

## Overview of the case

A hearing is scheduled to take place on 15 July at the European Patent Office (EPO) which may have fundamental significance to the ability to obtain patent protection for computer-implemented inventions (CIIs). This is only the second case before the EPO's Enlarged Board of Appeal directly concerning computer-implemented inventions.

The present case concerns a simulation process. In particular, simulation of pedestrian movement through an environment such as a railway station or other large building. Simulation processes are of increasing economic importance in all areas of technology, because it is possible to examine properties of products in advance. Simulations not only concern classical technology, such as engineering, but also bioinformatics and potentially Artificial Intelligence (AI). Therefore, this decision has the potential for fundamental significance going beyond the specific case.

According to the European Patent Convention (Art. 52) programs for computers and mental activities as such are excluded from patentability. Therefore the legal question arises whether a simulation method, which in principle, according to the opinion of the Board of Appeal having referred the case to the Enlarged Board of Appeal, can also be performed with paper and pencil, is a mental activity or program for data processing as such and would thus be excluded from patentability.

The referral to the EPO's Enlarged Board of Appeal has attracted widespread comment in advance with numerous parties, including the EPO's president, having made submissions on both sides of the argument.

HGF attorneys will be watching the hearing online during the day and making comment as the case progresses. It is expected that a main topic of the hearing will be whether a simulation can have a link to the real world and thus make a real-world technical contribution.