

solution. Implementing a function on a computer system **always involved technical considerations**, at least implicitly, and meant in substance that the functionality of a technical system was increased. The implementation of the information and methods related to linguistics as a computerised translation process similarly required technical considerations and thus provided a technical aspect to per se non-technical things such as dictionaries, word matching or the translation of compound expressions into a corresponding meaning. Features or aspects of the method which reflected only peculiarities of the field of linguistics, however, had to be ignored in assessing inventive step.

Decision T 115/85 (OJ 1990, 30) concerned a method for displaying one of a set of predetermined messages comprising a phrase made up of a number of words, each message indicating a specific event which might occur in the input-output device of a word processing system which also included a keyboard, a display and a memory. The board observed that automatically giving visual indications of conditions prevailing in an apparatus or a system was basically a technical problem. The application proposed a solution to this technical problem involving the use of a computer program and certain tables stored in a memory. It adopted the principle laid down in decision T 208/84: an invention which would be patentable in accordance with conventional patentability criteria should not be excluded from protection by the mere fact that for its implementation modern technical means in the form of a computer program are used. However, it did not follow from this that conversely a computer program could under all circumstances be considered as constituting technical means. In the case in question the subject-matter of the claim, phrased in functional terms, was not barred from protection by Art. 52(2)(c) and (3) EPC 1973 (see also T 790/92).

h) Methods performed by a computer

In T 258/03 (OJ 2004, 575) the board held that a method involving technical means is an invention within the meaning of Art. 52(1) EPC 1973 (as distinguished from decision T 931/95, OJ 2001, 441). Thus with regard to methods, decision T 931/95 was explicitly overturned by T 258/03. If the claimed method requires the use of a computer, it has technical character and constituted an invention within the meaning of Art. 52(1) EPC (see T 258/03, T 1351/04, T 313/10). Since a claim directed to a method of operating a computer involved a computer it could not be excluded from patentability by Art. 52(2) EPC (G 3/08), OJ 2011, 10).

In T 313/10 the examining division had argued, using their own criteria, that a method performed by a computer was excluded. The first issue in this case was whether the claimed method, performed by a computer, of matching items in a table is excluded from patentability (Art. 52(2) and (3) EPC). The board stated that it is the established case law of the boards of appeal that claimed subject-matter specifying **at least one feature** not falling within the ambit of Art. 52(2) EPC is not excluded from patentability by the provisions of Art. 52(2) and (3) EPC (see G 3/08, OJ 2011, 10; T 258/03 and T 424/03).

The board noted that the technical character might come from within, namely from the effect on the computer. This was the case, for example in T 424/03 where the technical