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Datasheet for the decision of 9 January 2009

Case Number: T 1577/05 - 3.5.05

Application Number: 00992443.2

Publication Number: 1208419

IPC: G06F 3/00

Language of the proceedings: EN

Title of invention:
Information processing device

Applicant:
Koninklijke Philips Electronics N.V.

Opponent:
-

Headword:
Information processing device with flow zone means/PHILIPS

Relevant legal provisions:
EPC Art. 52(1)

Relevant legal provisions (EPC 1973):
EPC Art. 54(2), 56, 84, 106, 107, 108

Keyword:
Inventive step (all requests - no)

Decisions cited:
J 0010/07, T 0641/00

Catchword:
-

Case Number: T 1577/05 - 3.5.05

D E C I S I O N
of the Technical Board of Appeal 3.5.05
of 9 January 2009

Appellant: Koninklijke Philips Electronics N.V.
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Decision under appeal: **Decision of the Examining Division of the European Patent Office posted 1 June 2005 refusing European application No. 00992443.2 pursuant to Article 97(1) EPC 1973.**

Composition of the Board:

Chairman: D. H. Rees
Members: A. Ritzka
P. Schmitz

Summary of Facts and Submissions

I. This appeal is against the decision of the examining division dispatched 1 June 2005, refusing European Patent Application No. 00992443.2 for the reason that claim 1 of the main request and of the first to fourth auxiliary requests did not involve an inventive step having regard to the disclosure of

D6: EP 0 499 129 A and any one of
D1: US 5 678 015 A,
D2: EP 0 944 218 A,
D3: EP 0 767 418 A.

II. Notice of appeal was submitted on 19 July 2005. The appeal fee was paid on the same day. The statement setting out the grounds of appeal, claims 1 to 17 of a main request, claims 1 to 15 of auxiliary request 1, claims 1 to 15 of auxiliary request 2, claims 1 to 15 of auxiliary request 3 and claims 1 to 16 of auxiliary request 4 were filed on 10 October 2005.

The appellant requested that the appealed decision be set aside and that the patent be granted based on the main request or one of the auxiliary requests. Further, an auxiliary request for oral proceedings was made.

III. On 17 September 2008 the board issued an invitation to oral proceedings scheduled to take place on 9 January 2009 accompanied by a communication. In the communication the board expressed the preliminary view that claim 1 of the main request, auxiliary request 1 and auxiliary request 2 did not appear to involve an inventive step having regard to the disclosure of D6 and D1. Claim 1 of auxiliary request 3 and auxiliary request 4 did not appear to involve an inventive step having regard to the disclosure of D6, D1 and

D5: EP 0 844 553 A.

Further, claim 16 of the main request, claim 14 of auxiliary request 1, 2 and 3 and claim 15 of auxiliary request 4 appeared to be satisfied by a floppy disc, which was commonly known.

The receipt of the summons and the communication was acknowledged on 23 September 2008.

IV. In its letter of 22 December 2008 the appellant announced that it would not attend the oral proceedings and withdrew its request for oral proceedings. No substantive comments or amendments in response to the communication were received. The board informed the appellant by telefax of 22 December 2008 that the date for oral proceedings was maintained.

V. Oral proceedings took place as scheduled on 9 January 2009. Neither the appellant nor its representative attended the hearing.

After deliberation on the basis of the submissions and the requests of 10 October 2005 the board announced its decision.

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

"An information processing device, comprising flow zone means (201) for displaying a flow zone (102), the flow zone being an area on a display screen for displaying moving links (103), and information selection means (202) for presenting an information unit in response to a user selecting a link in the flow zone, said link linking to said information unit, characterized in that the flow zone means is capable of constantly moving the links without requiring user input and the information selection means is arranged to present said information unit in a presentation zone (106) in response to the user selecting said link in the flow zone (102) and dragging said link to the presentation zone, the presentation zone and the flow zone being simultaneously visible to the user."

Claim 1 of auxiliary request 1 reads as follows:

"An information processing device for presenting information selectable by a user, comprising flow zone means (201) for displaying a flow zone (102), the flow zone being an area on a display screen for displaying moving items representing links (103) to respective information units, and information selection means (202) for presenting a selected information unit in response to a user selecting an item in the flow zone, characterized in that the flow zone means comprises user operable flow control means (203) for controlling the flow speed of the flowing links (103), the flow control means (203) being arranged to increase the flow speed in response to the user selecting a location and dragging said location in the flow direction."

Claim 1 of auxiliary request 2 differs from claim 1 of auxiliary request 1 in that the flow control means are arranged to reverse the flow direction in response to the user selecting a location and dragging said location against the flow direction instead of the flow control means (203) being arranged to increase the flow speed in response to the user selecting a location and dragging said location in the flow direction.

Claim 1 of auxiliary request 3 reads as follows:

"An information processing device for presenting information selectable by a user comprising flow zone means (201) for displaying a flow zone (102), the flow zone being an area on a display screen for displaying moving items

representing links (103) to respective information units, and information selection means (202) for presenting a selected information unit in response to a user selecting an item in the flow zone, characterized by further comprising filtering means (206) comprising user selectable filters (105) for controlling the flow zone (102) to display only links to information units which meet a requirement imposed by a selected filter, the filtering means (206) being arranged to adapt the selected filter so as to display links to information units similar to the selected information unit."

Claim 1 of auxiliary request 4 reads as follows:

"1. An information processing device for presenting information selectable by a user comprising flow zone means (20l) for displaying a flow zone (102), the flow zone being an area on a display screen for displaying moving items representing links (103) to respective information units, and information selection means (202) for presenting a selected information unit in response to a user selecting an item in the flow zone, characterized in that an information unit’s age and/or popularity determines how often an item representing a link to the information unit is disp1ayed in the flow zone."

Reason for the Decision

1. *Admissibility*

The appeal complies of the provisions of Articles 106 to 108 EPC 1973, which are applicable according to J 0010/07, point 1 (see Fact and Submissions point II above). Therefore it is admissible.

2. *Non-attendance of oral proceedings*

In its letter of 22 December 2008 the appellant announced that it would not attend the oral proceedings which it had requested and to which it had been duly summoned (see Facts and Submissions point III above), and withdrew its request for oral proceedings. The board considered to be expedient to maintain the set date for oral proceedings. Nobody attended the hearing on behalf of the appellant.

Article 15(3) RPBA stipulates that the board shall not be obliged to delay any step in the proceedings, including its decision, by reason only of the absence at the oral proceedings of any party duly summoned who may then be treated as relying only on its written case.

Thus, the board was in a position to take a decision at the end of the hearing.

3. *Interpretation*

The term "flow zone" is not a commonly used expression. However, it can be understood from the application as a whole as the area in which links or items are displayed. It is further understood that the links are flowing or moving and that the "flow zone" itself does not flow. Therefore, the term "flow zone" is interpreted in the broad sense of an area in which links or items are displayed.

4. *Novelty and inventive step*

4.1 Main request

D6 discloses a display apparatus in a portable computer unit for displaying a window image comprising *inter alia* a display screen, a tablet pen and a memory card. The display screen comprises an LCD. See column 1, lines 5 to 17 and column 4, line 37 to column 5, line 21. The computer unit with the display screen corresponds to an information processing device with a display screen.

A user may place the tablet pen over an icon in a pen-down state and drag the icon from an icon area to a lower input display area, see column 8, line 43 to column 9, line 2. If the icon is dragged outside the icon area, it is displayed in the enlarged scale i.e. displayed as the window, see column 9, lines 24 to 36.

Thus the display screen comprises an icon area and a lower input display area. It is further implied that each icon is linked to the corresponding window which is an implementation of a specific information unit and that the icons correspond to links. The icon area, which is the area on the display screen for displaying icons, corresponds to the flow zone, in the interpretation of "flow zone" given in point 3 above.

The computer unit comprises an LCD controller and an LCD driver for displaying predetermined images on the LCD, see column 6, line 53 to column 7, line 9. Predetermined images encompass e.g. icons, the icon area etc, see column 8, lines 33 to 36. This implies that the computer unit comprises flow zone means for displaying the flow zone.

Thus, the tablet pen corresponds to an information selection means for presenting an information unit in response to a user selecting a link in the flow zone. Moreover, it is arranged to present the window corresponding to the information unit in the lower input displaying area, which corresponds to a presentation zone, in response to the user selecting the link in the flow zone and dragging the link to the presentation zone, see column 9, lines 36 to 44. The icon area and the lower input display area are

simultaneously visible to the user, see e.g. figure 13, reference signs 82 and 86.

The subject-matter of claim 1 of the main request differs from D6 in that the links are moving and that the flow zone is capable of constantly moving the links without requiring user input. Thus, it is novel.

Starting from D6, which is considered as the most relevant prior art document, the problem underlying claim 1 is considered to be providing a device capable of displaying a number of links in a flow zone, the number of links being greater than the number which can be displayed simultaneously in said flow zone.

D1 discloses graphical user interfaces for computer systems and addresses a similar problem of displaying a workspace of greater effective area than that of the display screen, see D1, column 1, lines 7 to 11 and column 2, lines 33 to 36. The skilled person would consult D1. A workspace contains a number of objects called icons which represent various commands, applications and the like, see D1, column 1, lines 31 to 36. D1 discloses that up to six workspaces may be displayed simultaneously, one on each side of a rotating cube, see column 2, lines 36 to 38. The cube may rotate constantly or under the user's control. The cube has a default rotation pattern such that each face of the cube is displayed as normal to the user's line of sight once during each rotation cycle, see column 5, lines 42 to 47.

The skilled person would understand that if the icons in the device of D6 were rotating i.e. moving in the icon area, a greater number of icons could be displayed. They would further understand that one option would be constantly moving the icons according to a default pattern i.e. constantly moving without requiring user input. Thus, the subject-matter of claim 1 does not involve an inventive step.

Moreover, claim 16 is directed to a portable data carrier for use in a system as defined in claim 15. According to claim 15 the portable data carrier is intended for transporting user-links between devices. The board notes that a portable data carrier, e.g. a floppy disc, is well-known and the portable data carrier of claim 16 may be empty. Thus, the subject-matter of claim 16 is not novel.

4.2 First auxiliary request

D6 discloses a display apparatus in a portable computer unit for displaying a window image comprising *inter alia* a display screen, a tablet pen and a memory card. The display screen comprises an LCD. A display position of the window image on the display screen is pointed by a coordinate data input device. See column 1, lines 5 to 10 and column 4, line 37 to column 5, line 21. The computer unit with the display screen corresponds to an information processing

device with a display screen for presenting information selectable by a user.

A user may place the tablet pen over an icon in a pen-down state and drag the icon from an icon area to a lower input display area, see column 8, line 43 to column 9, line 2. If the icon is dragged outside the icon area it is displayed in the enlarged scale i.e. displayed as the window, see column 9, lines 24 to 36.

Thus the display screen comprises an icon area and a lower input display area. It is further implied that each icon is linked to the corresponding window which is an implementation of a specific information unit and that the icons correspond to items. The icon area, which is the area on the display screen for displaying icons, corresponds to the flow zone, in the interpretation of "flow zone" given in point 3 above.

The computer unit comprises an LCD controller and an LCD driver for displaying predetermined images on the LCD, see column 6, line 53 to column 7, line 9. Predetermined images encompass e.g. icons, the icon area etc, see column 8, lines 33 to 36. This implies that the computer unit comprises flow zone means for displaying the flow zone.

Thus, the tablet pen corresponds to an information selection means for presenting an information unit in response to a user selecting an item in the flow zone. Moreover, it is arranged to present the window corresponding to the information unit in the lower input displaying area, which corresponds to a presentation zone, in response to the user selecting the item in the flow zone and dragging the item to the presentation zone.

The subject-matter of claim 1 of the first auxiliary request differs from D6 in that the links are moving and that the flow zone means comprises user operable flow control means for controlling the flow speed of the flowing links, the flow control means being arranged to increase the flow speed in response to the user selecting a location and dragging said location in the flow direction. Thus, it is novel.

Starting from D6, which is considered as the most relevant prior art document, the problem underlying claim 1 is considered to be providing a device capable of displaying a number of links in a flow zone, the number of links being greater than the number which can be displayed simultaneously in said flow zone.

D1 discloses graphical user interfaces for computer systems and addresses a similar problem of displaying a workspace of greater effective area than that of the display screen, see D1, column 1, lines 7 to 11 and column 2, lines 33 to 36. The skilled person would consult D1. A workspace contains a number of objects called icons which represent various

commands, applications and the like, see D1, column 1, lines 31 to 36. D1 discloses that up to six workspaces may be displayed simultaneously, one on each side of a rotating cube, see column 2, lines 36 to 38. The rotation speed and pattern may be controlled by the user via the keyboard and the mouse, see column 5, lines 42 to 49.

The skilled person would understand that if the icons in the device of D6 were rotating, i.e. moving in the icon area, a greater number of icons could be displayed.

The keyboard and the mouse of D1 represent flow control means for controlling the flow speed of the flowing links. It is common general knowledge that a mouse may be used to select and drag items located on a display. The use of a mouse as flow control means thus suggests "selecting and dragging a location". The skilled person would understand that controlling the rotation speed and pattern comprises inter alia increasing and decreasing the rotation speed. Increasing the flow speed when a location is dragged in the direction of the flow is therefore considered to be an obvious choice. Thus, the subject-matter of claim 1 does not involve an inventive step.

With respect to claim 14, which corresponds to claim 16 of the main request, the comment made with respect to claim 16 of the main request in point 4.1 above applies.

4.3 Second auxiliary request

D6 discloses a display apparatus in a portable computer unit for displaying a window image comprising *inter alia* a display screen, a tablet pen and a memory card. The display screen comprises an LCD. A display position of the window image on the display screen is pointed by a coordinate data input device. See column 1, lines 5 to 10 and column 4, line 37 to column 5, line 21. The computer unit with the display screen corresponds to an information processing device with a display screen for presenting information selectable by a user.

A user may place the tablet pen over an icon in a pen-down state and drag the icon from an icon area to a lower input display area, see column 8, line 43 to column 9, line 2. If the icon is dragged outside the icon area, it is displayed in the enlarged scale i.e. displayed as the window, see column 9, lines 24 to 36.

Thus the display screen comprises an icon area and a lower input display area. It is further implied that each icon is linked to the corresponding window which is an implementation of a specific information unit and that the icons correspond to items. The icon area, which is the area on the display screen for displaying icons, corresponds to the flow zone, in the interpretation of "flow zone" given in point 3.

The computer unit comprises an LCD controller and an LCD driver for displaying predetermined images on the LCD, see column 6, line 53 to column 7, line 9. This implies that the computer unit comprises flow zone means for displaying the flow zone.

Thus, the tablet pen corresponds to an information selection means for presenting an information unit in response to a user selecting an item in the flow zone. Moreover, it is arranged to present the window corresponding to the information unit in the lower input displaying area, which corresponds to a presentation zone, in response to the user selecting the item in the flow zone and dragging the item to the presentation zone.

The subject-matter of claim 1 of the second auxiliary request differs from D6 in that the links are moving and that the flow zone means comprises user operable flow control means for controlling the flow speed of the flowing links, the flow control means being arranged to reverse the flow direction in response to the user selecting a location and dragging the location against the flow direction. Thus, it is novel.

Starting from D6, which is considered as the most relevant prior art document, the problem underlying claim 1 is considered to be providing a device capable of displaying a number of links in a flow zone, the number of links being greater than the number which can be displayed simultaneously in said flow zone.

D1 discloses graphical user interfaces for computer systems and addresses a similar problem of displaying a workspace of greater effective area than that of the display screen, see D1, column 1, lines 7 to 11 and column 2, lines 33 to 36. The skilled person would consult D1. A workspace contains a number of objects called icons which represent various commands, applications and the like, see D1, column 1, lines 31 to 36. D1 discloses that up to six workspaces may be displayed simultaneously, one on each side of a rotating cube, see column 2, lines 36 to 38. The rotation speed and pattern may be controlled by the user via the keyboard and the mouse, see column 5, lines 42 to 49.

The skilled person would understand that if the icons in the device of D6 were rotating, i.e. moving in the icon area, a greater number of icons could be displayed.

The keyboard and the mouse of D1 represent flow control means for controlling the flow speed of the flowing links. It is common general knowledge that a mouse may be used to select and drag items located on a display. The use of a mouse as flow control means thus suggests "selecting and dragging a location". The skilled person would understand that controlling the rotation speed and pattern comprises

inter alia reversing the flow direction. Reversing the flow direction when a location is dragged against the flow direction is therefore considered to be an obvious choice. Thus, the subject-matter of claim 1 does not involve an inventive step.

With respect to claim 14, which corresponds to claim 16 of the main request, the comment made with respect to claim 16 of the main request in point 4.1 above applies.

4.4 Third auxiliary request

D6 discloses a display apparatus in a portable computer unit for displaying a window image comprising *inter alia* a display screen, a tablet pen and a memory card. The display screen comprises an LCD. A display position of the window image on the display screen is pointed by a coordinate data input device. See column 1, lines 5 to 10 and column 4, line 37 to column 5, line 21. The computer unit with the display screen corresponds to an information processing device with a display screen for presenting information selectable by a user.

A user may place the tablet pen over an icon in a pen-down state and drag the icon from an icon area to a lower input display area, see column 8, line 43 to column 9, line 2. If the icon is dragged outside the icon area, it is displayed in the enlarged scale i.e. displayed as the window, see column 9, lines 24 to 36.

Thus the display screen comprises an icon area and a lower input display area. It is further implied that each icon is linked to the corresponding window which is an implementation of a specific information unit and that the icons correspond to items. The icon area, which is the area on the display screen for displaying icons, corresponds to the flow zone, in the interpretation of "flow zone" given in point 3 above.

The computer unit comprises an LCD controller and an LCD driver for displaying predetermined images on the LCD, see column 6, line 53 to column 7, line 9. This implies that the computer unit comprises flow zone means for displaying the flow zone.

Thus, the tablet pen corresponds to an information selection means for presenting an information unit in response to a user selecting an item in the flow zone. Moreover, it is arranged to present the window corresponding to the information unit in the lower input displaying area, which corresponds to a presentation zone, in response to the user selecting the item in the flow zone and dragging the item to the presentation zone.

The subject-matter of claim 1 of the third auxiliary request differs from D6 in that the links are moving and that the

flow zone means comprises filtering means comprising user selectable filters for controlling the flow zone to display only links to information units similar to the selected information unit. Thus, it is novel.

Starting from D6, which is considered as the most relevant prior art document, the problem underlying claim 1 is considered to be providing a device capable of displaying a number of links in a flow zone, the number of links being greater than the number which can be displayed simultaneously in said flow zone, and enabling the user to select the displayed links according to their personal preferences. This problem consists of two independent partial problems:

(a) providing a device capable of displaying a number of links in a flow zone, the number of links being greater than the number which can be displayed in the flow zone;

(b) enabling the user to select the displayed links according to their personal preferences.

Considering the first partial problem, D1 discloses graphical user interfaces for computer systems and addresses a similar problem of displaying a workspace of greater effective area than that of the display screen, see D1, column 1, lines 7 to 11 and column 2, lines 33 to 36. The skilled person would consult D1. A workspace contains a number of objects called icons which represent various commands, applications and the like, see D1, column 1, lines 31 to 36. D1 discloses that up to six workspaces may be displayed simultaneously, one on each side of a rotating cube, see column 2, lines 36 to 38.

The skilled person would understand that if the icons in the device of D6 were rotating, i.e. moving in the icon area, a greater number of icons could be displayed.

D5 addresses the problem of configuring a standard menu according to a user's preferences, similar to the second partial problem, see column 2, lines 33 to 35. The skilled person would consult D5. The menu items to be displayed in a standard menu may be chosen by the user or, in an automatic mode, may be chosen based on a user statistics taking into consideration how often each specific menu item was used. See column 2, lines 33 to 48. The skilled person would understand that the choice between the manual mode and automatic mode implies the use of user selectable filters comprised in filtering means for controlling the flow zone to display only links to information units which meet a requirement imposed by a selected filter.

Arranging the filtering means to adapt the selected filter so as to display links to information units similar to the selected information unit refers to the content of the information unit rather than to a technical implementation. However, according to the prevailing jurisprudence of the

Boards of Appeal, see e.g. T 0641/00, non-technical features can not support the presence of inventive step.

Thus, the subject-matter of claim 1 does not involve an inventive step.

With respect to claim 14, which corresponds to claim 16 of the main request, the comment made with respect to claim 16 of the main request in point 4.1 above applies.

4.5 Fourth auxiliary request

D6 discloses a display apparatus in a portable computer unit for displaying a window image comprising *inter alia* a display screen, a tablet pen and a memory card. The display screen comprises an LCD. A display position of the window image on the display screen is pointed by a coordinate data input device. See column 1, lines 5 to 10 and column 4, line 37 to column 5, line 21. The computer unit with the display screen corresponds to an information processing device with a display screen for presenting information selectable by a user.

A user may place the tablet pen over an icon in a pen-down state and drag the icon from an icon area to a lower input display area, see column 8, line 43 to column 9, line 2. If the icon is dragged outside the icon area, it is displayed in the enlarged scale i.e. displayed as the window, see column 9, lines 24 to 36.

Thus the display screen comprises an icon area and a lower input display area. It is further implied that each icon is linked to the corresponding window which is an implementation of a specific information unit and that the icons correspond to items. The icon area, which is the area on the display screen for displaying icons, corresponds to the flow zone.

The computer unit comprises an LCD controller and an LCD driver for displaying predetermined images on the LCD, see column 6, line 53 to column 7, line 9. This implies that the computer unit comprises flow zone means for displaying the flow zone.

Thus, the tablet pen corresponds to an information selection means for presenting an information unit in response to a user selecting an item in the flow zone. Moreover, it is arranged to present the window corresponding to the information unit in the lower input displaying area, which corresponds to a presentation zone, in response to the user selecting the item in the flow zone and dragging the item to the presentation zone.

The subject-matter of claim 1 of the fourth auxiliary request differs from D6 in that the links are moving and in providing information selection means for presenting a

selected information unit response to a user selecting an item in the flow zone, an information unit's age and/or popularity determining how often an item representing a link to the information unit is displayed in the flow zone. Thus, it is novel.

Starting from D6, which is considered as the most relevant prior art document, the problem underlying claim 1 is considered to be providing a device capable of displaying a number of links in a flow zone, the number of links being greater than the number which can be displayed simultaneously in said flow zone, and displaying only an up-to-date selection of links. This problem consists of two independent partial problems:

(a) providing a device capable of displaying links in a flow zone having a greater number than the number which can be displayed in the flow zone;

(b) displaying only an up-to-date selection of links.

Considering the first partial problem, D1 discloses graphical user interfaces for computer systems and addresses a similar problem of displaying a workspace of greater effective area than that of the display screen, see D1, column 1, lines 7 to 11 and column 2, lines 33 to 36. The skilled person would consult D1. A workspace contains a number of objects called icons which represent various commands, applications and the like, see D1, column 1, lines 31 to 36. D1 discloses that up to six workspaces may be displayed simultaneously, one on each side of a rotating cube, see column 2, lines 36 to 38.

The skilled person would understand that if the icons in the device of D6 were rotating, i.e. moving in the icon area, a greater number of icons could be displayed.

D5 addresses the problem of configuring a standard menu according to a user's preferences, similar to the second partial problem. The skilled person would consult D5. The menu items to be displayed in a standard menu may be chosen based on a user statistics taking into consideration how often each specific menu item was used. See column 2, lines 33 to 48. This implies that the links are presented in an order reflecting their age and/or popularity. The skilled person would understand that in a device with a flow zone for displaying moving items representing links to respective information units only a part of the items may be displayed at the time and that an order reflecting the age and/or popularity of the items suggests representing the links more or less often according to their age and/or popularity.

Thus, the subject-matter of claim 1 does not involve an inventive step.

With respect to claim 15, which corresponds to claim 16 of the main request, the comment made with respect to claim 16 of the main request in point 4.1 above applies.

4.6 Appellant's arguments

4.6.1 Main request

The appellant stated with reference to claim 1 of the main request that the use of constantly moving links was not equally likely as the use of a scroll bar, as demonstrated in almost all graphical user interfaces, quoting the Guidelines for Examination, Chapter IV, Annex 3.1. Apart from the fact that the board is not bound by the Guidelines, the statement that a selection from equally likely alternatives is non-inventive does not imply that the choice of a less likely alternative is necessarily inventive.

Moreover, the appellant stated that the method of enabling icon selection disclosed inter alia in document D1 was incompatible to the selection method disclosed in D6. As argued in point 4.1 above, D1 teaches that the effective area of a display may be enhanced by using a rotating cube with icons on each side of the cube. The skilled person would understand that this teaching is independent of the selection method and may be applied to any selection method.

Further, the appellant stated that the combination of features relating to moving items and the application and/or representation of data being launched by drag and drop provided a synergetic effect, which was due to the user being able to view in one screen both the moving links and one or more information units, and the user being able to select a new information unit without it obscuring the information unit which the user is currently viewing, by dragging the new information unit to an unused part of the screen. However, in the display unit disclosed in D6 the location in which the window is displayed is primarily determined by the location where the icon is dragged to, see column 8, line 50 to column 9, line 2 and column 11, lines 46 to 54. The location in which the new information unit is displayed depends equally on unused space being available and the location where the icon is dragged to. The claimed subject-matter and the display unit of D6 do not differ in this point. Thus, the argument based on the synergetic effect does not convince the board.

4.6.2 First and second auxiliary request

The appellant stated with reference to claim 1 of the first and second auxiliary request that the method of controlling the flow direction was a new user interaction concept and that its attractiveness did not depend on personal preferences and was rather based on a preference of a majority of users. The board notes that a specific user controls the flow speed and flow direction in the claimed device by selecting a location and dragging the location in and against the flow direction, respectively, presumably

according to the user's preferences, and that preferences of a majority of users do not appear to have any influence on the control of the flow speed and direction.

4.6.3 Third auxiliary request

The appellant stated with reference to claim 1 of the third auxiliary request that a filter for selecting links which are similar to the selected information unit was not obvious since filters were usually predefined and did not change while a user was navigating through information items. The selection requirement of being similar to the selected information unit refers to the content of the information unit rather than to technical features of the filter. Since neither the claim nor the description discloses any technical details of the filter, the board assumes that the technical implementation of the filter lies within the normal professional activity of a skilled person.

4.6.4 Fourth auxiliary request

The appellant stated with reference to claim 1 of the fourth auxiliary request that, although D5 disclosed adapting a function of a device based on a frequency of use of a menu element, it was not known or obvious to change the frequency of display in a flow zone in dependence on the frequency of use. However, the skilled person would understand that implementing the feature of D5 into the device having a flow zone with moving links would require some adaptations which lie in the normal professional activity.

5. There being no further requests the appeal has to be dismissed.

6. *Further objections*

In the communication accompanying summons to oral proceedings the board raised further formal objections under Article 84 EPC 1973. Although these objections still persist, the board chooses to base its decision on the objections under Articles 52(1) EPC, 54(2) and 56 EPC 1973, as the objections under Article 84 EPC 1973 could be easily overcome by appropriate minor amendments.

Order

For this reasons, it is decided that:

The appeal is dismissed.

Registrar: Chairman:

K. Götz D.H. Rees