

OPINION UNDER SECTION 74A

Patent	GB2456869
Proprietor(s)	Henry McGuire
Exclusive Licensee	-
Requester	Semitel Limited
Observer(s)	Page White Farrer on behalf of Yoti Ltd.
Date Opinion issued	24 June 2026

The request

1. The comptroller has been requested to issue an opinion as to whether the digital identity verification system provided by Yoti Ltd would infringe GB2456869 by Semitel Limited, as exemplified in the webpages provided in the request. Observations were received from Page White Farrer (PWF) on behalf of Yoti Ltd.
2. The Patent GB2456869 was filed on 11th September 2007 and was granted on the 8th December 2010 and is in force. The Patent was granted with a single independent claim. The request looks at claims 1-7 and makes no comments on the remaining dependent claims. I shall not therefore need to consider the remaining claims.
3. This request follows the withdrawal of a request for an opinion raising the same issues last year. This leads the observer, PWF, to ask that the opinion not be considered, asserting that it might amount to a frivolous or vexatious request. The test for vexatious litigation is about persistent pattern. The withdrawal before issue of an opinion and the refiling of the same request – effectively delaying the request, does not seem to me to amount to a pattern. I also note that given that the request is substantially the same, as PWF describe it, the observer was able to submit the same information as they did a year ago. In the event they have supplemented that with additional argument.
4. The opinions service is intended to provide a low-cost independent review of the validity or infringement of a patent, perhaps before considering launching court proceedings. As such the bar of preparation is lower than it might be before a court. In light of that, and what I have been provided with, it is not clear to me that the request is frivolous either.
5. The observations also emphasise the lack of a clear mapping of what amounts to 22 pages of extracts to the claim, suggesting that the request only includes a generic

description. It is true to say that a request which provides a detailed mapping might better direct the observer and the opinion. The opinion is limited by what information and analysis is provided. However, I believe that it is possible for me to come to an opinion which might be of benefit to both the requester and the observer.

6. I therefore believe in all those circumstances, that it is appropriate for me to issue an opinion.
7. Furthermore, I should note that the observations refer to observations which were filed on the earlier request. These observations were dated 30th May 2025. I should also note that the earlier observations, would I believe have been shared with the requester at that time, and were treated as public documents by the IPO.
8. Finally, I note that in the earlier observations, PWF appear to suggest that the prosecution history of the case might be incomplete, as there are no letters of response in the IPO's online record. However, they too were not on the online register. I believe that these omissions by the IPO have now been corrected. They will all have been public documents, which could have been inspected, even if they were not available via the IPO's online patent search service. For completeness, I should say that I have reviewed the pre-grant letters, and I do not think that they require further comment in this opinion. I have referred to the earlier observations on the withdrawn opinion request since they are highlighted in the observations on this request. I do not think that either party here is disadvantaged by my so doing.

The Patent

9. The Patent relates to a way to improve on caller line identification, meaning that an email sender or caller (or other communication) can check the receiver information to decide that they wish to commence communications. The Patent describes a wide list of the sorts of information or content, such as graphics, video, biometric or other personal data, special effects or text that may form the communications.
10. Claim 1 of the Patent reads:

A method of information transfer for communication between an originator and a receiver, wherein the method comprises the steps, carried out prior to commencing the communication, of:

- *the originator initiating the communication;*
- *generating a receiver information signal comprising receiver information by the receiver selecting changeable two-way interactive receiver information;*
- *sending the receiver information signal to the originator;*
- *receiving the receiver information signal;*
- *and*
- *deciding whether to commence the communication;*
- *receiver continuing to select and send changeable two-way interactive information to originator.*

Claim construction

11. Before considering the documents put forward in the request, I will need to construe the claims of the Patent following the well-known authority on claim construction which is *Kirin-Amgen and others v Hoechst Marion Roussel Limited and others* [2005] RPC 9. This requires that I put a purposive construction on the claims, interpret it in the light of the description and drawings as instructed by Section 125(1) and take account of the Protocol to Article 69 of the EPC. Simply put, I must decide what a person skilled in the art would have understood the patentee to have used the language of the claim to mean. Here, neither party sets out who they believe the skilled person to be. However, the Patent starts out by describing the use of caller line identification, and the use of a variety of well-known communication methods such as SMS and video. I shall for the purposes of this opinion, therefore, take the skilled person to be someone working in this field of caller/callee identification who is aware of caller line identification and standard communication methods such as SMS, email, audio, and video calling.
12. I shall endeavour to refer to the check prior as an [initial] phase of communication and the communications after that check as the [primary] communications consistently. I hope that will make clearer what point I am making about each. I think the distinction is important in trying to unpick the claim.
13. The observations from PWF (as filed in 2025) suggest that the terms in the claim require careful construction. In my view, PWF highlight two key issues. The first is around timing pointing at the terms “prior to commencing” and “continuing”. The second is described by PWF as being about multiple layers of “information”.
14. In order to address those points, it is worth saying something about three of the bullet points in the claim. First, in terms of what happens prior to a decision on commencing [primary] communication.
 - *generating a receiver information signal comprising receiver information by the receiver selecting changeable two-way interactive receiver information;*
15. On page 17 of the application describes one embodiment in which:

The receiving party has the option 19 to act on the communication being received or to terminate the communication at this stage 14. Should they decide to act upon the communication being received, they may be presented with interactive, changeable, multimedia originator identification information 20, that may include a request for further identification, for example using a biometric reader.

The receiving party may generate a receiver identification signal containing interactive changeable, multimedia receiver identification information, that is sent to the originator.
16. This hints towards an interaction between two individuals where the multimedia information is changed for each new connection. In their observations from 2025, PWF go further in suggesting that the term changeable means it can be updated and

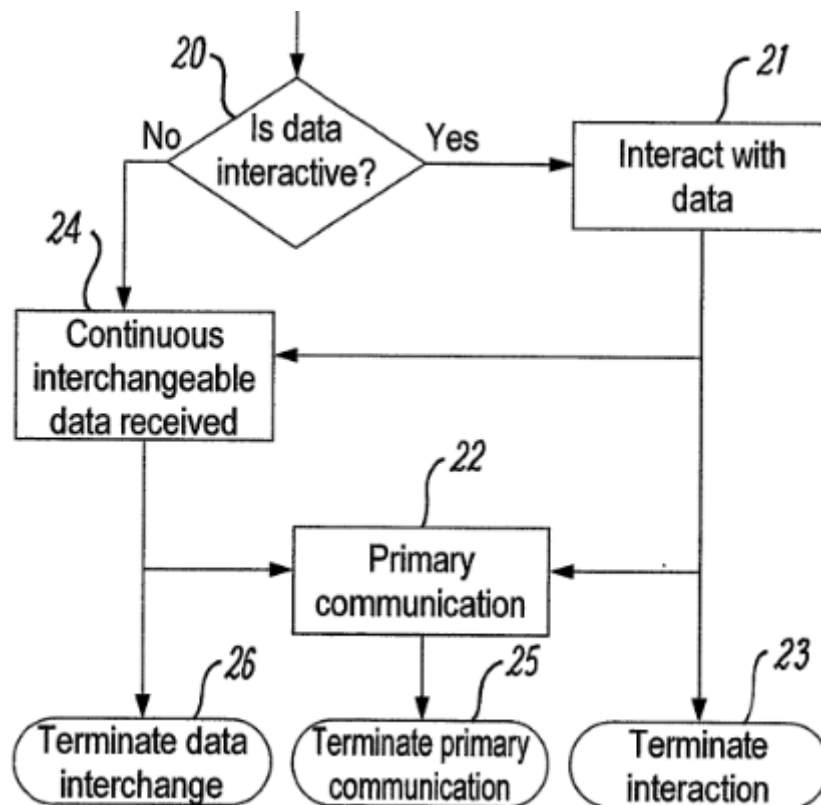
pushed back to the originator. It is clear that the information sent to the originator must be changeable rather than something that is fixed.

17. However, I should look to the description in the Patent for what guidance that gives. The Patent describes on page 20 a commercial user where adaptive identification signals might use the latest corporate advert to reinforce a brand. The description and figures include examples of SMS text using different fonts or colour. Page 15 includes the option for the information sent by the caller/sender or the receiver to be pre-selected. I take it from all of this that the claim does not limit the format of the information, rather focussing on the ability for that to be changed.
18. In their observations from May 2025, PWF suggest that there is an iterative process of interaction prior to setting up the [primary] communication. They cite the middle part of figure 1 (a flow chart – where the only iterative step appears to be the wait process for hardware/software), page 12 and page 18 lines 4-12 as showing that this process of iteration. Importantly the passage on page 18 says: “The receiver identification signal **may include** a request for further identification.” And based on the interaction that **may include** a response to a request for further identity information from either party.”
19. PWF in their observations note that the flow of messages from originator and response by receiver is bi-directional – that is to say there is an exchange of messages. They say this must also follow because two-way interaction cannot involve only the sending from one party.
20. It is also worth saying that the other figures and description are consistent with the idea that the interaction might be limited to a single round of exchange (“two-way”) information. It is also the case that more than one round of exchange is clearly disclosed. Ultimately, I think the skilled person when they read the passage on page 18 understands that a decision might be made not to include further identification requests. I do not therefore think that the term interactive requires that the decision to commence communication needs to be a result of multiple rounds of exchange.
 - *deciding whether to commence the communication;*
21. As I have already noted, the application envisages a number of different communications, such as email and SMS, which are discontinuous and calls which are continuous and the communication that follows might also use these formats. (I note page 20 suggests that the user can determine any mode or method for the [primary] communication.) It therefore seems to me that the [primary] communication that is commenced can be in the same format – so for example email may continue, having passed an initial phase of exchanging information. I would also note what is said on page 3 of the Patent, describing step 16 in that either party may decide to proceed, or not (and terminate the signal.)
22. I feel at this point I should also say something about figures 4 and 5, and what that means for steps 5-8 and 11 of the embodiment method described on pages 11-14. That method includes some optional additional steps, not required by the claim – but it also allows for messages such as those shown in figures 4 and 5 to provide the sender’s information and the receivers response. That is a simple exchange of text (admittedly formatted in the figures) – with either party deciding whether to continue

into the [primary] communication.

23. However, I must also consider what the effect of this is, given that the preamble says that this must happen prior to commencing the [primary] communication. That requires a separation between the initial exchange (the receiver information signal being sent - a form of communication) and the [primary] communication. This distinction might be easy to envisage in say a video call – where the video is not opened until after a textual (or otherwise) different initial phase is completed. That sort of distinction might also apply to a discontinuous exchange – such as SMS messages- with an initial phase and a primary phase of communication. However, the separation might also occur, where the initial [“prior to”] communication and the secondary communication use the same format – and that format is continuous (such as in a video call).
24. Nonetheless, the originator’s initial communication, the receiver information signal (sending and receipt) must occur before the [primary] communication.
 - *receiver continuing to select and send changeable two-way interactive information to originator.*
25. Here PWF in their observations from May 2025, submit that this should mean an ongoing, continuous two-way exchange of dynamically updating information, taking place on the same secondary channel as the [primary] communication. This follows a quote of step 15 and step 16 from page 13 of the Patent which includes a step where either party may opt for additional verification – which may be interactive. However, this passage does not include a continuous two-way exchange, nor that this is dynamically updated, nor that this is conducted on a secondary channel. Rather, the claim limits itself to continuing to select and send two way changeable and interactive information to the originator. It does not specify over what channel that information is shared.
26. Perhaps therefore, this contention is based on the analysis in the observations from PWF of how the term information is used in the claim. It appears 6 times, “information transfer”, “a receiver information signal”, “two-way interactive receiver information”, sending and then receiving “the receiver information signal” and finally “sending changeable to-way interactive information”. The first occurrence is in the preamble and broadly refers to all of the information transfer. The second, fourth and fifth are the same, given the antecedence, and coterminous use.
27. That leaves the “two-way interactive receiver information” – which occurs before setting up of the [primary] communication, and the continuation of selecting and sending “changeable two-way interactive information to [the] originator.” This final instance deserves some further consideration. Is it after the decision to commence the [primary] communication – because of the ordering of the steps (it appears last in the list)? or is it prior to the commencement – because it is a step and the claim preamble (before the colon) suggests that all of the steps are carried out prior to the commencement. In the observations of May 2025, PWF describe this as an ambiguity in the claim. They go on to refer to step 15 of the example method on page 13 as showing that the step can take place before the [primary] communication and on page 18, that changeable information may be exchanged simultaneously with the [primary] communication and after the [primary] communication is terminated.

28. PWF in those observations also make the point that the presence of the term “two-way interactive ... information”, implies that the communication cannot only consist of the receiver continuing to select and send changeable information. Rather they assert that this final bullet point means that the interaction must be capable of being an ongoing one and one that involves two-way communication.
29. This highlights a more general point about the nature of the communications here, what is envisaged includes the setting up of a call. The nature of human interactions means that during a phone call any party could choose to ask further questions of the other party to the call – but the claim requires that the receiver selects and sends information. At this point, I note figure 3 (extract below) shows interaction happening before the [primary] communication.



30. In their observations in reply, Semitel note figures 7 and 8, suggesting that they show that identification signalling can be integrated with or transmitted independently from digital communications. That argues for the last step being open to the communication not being on a separate channel and being integrated with the [primary] communication.
31. That means there is a degree of smoke thrown up around whether you can infer additional restrictions to this step. There is no clear pointer in the description or the figures that requires this last step to be in a separate channel.
32. The most straightforward interpretation is where the decision to commence the communication is made before the receiver continues to select and send changeable information. I think that is sufficient understanding for me to come to a conclusion in this opinion on the question of infringement.

The Digital ID system from Yoti

33. The Yoti Digital ID system provides a way for customers say to prove who they are to an organisation and allows an ID document to be verified and used to share details, for example in age verification and allowing the organisation to customise the interface.
34. The request includes extracts from 27 different parts of the Yoti website, which the request suggests shows the details necessary details for a product that falls within the scope of claim 1. The Observations do not suggest that the extracts are a misrepresentation or incomplete picture. I shall therefore take these extracts to be a correct representation of the Digital ID system produced by Yoti Ltd, for the purposes of this opinion.

Infringement

35. Section 60 Patents Act 1977 governs what constitutes infringement of a patent: Section 60(1) reads:

Subject to the provision of this section, a person infringes a patent for an invention if, but only if, while the patent is in force, he does any of the following things in the United Kingdom in relation to the invention without the consent of the proprietor of the patent, that is to say -

(a) where the invention is a product, he makes, disposes of, offers to dispose of, uses or imports the product or keeps it whether for disposal or otherwise;
(b) where the invention is a process, he uses the process or he offers it for use in the United Kingdom when he knows, or it is obvious to a reasonable person in the circumstances, that its use there without the consent of the proprietor would be an infringement of the patent;
(c) where the invention is a process, he disposes of, offers to dispose of, uses or imports any product obtained directly by means of that process or keeps any such product whether for disposal or otherwise.

36. The request sets out to show that the consumer, when interacting with the Yoti system will follow the following steps:
 - 1) Consumer initiates interaction with business;
 - 2) Business selects for example a customised identity information request;
 - 3) Customised identity information request is transmitted to consumer;
 - 4) Consumer receives customised identity information request;
 - 5) Consumer decides to commence interaction by accurately supplying requested identity information to business;
 - 6) Business continues to select and transmit for example customised

identity and or age information and or liveness and or other requests and or e-sign (e-signature) documents to consumer.

37. The observations assert that there is no clear mapping of these features to the evidence or to the claim, and PWF therefore say that they are unable to provide a reasoned response to this. In the first instance, I think that these six steps may be intended to map to the six bullet points of the claim. I shall therefore proceed on the basis that this is what the request asks me to do – find these six steps – and then map those six steps onto the claims.
38. The earlier observations on the withdrawn request, did go a little further, in suggesting that this scenario was:
 - i) a hypothetical one,
 - ii) one where the infringer was a user of the Yoti system, and not Yoti.
 - iii) the Yoti system does not provide a primary communication means.
39. On point i), the contention of the request is that the 6 steps are ones suggested in the Yoti website. I think that contention is more than a hypothetical scenario, it asks me to assess the process shown in the extracts. I think I can therefore come to a sensible opinion on whether those 6 steps are shown in the extracts provided, and whether those 6 steps are sufficient to meet claim 1.
40. Turning to the extracts, which show that a user decides to download the Yoti app, The user can then decide to contact another person and share details. This is step 1 of the observation's alleged process.
41. The business using the Yoti app, can set up a template, with its branding, This allows a user flow to be set up whether the user can provide age verification and then for example a liveness check – to ensure that the document scan is being performed by a real person. (This is step 2-4).
42. Step 5 is the decision by the user to supply the requested information to the business.
43. That leads me to step 6), and there are three parts of the extracts where I think it is worth me setting out my considerations. Before doing so, I should underline that step 6 is described as a step for the business to conduct. This in my view follows from defining in the request the consumer as the originator and the business as the receiver.
44. PWF in their observations acknowledge that a user can start a new share of attributes, they do not believe that this amounts to a further interactive information. That means, PWF says that there is no functionality which enables the receiver to “continue” any exchange or initiation of further identity flows within a communication session. This they say is a critical distinction from the Patent.

45. So, to turn to the extracts provided. First, the extract from <https://www.yoti.com/business/esignatures/> - which allows e-Signatures of documents. However, there is no indication that this happens during ongoing communication, with an initial phase of verifying the users before setting up the call. I do not therefore think that this is sufficient to show that step 6 is provided by Yoti.
46. The second extract is on page 4 of 5 in the evidence (Yoti proprietary add-ons), taken from https://marketplace.zoom.us/apps/c3qALIOySCWYgxPXSg_UPw sets out:

Overview

- *Yoti's Verified Calls app ensures you are talking to who you think you are. At the beginning of a Yoti Verified Call the individual will be asked to prove their ID using four different confidence options at your choosing. Further checks can be made throughout the call to ensure no AI has been used to spoof the call, and a notification will be made to users if someone tries to swap devices, or 'inject' another device into the call.*
 - *Yoti is a world leader in digital identity and identity verification, offering advanced AI-driven solutions combined with human expertise to verify users' identities quickly and securely. Trusted by global brands, Yoti ensures compliance, prevents fraud, and enhances user experience across sectors with innovative tools like Digital ID, biometric authentication, and reusable credentials.*
47. The website does not say how this is achieved. Without speculating, I cannot therefore determine whether these further checks involve the exchange other “customised identity and or age information and or liveness and or other requests and or e-sign (e-signature) documents to consumer.”
48. On point ii), I would note what is said in Section 60(1)(b), highlighted above and that asks is there contributory infringement? Here, I do not therefore think that the argument that Yoti does not infringe, but its users might is sufficient. If as alleged, that it is envisaged that the use of the Yoti system in Yoti’s advertising points to an infringing set of acts, then I think that would be enough for me to conclude that those acts would amount to an infringement. That follows from Section 60(2):

(2) Subject to the following provisions of this section, a person (other than the proprietor of the patent) also infringes a patent for an invention if, while the patent is in force and without the consent of the proprietor, he supplies or offers to supply in the United Kingdom a person other than a licensee or other person entitled to work the invention with any of the means, relating to an essential element of the invention, for putting the invention into effect when he knows, or it is obvious to a reasonable person in the circumstances, that those means are suitable for putting, and are intended to put, the invention into effect in the United Kingdom.

49. On part iii), I should look at a third extract, on page 2 of 3, entitled YOTI INTEGRATION PLUGINS – and drawn from <https://www.yoti.com/blog/introducing-integrations-making-it-easier-for-you-to-use-yoti/>: which sets out:

Zoom

The popular video conferencing platform Zoom can be integrated with our eSignatures solution. Users can send a PDF document for signing to all participants in the meeting. Once the document is signed, it's automatically uploaded to Google Drive, ensuring secure storage and easy access.

Zoom can also be integrated with our Digital ID. This is a quick and simple way to prevent deepfake videos calls by verifying the identity of the other person on the call.

Shopify

Add a custom 'verify age' button in Shopify's checkout process. This ensures shoppers are old enough to buy age-restricted items. And with our identity verification and Digital ID app, customers can complete any required identity checks without leaving your website. This reduces friction and the risk of fraudulent transactions.

50. First, I note that this is integration of the eSignatures solution into Zoom – rather than the Yoti Verified calls app. On its own that is not sufficient to show step 6 follows from the earlier steps. Similarly, the information I have been provided with lacks information on what processes might be conducted prior to ID verification on the Shopify checkout process might be. Again, I think that would require me to speculate how this might be implemented, for me to conclude that step 6) follows some earlier steps.
51. That leads me to the conclusion that the information I have been provided with does not show all six steps as set out in the request. Given my conclusion was that the request asked me to find these six steps and then compare them with the claimed invention. I think that is sufficient for me to conclude that the request does not make a sufficient case that Yoti are proposing something that falls within the scope of the claim.
52. However, for the avoidance of doubt, it is not immediately apparent to me that the alternative approach (for example, where the consumer is defined as the receiver and the business as the originator) leads me to a different conclusion on the evidence provided meeting these six steps. For completeness, I should also say that the original observations from PWF also looked at the question of equivalents, which follows from the Actavis decision. There is no argument in the request or observations in reply that addresses this question. Nonetheless, it is not apparent to me that there is an equivalent here which I need to consider further.
53. Having come to that conclusion on claim 1, there is no need for me to turn to the dependent claims 2-7 raised in the request.

Opinion

54. It is therefore my view, based on the information provided in the request, that the Yoti solution does not infringe the Patent.

Application for review

55. Under section 74B and rule 98, the proprietor may, within three months of the date of issue of this opinion, apply to the comptroller for a review of the opinion.

Robert Shorthouse
Examiner

NOTE

This opinion is not based on the outcome of fully litigated proceedings. Rather, it is based on whatever material the persons requesting the opinion and filing observations have chosen to put before the Office.