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**Datasheet for the decision
of 6 May 2008**

Case Number:	T 0604/06 - 3.5.01
Application Number:	97930197.5
Publication Number:	0912946
IPC:	G06F 17/30
Language of the proceedings:	EN

Title of invention:
Method and system for coupling a selective call receiver to
widely distributed information sources

Applicant:
MOTOROLA, INC.

Opponent:
–

Headword:
Selective call receiver/MOTOROLA

Relevant legal provisions:
EPC Art. 123(2)

Relevant legal provisions (EPC 1973):
EPC Art. 56

Keyword:
"Inventive step (no)"

Decisions cited:
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Catchword:
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Boards of Appeal

Chambres de recours

Case Number: T 0604/06 **-** 3.5.01

D E C I S I O N
of the Technical Board of Appeal 3.5.01
of 6 May 2008

Appellant:	MOTOROLA, INC. 1303 East Algonquin Road Schaumburg, IL 60196 (US)
Representative:	Cross, Rupert Edward Blount Boult Wade Tennant Verulam Gardens 70 Gray's Inn Road London WC1X 8BT (GB)
Decision under appeal:	**Decision of the Examining Division of the European Patent Office posted 15 December 2005 refusing European application No. 97930197.5 pursuant to Article 97(1) EPC 1973.**

Composition of the Board:

Chairman:	S. Steinbrener
Members:	W. Chandler
	P. Schmitz

Summary of Facts and Submissions

I.   This appeal is against the decision of the examining
        division to refuse the application according to the
        state of the file on the grounds that the subject-
        matter of claims 1 and 8 was not new (Article 54(2) EPC)
        over the disclosure of GLOMOP GROUP: "GloMop: Global
        Mobile Computing By Proxy", 13 September 1995,
        University of California, Berkley, California, US,
        XP002094009, pages 1 to 12 (D1). The decision also
        cited EP-A-0 647 076 (D2).

II.   In the statement setting out the grounds of appeal, the
        appellant requested that the decision be set aside and
        that a patent be granted on the basis of claims 1 to 8
        filed therewith containing minor amendments to claim 1.

III.   In the communication accompanying the summons to oral
        proceedings, which the appellant requested on an
        auxiliary basis, the Board summarised the issues to be
        discussed and tended to agree with the examining
        division's conclusions. In a response, the appellant
        filed amended claims 1 to 8. In a subsequent letter the
        appellant made a further minor amendment to claim 1.

IV.   At the oral proceedings the appellant requested that
        the decision under appeal be set aside and that a
        patent be granted on the basis of claims 1 to 8 filed
        with the letter dated 29 April 2008 and amended with
        the letter dated 1 May 2008 (main request), or on the
        basis of claims 1 to 8 of a first or second auxiliary
        request filed during the oral proceedings. At the end
        of the oral proceedings the Chairman announced the
        decision.

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

"A method for coupling a selective call transceiver to
a widely distributed information source via a
communication system (10) including a communication
terminal (20) for communicating in operation with the
selective call transceiver (18) and a server (22)
operatively coupled to the communication terminal, the
method comprising the step of:
     operatively coupling the server (22) to the widely
distributed information source (24), wherein the server
contains agents for retrieving information, from the
widely distributed information source, the method being
characterized by the steps of:
     originating, at the communication system, a
request for information on behalf of the selective call
transceiver, and
retrieving the information from the widely distributed
information source using the agents in response to the
request, wherein the agents retrieve information
customized for a given selective call transceiver
(18)."

Claim 1 of the first auxiliary request replaces "at the
communication system" in the first step of the
characterising portion with "at the server (22) or the
communication terminal (20)".

Claim 1 of the second auxiliary request replaces the
same wording with "originating, at the server (22)".

VI.   The appellant argued essentially as follows:

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The communication system of the present invention made requests for information on behalf of the selective call transceiver or client (e.g. pager) and the agents in the server then got the requested information.

The wording of claim 1, "originating, at the communication system, a request for information on behalf of the selective call transceiver" defined that the request came from the communication system, not the client. Support for this amendment was found in the embodiments.

In the geographically based retrieval embodiment, at page 3, line 28 to page 4, line 6, the request for local information came from the communication system based on the user's location.

In the auto searcher embodiment at page 5, lines 1 to 7, the selective call transceiver could request specific stock information based on user preferences and the agents could periodically scan prices. The important point was that the selective call transceiver made no further requests.

In the embodiment of keeping statistics on users and usage patterns and acting or making suggestions in dependence thereon at page 6, lines 19 to 24, the server issued commands on behalf of the client.

The customising embodiment at page 10, line 27 to page 11, line 8, read as follows:

"Ideally, inputs from the communication system automatically include all the constraints associated

with capacity, location, and possibly user profiles
that are retained or observed by the system. For
instance, such user profiles can contain the particular
limitations of the selective call transceiver used by
the user (whether it has sufficient memory, handles
voice, text only, graphics only, or any combination of
the preceding), or the usage patterns of the user based
on location (viewing New York Times when in New York
and the Miami Herald when in South Florida). In any
event, the server would be able to handle much of the
processing since the selective call transceiver is
preferably a two-way pager using a communication system
that is a non-real-time store-and-forward paging
system."

Thus, the request came from the communication system.

In the document request model of section 3.3 of the
GloMop system of D1, the document request always came
from the client. According to page 10, lines 5 to 7 of
Dl, in order to request a document from the proxy-
server, the client (mobile) had to pass a "document
locator, specifying how the source document may be
retrieved …". In section 2.5 on page 8, D1 did mention
'agents' and stated that the agent was a document
request, which was characterised, as being "a long-
lived document request that carries very low priority,
i.e. one whose semantics are 'do whatever is necessary
to get the information, and I'll check back with you
later.'" However, D1 did not specify the environment in
which agents would run.

The agent disclosed by Dl was not the same as the agent
that was the subject of claim 1 of the main request. In

claim 1 of the main request, information was retrieved
from the widely distributed information source using
the agents in the server in response to a request
originating from the selective call transceiver. As
stated explicitly in Dl, the agent was the request; the
agent did not obtain information from a widely
distributed network like the internet in response to a
request from a selective call transceiver as claimed.

The invention thus differed in that the request came
from the communication system, i.e. the combination of
the server and the communication terminal, and the
information was customised for a given selective call
transceiver.

According to the invention, the user could retrieve
information specific to the selective call transceiver
with less user input and less signalling over the
network. This increased the system capacity and the
battery life of the selective call transceiver.

The objective problem was therefore how to retrieve
relevant data without incurring an overhead.

D1 did not disclose or suggest that a request for
information originated at the communication system, i.e.
at the communication terminal or the server. In Dl, the
client device sent the information request (i.e.
document request) to the proxy server. Furthermore Dl
did not disclose that the information was customised
for a given selective call transceiver as claimed in
amended claim 1.

Reasons for the Decision

1.   The appeal complies with the requirements referred to
        in Rule 101(1) EPC and is therefore admissible.

2.   The application relates to internet access via a mobile
        wireless device (Figure 1). Essentially, a selective
        call transceiver 18 (e.g. a mobile wireless device such
        as a pager) sends a request for information to a server
        22 via a communication terminal 20. The server 22
        retrieves the information from the "widely distributed
        information source" 24 (e.g. the World Wide Web) using
        "agents" (essentially programs for retrieving
        information according to predefined criteria).

3.   It is common ground that D1 is the closest prior art.
        D1 describes a system for "global mobile computing by
        proxy" (GloMop), which enables mobile devices to
        connect to the Internet via a proxy process running on
        a server (see sections 1.1 and 1.2). Three parts of the
        disclosure are of particular relevance. Firstly, the
        proxy services described in section 1.3, that retrieve
        information ("documents"; page 2, last two lines) and,
        for example, customise information for a PDA's screen
        (page 3, first example). This is said at the end of
        section 1.3 to maximise the client's limited computing
        and network resources. Secondly, the description of
        "Agents" in section 2.5. Thirdly, the document-centric
        request model in section 3.3, whereby the proxy
        retrieves documents for a client according to criteria
        including a list of data types that the client is
        prepared to accept.

4.   It is also common ground that the subject-matter of
        claim 1 differs at most from D1 by the features of the
        characterising portion, namely the use of the agents
        and the origin of the request for information.

5.   During the examination proceedings, the argument was
        mainly over whether D1 disclosed "agents" for
        retrieving information "customized for a given
        selective call transceiver". The examining division
        thought it did, in particular at point 3.1 of their
        communication of 29 August 2003, and refused the
        application for lack of novelty, rightly in the opinion
        of the Board.

6.   The term "agent" is very broad, but the Board considers
        that at least some form of "agent" was common general
        knowledge at the priority date of this application
        since the concept of an agent can be traced back to
        Hewitt's Actor Model in the '70s (see e.g. Hewitt C.:
        "Viewing control structures as patterns of passing
        messages", Artificial Intelligence, 8(3)1977, pages 323
        to 364). Thus, notwithstanding the word's connotations
        in plain English, a software agent may generally be
        defined as a piece of software that acts for a user or
        other program in a relationship of agency. This is in
        line with the description of "Agents" in section 2.5 of
        D1 as being "a generalization of a long-lived document
        request that carries very low priority, i.e. one whose
        semantics are 'do whatever is necessary to get the
        information, and I'll check back with you later.'"
        Although this passage explicitly discloses only a
        specific form of agent as a document request, it is
        clear from the fact that the agent must "do whatever is
        necessary to get the information" that it has some

autonomous function and can undertake various actions on behalf of the requester. Moreover, since they are said to be "run on the proxy side", their environment is clearly the server as in the invention.

7.   D1 also gives, at the end of section 1.2, another description of such proxy processes running on a server that provide services to the client and, in section 1.3, gives examples of various types of image data conversions. The Board has no doubts that these processes also fulfil the above definition of an agent in general, even if they are not meant to be examples of the specific agents mentioned in section 2.5. Moreover, the first example of such a process converts from a GIF image to a thumbnail so that it can be displayed on a PDA's screen. Further examples are converting from PostScript to ASCII, or JPEG to H.261. In the Board's view, this results in information that is "customized" to the PDA. Thus, in the Board's view D1 discloses the agents of the second feature of the characterising portion of claim 1.

8.   In appeal, the appellant has amended the claim 1 of the main request to emphasise that the request for information is "originating" at the communication system. At the oral proceedings, the representative explained that this feature was supposed to exclude the possibility that the request for information came from the selective call transceiver as in D1. However, the Board is of the view that essentially all requests for information must "originate" in some form or another from the user. Hence, the feature would only exclude direct requests from the user, but would cover any request from the user that is in some way modified by

the communication system and therefore that
"originates" in the modified form from there. Thus, in
the geographically based retrieval embodiment, the
request is conditioned by the data concerning the
user's location. In the auto searcher and customising
embodiments, the request is based on stored user
preferences.

9.   The appellant derived a problem based on this feature
        along the lines of increasing the system capacity and
        the battery life of the selective call transceiver.

10.   The Board finds no direct support for the amendment to
        "originating" the request at the communication system.
        In particular, nowhere in the application is this idea
        disclosed as a distinct aspect of the invention, along
        with its effect and/or advantages. The best that the
        representative could offer at the oral proceedings was
        the statement in the keeping statistics embodiment, at
        page 6, lines 24 to 26, that "the system could
        reconfigure the user's device to use a more individual
        protocol to reduce the airtime that the user uses to
        communicate to the agent, and vice-versa." This is said
        to be able to save a great deal of channel capacity.
        However, this advantage follows from the whole
        embodiment and the use of agents in general.

11.   The appellant also relies on the embodiments for
        indirect support for the "originating" concept. However,
        in the Board's view the feature is at best a
        placeholder to represent a common part of the mechanism
        for requesting information in the embodiments. Indeed,
        if it were more, it would be an unallowable extension
        of subject-matter. Thus, it is not necessary to

consider the admissibility of the feature in detail
because it can be construed to cover all the mechanisms
for requesting information in the embodiments cited in
support of the amendment. If any one of these is
obvious, the claim is unallowable. In the Board's view,
however, at least two of these are obvious.

12.   Firstly, as set out in the Board's communication, D1
        suggests the idea of "user profiles" that affect the
        requests for information as in the customising
        embodiment described at page 10, line 16 to page 11,
        line 8 of the application. In addition to the examples
        of proxy processes in section 1.3 of D1, which the
        Board considers to be agents that result in information
        that is "customized" for a PDA's screen (see point 7,
        above), D1 also discloses in section 3.3, second
        paragraph, that the client "registers a list of data
        types it is prepared to accept". In the Board's view,
        such a list of data types is equivalent to the "user
        profile" as described in the embodiment, namely one
        that "can contain the particular limitations of the
        selective call transceiver used by the user (whether it
        has sufficient memory, handles voice, text only,
        graphics only, or any combination of the preceding)".
        Even if the registering mechanism in section 3.3 of D1
        is not meant to apply to the above-mentioned proxy
        processes discussed in section 1.3 of D1, it would be
        an obvious solution to the problem of keeping track of
        which data types the client can accept.

13.   Secondly, as argued by the examining division at point
        5.1.3 of the communication of 23 September 2005 in
        connection with claim 3, the idea of using location
        information to affect the requests for information as

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in the geographically based retrieval embodiment
described at page 3, line 28 to page 4, line 6 of the
application is an obvious possibility. The introductory
paragraphs of D2 disclose requesting information from a
server depending on the location of the client device.
The feature of obtaining the location information from
the base stations is acknowledged as being well known
in the application at page 4, lines 1 to 3. In the
Board's view, faced with the problem of providing
useful information to the selective call transceiver of
D1, the skilled person would consider customising the
information in D1 using location information in this
known way and arrive at the geographically based
retrieval as an obvious possibility.

14.   Finally, even if the "originating" feature were to be
       supported by some unspecified part of the disclosure,
       or to cover only some unspecified parts of the
       embodiments, the Board does not consider that it could
       involve an inventive step. As stated above, it is
       common general knowledge that an "agent" acts in
       analogy to a real-life agent. In the Board's view, this
       implies, or it is at least obvious, that such an agent
       has a certain degree of autonomy. Thus it would be
       capable of "originating" requests on behalf of the
       client, depending on the task it has to perform.

15.   Accordingly, the subject-matter of claim 1 of the main
       request lacks an inventive step (Article 56 EPC 1973).

       Auxiliary requests

16.   Claim 1 of the first auxiliary request specifies that
       the request originates at "the server (22) or the

communication terminal (20)". The Board cannot find any
support for the alternative that the communication
terminal originates the request. The best that the
representative could come up with at the oral
proceedings was that in the geographically based
retrieval embodiment, the user location came from the
terminal rather than the server, but even that was not
clear. However, the user location is not a request for
information, but information that the system server
uses to request related information, "based on the user
location" as the description puts it. Thus this does
not support the idea that the terminal originates the
request for information.

17.   Accordingly, claim 1 of the first auxiliary request
        contains an extension of subject-matter (Article 123(2)
        EPC).

18.   Claim 1 of the second auxiliary request limits the
        originating of the request to be "at the server".
        However, in all of the preceding discussion, it has
        been assumed that this is the case, so that this
        request does not add anything new.

19.   Accordingly, the subject-matter of claim 1 of the
        second auxiliary request lacks an inventive step
        (Article 56 EPC 1973).

20.   There being no further requests, it follows that the
        appeal must be dismissed.

Order

For these reasons it is decided that:

The appeal is dismissed.

The Registrar: The Chairman:

D. Sauter   S. Steinbrener

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