

In T. 528/07 the appellant cited several decisions of the boards of appeal in order to demonstrate that the display of data can have technical character. The board found that **two different interpretations** of decision T. 115/85 existed in the jurisprudence: either the visual indications must concern technical conditions of the system in order to relate to a technical problem (T. 833/91), or they may also concern non-technical conditions (T. 717/05). The board in the case at issue followed the more restrictive approach according to which only technical conditions of a system can be taken into account. This line has also been taken in other decisions of the boards of appeal (see e.g. T. 790/92; T. 953/94; T. 1161/04; T. 1567/05; T. 756/06). Moreover, the clear character of this approach as an exception appears to be more consistent with the exclusion of "presentations of information" pursuant to Art. 52(2)(d) EPC.

In T. 1073/06 the application related to generating a display of a **simulation model** including objects linked by relationships, for instance a proportional relationship. The appellant had argued that an objective technical problem could be seen in improving the ease with which a user can construct such a simulation model, the claimed solution avoiding the "drilling down" required in the prior art to understand the relationships between the objects in the simulation model.

The board judged, however, that an improvement in the comprehension of a model is a purely mental effect, so that the problem solved was not seen as being technical. Further, the solution was also not seen as having any technical implications beyond, possibly, routine implementation details, being simply a choice of where and in what form in a process of visualisation of a model to display certain information, i.e. an issue of "presentations of information", as mentioned in Art. 52(2)(d) EPC. On its broadest interpretation, the simulation model, of which the relationship conditions between objects were a part, could be of a wholly abstract nature and thus a system of equations which were merely a mathematical method and thus non-technical. The claimed "graphical link representations" related to the state of the simulation model, rather than to the state of the claimed simulation apparatus, and thus constituted presentations of information and were therefore also non-technical; see T. 528/07.

In T. 163/85 (OJ 1990, 379), regarding a colour television signal characterised by technical features of the system in which it occurred, the board considered it appropriate to distinguish between two kinds of information when discussing its presentation; according to this distinction, a TV system solely characterised by the information per se, e.g. moving pictures modulated on a standard TV signal, might fall under the exclusion of Art. 52(2)(d) and (3) EPC 1973, but not a TV signal defined in terms which inherently comprised the technical features of the TV system in which it occurred; as the list of exclusions from patentability set out in Art. 52(2) EPC 1973 (in conjunction with Art. 52(3) EPC 1973) was not exhaustive in view of the phrase "in particular", the exclusion might arguably be generalised to subject-matter which was essentially abstract in character, non-physical and therefore not characterised by technical features within the meaning of R. 29(1) EPC 1973.

In decision T. 1143/06 the board noted that a non-technical claim feature is a feature which does not interact with the technical features to produce a technical effect. According to the