

application concerned a game apparatus the board stated that "game rules" form part of "the regulatory framework agreed between [or with] players concerning conduct, conventions and conditions that are meaningful only in a gaming context. They govern the conduct and actions of the players during game play. Disregarding any effects and advantages inherent in the game rules themselves, the board was unable to identify any further technical effects in the particular manner of technical implementation that might have rendered it non-obvious to the skilled person.

In T 1225/10 the board also adopted the approach set out in T 1543/06 and held that it was decisive how excluded subject-matter was technically implemented, and whether that implementation was obvious. Such a consideration focused on any further technical effects of the implementation of the excluded subject-matter over and above those inherent in the excluded subject-matter itself (T 1543/06, T 1782/09). In T 1225/10 the board came to the conclusion that using points on the player character that overlapped with a target object was a computationally effective and efficient approach to determine the collision side on a target object for a variety of such objects. That effect was not the inevitable result of programming the game rules per se. It was rather the direct technical consequence of the particular technical way selected data was used to determine a display state. Therefore the technical effect was affirmed.

#### 9.2.15 Mental acts / modelling

In T 914/02 the board held that the involvement of technical considerations is not sufficient for a method which may exclusively be carried out mentally to have technical character. Technical character may be provided through the technical implementation of the method, resulting in the method providing a tangible, technical effect, such as the provision of a physical entity as the resulting product or a non-abstract activity, such as through the use of technical means. The board rejected a claim directed to an invention involving technical considerations and encompassing technical embodiments on the grounds that the invention as claimed could also be exclusively performed by purely mental acts excluded from patentability under Art. 52(2)(c) EPC (see T 619/02, OJ 2007, 63; T 388/04, OJ 2007, 16, T 1073/06).

In T 930/05 the application was concerned with a method for modelling a process network. The board held that the method lacked technical character because though the claimed subject-matter comprised technical embodiments, implementations that could be deemed non-technical were also conceivable.

In T 1171/06 the application related to object-oriented modelling, namely a method and a device for modelling a mechatronic system in a motor vehicle. The board held that a model used in software development was not imparted a technical effect because it served documentation or communication, even if its subject-matter was a technical system. The board continued the approach established in T 354/07. In that case, which concerned the automatic generation of program code from a model, the board had noted that conceptual processes and meta methods for software production generally had no technical features relevant for patentability and thus could not provide a basis for inventive step unless it