21, 2016, for which a notice of reasons for refusal dated July 29, 2016 was issued, and a written opinion and a written amendment were submitted on October 12, 2016. An examiner's decision of refusal dated November 2, 2016 was issued and delivered on November 8, 2016. Against this, an appeal against the examiner's decision of refusal was requested on January 12, 2017, and a written amendment was submitted at the same time.

Thereafter, due to reasons for refusal other than the reasons of the examiner's decision found by the body, a notice of reasons for refusal was issued as of February 22, 2017. A written opinion and a written amendment were submitted as of March 30, 2017.

2 Summary of the reasons for refusal (Reason 1) issued by the body as of February 22, 2017

The inventions according to the following claims of the application could be easily made by a person ordinarily skilled in the art of the invention before the filing of the application, on the basis of an invention described in a publication distributed in Japan or abroad prior to the filing of the application or an invention available to the

public through electric telecommunication lines. Thus, the appellant should not be granted a patent for the inventions under the provisions of Article 29(2) of the Patent Act.

Note

List of Cited documents
1. Japanese Unexamined Patent Application Publication No. 2004-302947
2. to 6. are omitted

- Claim: 1, Cited document: 1
.. (Remainder omitted) ..

No. 2 The Invention

The invention (hereinafter referred to as "the Invention") according to Claim 1 of the scope of claims of the application is as follows, as described in Claim 1 of the scope of claims after the amendment made by the written amendment submitted as of March 30, 2017.

A provision device comprising:

a reception unit to receive fixed information received by a communication terminal from a first information processing device via a network through direct communication with the communication terminal using an HF-band RFID; and

a provision unit to place a tangible object in a state allowing provision on the basis of the fixed information.

No.3 Cited Document, Cited Invention

1 Cited document

Japanese Unexamined Patent Application Publication No. 2004-302947 (hereinafter referred to as "Cited document") cited in the reasons for refusal (Reason 1) issued by the body as of February 22, 2017 is a patent publication regarding an application published on October 28, 2004, which is prior to the filing of the present application, and describes the following matters with drawings.

A "[0020] FIG. 1 is a functional block diagram including an account transaction system to which the present invention is applied. In FIG. 1, an account transaction system 1

includes an automated teller machine 10, a temporary information management server 20, and a host computer 30 which are connected over a network 40 installed in a financial facility.

[0021] The automated teller machine 10 includes: a customer operation unit 102 for a customer to operate the automated teller machine; one or both of a mobile terminal information read unit 100 for reading information output by a mobile terminal device 50 of a cell phone, or the like, of a customer and a mobile terminal information communication unit 101 which performs communication for transmitting information to/from the mobile terminal device 50; an ATM-side first communication unit 105 which executes host communication to/from the temporary information management server 20 or the host computer 30 over the network 40; an association information data storage unit 104 which stores temporary information generated by the temporary information management server 20 and account information of the customer; an information comparing unit 103 which compares the temporary information stored in the association information data storage unit 104 with temporary information read by the mobile terminal information read unit 100 or received by the mobile terminal information communication unit 101; and an ATM-side second communication unit 106 which performs communication with the temporary information management server 20 over an external network 60.

[0022] The temporary information management server 20 includes: a server-side data storage unit 200 which stores data, such as customer account information registered in advance; a temporary information generation logic unit 202 for generating temporary information associated with the customer account information; a server-side customer information collation unit 201 which collates customer information transmitted from the mobile terminal device 50 with customer information stored in a server-side data storage unit; a server-side first communication unit 204 which performs communication with the automated teller machine 10 or the host computer 30 over the network 40; and a server-side second communication unit 203 which performs communication with the automated teller machine 10, the mobile terminal device 50, or a terminal device 70 over the external network 60."

B "[0027] First to fourth embodiments to be executed by the account transaction system 1 constituted as above are described below. The first embodiment of the present invention is a system as follows.

[0028] The system is configured to register customer account information of a customer on the temporary information management server 20 in advance, generate temporary

information corresponding to the customer account information in response to a request from the customer, transmit the temporary information to the mobile terminal device 50, such as a cell phone, or the like, of the customer from the temporary information management server 20, and transmit the temporary information and the customer account information to the host computer 30 as well. When the customer inputs the temporary information to the automated teller machine 10, in the automated teller machine having a function of reading the temporary information displayed on a screen of the mobile terminal device 50, the temporary information is transmitted to the host computer 30. By associating the temporary information notified to the host computer 30 in advance with customer account information, an account transaction using the customer account information is enabled.

[0029] FIG. 2 illustrates an outline of the first embodiment of the invention. First, a customer requests the temporary information management server 20 for temporary information for card-less transaction from the mobile terminal device 50.

[0030] The temporary information management server 20 having received the request confirms customer information, generates temporary information, and transmits the generated temporary information to the mobile terminal device 50, while transmitting the temporary information and account information to the host computer 30.

[0031] The customer inputs the received temporary information to the automated teller machine 10 by use of the mobile terminal device 50. The automated teller machine 10 transmits the input temporary information to the host computer 30.

[0032] The host computer 30 converts the received temporary information to account information to execute account transaction.

FIG. 3 is a flow chart for describing detailed flow of the first embodiment of the invention.

[0033] In the temporary information management server 20, customer account information of a customer needs to be registered. The process is described below. In step S301, processing to register account information is started. The automated teller machine 10 acquires, in step S302, customer account information of a customer from a cash card, and receives, in step S303, an input of a PIN and transmits the information to the host computer 30.

[0034] The host computer 30 identifies, in step S304, the account on the basis of the received customer account information and the PIN, and transmits a result thereof (OK or NG) to the automated teller machine 10.

[0035] The automated teller machine 10 determines, in step S305, whether or not the result received from the host computer is OK, sets an ID and a password in step S306

when the result is OK, and transmits the set information and the customer account information to the temporary information management server 20.

[0036] The temporary information management server 20 registers, in step S307, the received customer account information.

The process from generating the temporary information to executing account transaction is described below.

[0037] The customer requests the temporary information management server 20 to issue temporary information through a mobile terminal-side communication unit 502 from the mobile terminal device 50 for card-less transaction (step S308). The ID and password are input (step S309).

[0038] The temporary information management server 20 acquires the request through the server-side second communication unit 203, confirms customer information in the server-side customer information collation unit 201 from the information registered in advance on the server-side data storage unit 200 (step S310), and generates temporary information in the temporary information generation logic unit 202 (step S311). For confirming customer information, authentication with mobile terminal ID or password may be used as described later.

[0039] The generated temporary information is transmitted to the mobile terminal device 50 through the server-side second communication unit 203 (step S311). The mobile terminal device 50 outputs data received by the mobile terminal-side communication unit 502 through an information display unit 500 or an information communication unit 501 (step S312).

[0040] As an example of output temporary information, a two-dimensional barcode, or the like, is displayed on the information display unit 500. The information communication unit 501 may use an interface, such as Bluetooth.

[0041] FIG. 4 illustrates an example of output temporary information. The temporary information and the customer account information generated in the temporary information management server 20 are transmitted to the host computer 30 through the server-side first communication unit 204 (step S313), and stored in a host-side data storage unit 302 (step S314).

[0042] In executing account transaction, contents of the account transaction are input, and the temporary information output by the information display unit 500 or the information communication unit 501 in the mobile terminal device 50 as described above is input in the mobile terminal information read unit 100 or the mobile terminal information communication unit 101 of the automated teller machine 10 (step S315).

[0043] The input temporary information is transmitted to the host computer 30 from the

ATM-side first communication unit 105 of the automated teller machine 10 together with the contents of the account transaction (step S316).

[0044] The temporary information transmitted to the host computer 30 is collated with the temporary information stored in the host-side data storage unit 302 in a host-side customer information collation unit 300 (step S317), and converted into corresponding customer account information (step S318) to execute the account transaction (step S319).

[0045] Thereafter, the transaction ends (step S320), and the temporary information is deleted (step S321). The host computer 30 may verify in advance association between temporary information data and customer account information to be stored in the host-side data storage unit 302.

[0046] The first embodiment of the invention is as described above. A conventional system needs substantial modification on a host computer side, while the first embodiment only requires minimum telegraphic modification between an automated teller machine and a host computer."

C "[0084] In implementing the above embodiments, the following are also included. ...

[0086] ... A period of validity and the allowable number of times of use can be set for the temporary information.

[0087] By setting a period of validity and the allowable number of times of use for the temporary information, security can be improved against fraudulent use by a third party, or the like. ..."

2 Cited Invention

According to the description of the Cited document described in 1 and related figures, the Cited document describes the following invention (hereinafter referred to as "Cited Invention").

An automated teller machine including a mobile terminal information communication unit to which temporary information output from a mobile terminal device using Bluetooth, or the like, is input, the mobile terminal device receiving the temporary information generated by a temporary information management server having received a request made from a customer for card-less transaction and transmitted the same over an external network, and configured to execute account transaction processing in a host computer by collating the input temporary information and converting it into corresponding customer account information.

No. 4 Comparison

The Invention and the Cited Invention are compared.

The "external network", "mobile terminal device", and "temporary information management server" in the Cited Invention correspond to the "network", "communication terminal", and "first information processing device" in the Invention, respectively.

The communication between the mobile terminal information communication unit and the mobile terminal device "using Bluetooth, or the like" in the Cited Invention corresponds to "direct communication using an HF-band RFID" in the Invention, in the point of short-range direct communication using electric waves, even though the Cited Invention does not clearly indicate using "HF-band RFID".

The "temporary information" in the Cited Invention corresponds to the "fixed information" in the Invention, in the point of "information received by short-range direct communication using electric waves" even though the Cited Invention does not clearly indicate "fixed information". The Cited Invention, which is an automated teller machine that executes account transaction processing in a host computer by collating input temporary information, corresponds to a "provision device" to place a tangible object, such as "cash", in a state allowing provision on the basis of the "information received by short-range direct communication using electric waves".

Therefore, the Invention and the Cited Invention are identical with each other in the following point:

<Corresponding Feature>

A provision device comprising:

a reception unit to receive information received by a communication terminal from a first information processing device via a network through short-range direct communication with the communication terminal using electric waves; and

a provision unit to place a tangible object in a state allowing provision on the basis of the information.

The Invention and the Cited Invention are different from each other in the following points:

<Different Feature 1>

As for the short-range direct communication using electric waves for receiving

information, "direct communication using an HF-band RFID" is described in the Invention, whereas the Cited Invention, which performs communication between a mobile terminal information communication unit and a mobile terminal device using Bluetooth, or the like, does not clearly indicate "direct communication using an HF-band RFID".

<Different Feature 2>

In terms of placing a tangible object in a state allowing provision, as for the information received by a communication terminal from a first information processing device and further received by a provision device through direct communication using electric waves, "fixed information" is described in the Invention, whereas the Cited Invention, which uses "temporary information", does not clearly indicate "fixed information".

No. 5 Judgment on the Different features

(1) Regarding Different Feature 1

It is well known that an HF-band RFID is used for short-range direct communication without presenting documents. (Indeed, Japanese Unexamined Patent Application Publication No. 2011-97189 presented as Cited Document 2 in the reasons for refusal issued by the body describes in [0053] to [0060] use of NFC communication which is short-range direct communication between a mobile communication terminal and an ATM using an HF-band RFID.)

The Cited invention performs short-range direct communication between a mobile terminal information communication unit and a mobile terminal device using electric waves, such as Bluetooth. Thus, a person skilled in the art could have easily conceived of employing the well-known art as the short-range direct communication to receive information through direct communication using an HF-band RFID in the Cited Invention.

(2) Regarding Different Feature 2

Although the "temporary information" in the Cited Invention is "different from customer account information", it "is converted into corresponding customer account information" in account transaction processing. The Cited document described in "No. 3 1" includes the following descriptions: "[0045] ... The host computer 30 may verify in advance association between temporary information data and customer account information to be stored in the host-side data storage unit 302." ("No. 3 1 B"); and

"[0086] ... A period of validity and the allowable number of times of use can be set for the temporary information. [0087] By setting a period of validity and the allowable number of times of use for the temporary information, security can be improved against fraudulent use by a third party or the like." ("No. 3 1 C"). According to these descriptions, the "temporary information" in the Cited document is not limited to information generated as variable information, such as OTP which is a one-time password. The descriptions in the Cited document indicate that the "temporary information" generated in the Cited Invention is generated as fixed information, such as information for which association with customer account information has been verified in advance and stored or information with a period of validity or allowable number of times of use (information which is the same for the customer account information within the period of validity or the allowable number of times of use).

The "fixed information" in the Invention means that it is not "variable information" (information such as OTP). The term in the specification of the application ([0136]) has the same meaning as well. (In the paragraph, "account information, branch name, and communication ID" are presented as examples of the "fixed information". However, information such as the "account information, branch name, and communication ID" is usually encoded or encrypted in some way for communication in a transaction. According to the description of the specification, the "fixed information" in the Invention includes information that can be converted into information such as the "account information, branch name, and communication ID" by decoding corresponding to certain encoding or encryption, and the information is not substantially different from the "temporary information" in the Cited Invention, which is "different from customer account information" and "converted into corresponding customer account information" in account transaction processing.)

In light of the above, a person skilled in the art could have easily conceived of using the "temporary information", which is information to be received for placing a tangible object in a state allowing provision in the Cited Invention, as the "fixed information" in the Invention, in accordance with the indication in the Cited document, accordingly.

(3) Regarding the effect to be produced by the Invention

The effect to be produced by the Invention falls within a scope that can be predicted by a person skilled in the art in light of the description of the Cited document including the Cited Invention or well-known arts, and is not remarkable.

No. 6 Closing

As described above, the Invention could have been easily made by a person skilled in the art before the filing of the application on the basis of the Cited Invention. Thus, the appellant should not be granted a patent for the invention under the provisions of Article 29(2) of the Patent Act.

Therefore, the present application should be rejected without examining inventions according to other claims. The appeal decision shall be made as described in the conclusion.

June 5, 2017

Chief administrative judge: SATO, Tomoyasu
Administrative judge: AIZAKI, Hirotsune
Administrative judge: ISHIKAWA, Shoji