

fact that mental activities were involved did not necessarily qualify subject-matter as non-technical. The board referred to T.1177/97 where it was stated that the use of a piece of information in a technical system, or its usability for this purpose, may confer a technical character on the information itself in that it reflects the properties of the technical system, for instance by being specifically formatted or processed.

T.677/09 was concerned with information about differences between different vehicles which was provided to the user of a vehicle information system on actuating a component. The board considered that such an effect would depend on the content of the information and the user's reaction to it. This effect was thus not the **direct effect of the feature** and could not be used to formulate the technical problem. The board noted that the appellant invoked non-technical aspects as a reason for not modifying the prior art and that in T.1670/07, this kind of argument was referred to as a **"non-technical prejudice fallacy"** (point 16 of the Reasons). The fact that this was not possible followed from the fact that the non-technical features relating to the information content could not contribute towards an inventive step at all. The question was not whether the skilled person would consider providing these features because that had already been decided in formulating the technical problem, but whether it would be obvious to implement the features in the claimed manner. The appellant pointed out that in data processing a signal generally has cognitive information content, but according to the jurisprudence nevertheless has technical character. However, the board considered that this technical character was due to the so called "functional data" implied by the signal, which inherently comprises technical features that interact with those of the system in which the signal is operating, such as synchronising data (see for example T.1194/97, point 3.3 of the Reasons). In the case at issue, there were no such inherent technical features of the different information so that it did not have a functional part, but remained purely cognitive. This was different in the case of systems with features that might have a **direct technical effect**, such as giving information about the status of the engine, or about an imminent collision, or how to park the vehicle.

d) User preferences for displaying data

In T.756/06 the board noted that the indication of internal states of a technical system, in the form of visual feedback for human interaction with the system, has been acknowledged to be technical by the boards in the past (see e.g. T.115/85 (OJ 1990, 30; T.362/90). This finding has been confirmed by more recent cases, in particular in T.643/00, where the design of a GUI (Graphical user interface) was seen in the context of the technical process of fast and efficient image retrieval in an image processing apparatus. On the other hand, in cases where the GUI design aimed exclusively at the mental activities of a viewer, in particular at preparing the relevant data for a non-technical decision making process by the user as the final addressee, no technical contribution has been acknowledged beyond its mere implementation. In the case before it, the board considered that the **layout** of the schedule was for the user's mental use, i.e. according to the **user's requirements and preferences**, rather than for a technical purpose in a technical process. Although the appellant mentioned the possibility of user input of the first time span, the board considered that this only resulted in a subjective **improvement** of the appearance of the schedule and was not a part of any technical process.