This document includes some recent decisions of the EPO in 2013 with regards to software related inventions and shows relevant extracts from the respective decisions.

T 1937/09 (Collaborative gateway GUI/ACCENTURE) of 15.10.2013
Dynamic collaboration assistant

Keywords: **Original disclosure (no)**
Sufficient disclosure (no)
Clarity (no)
Inventive step (no)

Applicant name: Accenture Global Services Limited
Application number: 04250122.1
IPC class: G06F 9/44, G06F 17/60
Cited decisions: T 0928/03, T 0862/10, T 1251/08

Board: 3.5.06

http://www.epo.org/law-practice/case-law-appeals/pdf/t091937eu1.pdf

The application relates to generating a graphical user interface (GUI) on a client terminal computer that is connected to a server computer. The GUI displays data from one or more "collaboration" applications, the data having what is termed a "context" in common (e.g. "drug ABC"). When the user opens a document at the terminal, the document is scanned "to detect relevant contexts that are defined by a user in their respective context profile ". During the scanning, the opened document is matched against a user profile. Whereas the context profile is disclosed as residing on the server and containing information about users, documents and files associated with a given context, no details are disclosed about the user profile (e.g. its location, its content). The only original disclosure is that the user profile is compared or matched with the document. A context change can be automatically detected by scanning an opened document or manually triggered by the user. If the context is changed, the terminal sends a message to the server. The server searches in its database for users and documents associated with the new context and sends a notification message to the terminal so that the latter can refresh its document lists in the GUI.

Claim of main request:
Claim 1 of the main request reads as follows:

"1. A method of collaborating across a computing network including a terminal (202) connected to a server (204) comprising the steps of:

generating a collaborative gateway graphical user interface (GUI) (400) on the terminal (202) that includes a display of at least one collaboration application (206);

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monitoring, at the terminal (202), a context in which the terminal (202) is being used by a user by scanning a document opened on the terminal (202) and comparing, at the terminal (202), the contents of the document with a user profile, the user profile containing user defined relevant contexts, to determine if the document contains a relevant context and to determine the context;

if the context in which the terminal (202) is being used by the user changes, transmitting a message from the terminal (202) to the server (204), the message including a user identity and the determined new context;

receiving, at the terminal (202) from the server (204), a new context message notifying the terminal (202) that the new context has been processed by the server (204); and

adjusting the display of the collaboration application (206) in the collaborative gateway GUI (400) based on the new context message."

Disclosure
There is a single passage mentioning the user in defining a context

"A context parser algorithm is used to detect relevant contexts that are defined by a user in their respective context profile 260. The context parser algorithm may take as its input a user XML profile and the contents of an active document and determine a context as a result of contextual matching patterns."

There is no disclosure of what the user defines in a context profile, in particular whether he inputs for example a context name or keywords to recognise this context or names of users and documents associated with this context. There is no example of a context profile, nor one of a "user XML profile" which serves as an input to the "context parser algorithm". The latter is also not explained. Neither are the "contextual matching patterns".

The applicant states that the invention relates to an "automated retrieval and display of documents and/or files that are related to a determined context". However a skilled person could not realise this invention without knowing how to implement the determination of a context. Without that, the documents and files cannot be selected and the GUI cannot be updated to display them.

The appellant wrote in the grounds of appeal that the "morpheme analysis" and "tf*IDF" method of D1 are well-known statistical routine techniques. Consequently the applicant of D1 did not have to explain this technique. However, in the present application, it is not even clear whether a context is identified by searching for keywords, by a statistical analysis or by any other method.

The appellant wrote that a user may work in different roles and that a user may use the same terminal to work within several roles or contexts. Productivity may be lost when the user switches the context. However the board understands this as the **non-technical motivation** for the invention. This does not answer any of the questions above.

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Therefore the <u>invention</u> as claimed in all requests is **<u>unclear and insufficiently disclosed</u>**, contrary to Articles 84 and 83 EPC 1973.

<u>Inventiveness</u>
Even without knowing which technical means and methods may be used to determine the "context", one can say that the "**<u>context" per se does have any technical character</u>**. It appears to relate to the title and the content of a document and seems to be similar or identical to informal notions like "subject", "topic", "issue" or "theme".

With the help of these (non-technical) labels or tags, called "context" (e.g. "drug ABC"), the information to be presented in the GUI is selected. However the board does not intend to exclude the claimed subject-matter from patentability under Article 52(2)(d) EPC ("presentations of information"), since there are certainly technical means involved in the claimed method (namely a terminal computer, a server computer and a computer network). But the board is <u>unable to see what technical effect this selection of content could produce</u>. The idea behind the invention seems to be to <u>only present information which belongs together in the brain of the user, and not based on some technical considerations</u> in any of the computers or the network.

"The Main Request seeks to identify when an individual user is working on something which they previously defined in a user profile as having relevance to them and updating their GUI in response."

Without considering that the user's definition of relevant things and its recognition in an actual document is insufficiently disclosed, the essence of the above is that the <u>GUI is changed for the only reason that the information to be presented shall have a relevance for the user</u>. However **relevance for a user is not considered by the board to be a technical effect**.

The invention results in a **<u>mere automation of human behaviour</u>**, namely of <u>selecting data items that seem to be relevant to the user</u>, which is a routine matter not involving inventive skill.

The decision T 862/10 found that <u>controlling how information was displayed</u> to a user had a <u>technical effect</u> (emphasis added). The board agrees that this **<u>may be the case in general</u>**. However, in <u>this case</u>, the question is <u>not how the content is displayed, but which content is displayed</u> (namely according to a new context). So this argument does not apply here.

Therefore the subject-matter of claim 1 of all requests is not inventive in the sense of Article 56 EPC 1973.

T 0781/10 (Portable device and method of providing menu icons/SAMSUNG) of 19.9.2013
Portable device and method of providing menu icons

Inventive step - yes (after amendment)

Applicant name: Samsung Electronics Co., Ltd.
Application number: 07109920.4
IPC class: G06F 3/048

Board: 3.5.05

http://www.epo.org/law-practice/case-law-appeals/pdf/t100781eu1.pdf

Independent claim 1 according to the main request reads as follows:

"1. A portable device (100) for providing menu icons (221, 222), comprising:

   a display unit (160) which displays the menu icons (221, 222) and a focus (230) located on a menu icon (221, 222);

   a button signal input unit (110), which receives a

button signal generated by a user   s manipulation of a

button (310);

   a button signal determination unit (120) which, when the input button signal is received from the user, determines whether the input button signal is a signal of a function button or a signal of a direction button;

   a focus location checking unit (130) which determines the location of a focus (230) located on the menu icon (221, 222);

   a background screen management unit (140) for management of the background screen (210) comprising an image in front of which the menu icons (221, 222) are displayed; and

   an icon management unit (150) which changes a size of a menu icon (221, 222) based on the location of the focus (230),

CHARACTERISED IN THAT

the background screen management unit (140) is configured to change a view point of the background screen (210), when the focus is moved, in accordance with a direction in which the focus (230) is moved."

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The subject-matter differs from the disclosure in the closest prior art by the features of the characterizing portion.

The underlying <u>objective problem</u> to be solved is considered to be to **increase the user's awareness of the currently selected menu hierarchy, and thereby to achieve a more effective man-machine interface**.

The board agrees with the appellant that the management screen background unit specified in claim 1 constitutes a technical feature. The solution according to claim 1 is considered to provide a technical contribution over the teaching of the prior art, because an <u>emphasizing effect enhancing the precision of the input device is achieved by the manner of displaying background screen changes in accordance with the direction in which the focus is moved.</u> **This effect involves technical considerations by providing direction information linked to the movement of the focus.** It is therefore achieved by a different incentive, provided by technical means, in addition to a size change of the icon as defined in the preamble of claim 1. In the board's judgement, and contrary to the decision under appeal, **this goes beyond a mere presentation of information** according to Article 52(2)(d) EPC.

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