

The invention at issue in T. 547/14 concerned a method for predicting the formation of mould on an object, for an example a building component. The examining division had found that there was nothing to distinguish the features of claim 1, which related to an experimental determination of biological germination conditions for moulds, from a purely intellectual activity, because the experimental determination was not specified in technical terms and could be performed by purely cognitive observation. The board disagreed: if the biological germination conditions were determined experimentally, experiments had to be carried out and that meant having to use technical means; if they were determined using a computer, its use as a technical means similarly rendered the subject-matter technical. For the purpose of establishing whether the claimed method had technical character, it did not matter what details the application gave as to how the claimed experimental determination was technically implemented. That was instead a matter to be considered when assessing whether the invention could be carried out.

In T. 670/19 the claim concerned a scale system for clinical assessment of the lips and mouth area comprising a lip fullness scale comprising illustrations of the mouth area. The board held that the invention did not relate to purely abstract subject-matter and did have a technical character. The presence of a concrete physical medium, such as a board or a screen, carrying the illustrations was implied. The implicit presence of a physical medium conferred technical character to at least part of the subject-matter of the claim and this regardless of a possibly non-technical nature of the cognitive content of the illustrations carried by or displayed on the physical medium "per se".

### 2.5.3 Word-processing

In T. 22/85 (OJ 1990, 12) the board had to decide on the patentability of a method for automatically abstracting and storing an input document in an information storage and retrieval system and a corresponding method for retrieving a document from the system. The board observed that the described method fell within the category of activities defined in Art. 52(2)(c) EPC 1973. It considered that the mere setting out of the sequence of steps necessary to perform the activity in terms of functions or functional means to be realised with the aid of conventional computer hardware elements did not import **any technical considerations** and could therefore neither lend a technical character to the activity nor to the claimed subject-matter considered as a whole, any more than solving a mathematical equation could be regarded as a technical activity when a conventional calculation machine is used (see also T. 186/86, T. 95/86).

In T. 38/86 (OJ 1990, 384) the board first of all had to assess the patentability of a method for automatically detecting and replacing linguistic expressions which exceeded a predetermined level of understanding in a list of linguistic expressions. The board was of the opinion that a person who wished to carry out such a task using his skills and judgment would perform purely mental acts within the meaning of Art. 52(2)(c) EPC 1973; the schemes, rules and methods used in performing such mental acts were not inventions within the meaning of Art. 52(1) EPC 1973. The board stated that the use of technical means for carrying out a method, partly or entirely without human intervention, which, if performed by a human being, would require him to perform mental acts, **might**, having regard to Art. 52(3) EPC 1973, render such a method a technical process or method and