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**Datasheet for the decision  
of 23 July 2009**

**Case Number:** T 1169/06 - 3.5.05

**Application Number:** 03010047.3

**Publication Number:** 1351461

**IPC:** H04L 12/58

**Language of the proceedings:** EN

**Title of invention:**

Push-type information transmission method and transfer device thereof

**Applicant:**

NTT MOBILE COMMUNICATIONS NETWORK INC.

**Headword:**

Consistency check of registration information/NTT

**Relevant legal provisions:**

EPC Art. 114(1)

**Relevant legal provisions (EPC 1973):**

EPC Art. 56

**Keyword:**

Inventive step - main request and auxiliary request (no)

**Decisions cited:**

-

**Catchword:**

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Case Number: T 1169/06 - 3.5.05

**D E C I S I O N**  
of the Technical Board of Appeal 3.5.05  
of 23 July 2009

**Appellant:**

NTT MOBILE COMMUNICATIONS NETWORK INC.  
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**Representative:**

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**Decision under appeal:**

Decision of the Examining Division of the  
European Patent Office posted 10 February 2006  
refusing European application No. 03010047.3  
pursuant to Article 97(1) EPC 1973.

**Composition of the Board:**

**Chairman:** D. H. Rees  
**Members:** M. Höhn  
F. Blumer

## Summary of Facts and Submissions

I. This appeal is against the decision of the examining division dispatched 10 February 2006, refusing European patent application No. 03010047.3 based on objections under Article 123(2) EPC against the main request and Article 56 EPC 1973 against auxiliary requests 1 to 4 in the light of publication:

D1: WO97/10558.

II. The appellant requested that the appealed decision be reversed and that a patent be granted on the basis of claims 1 and 2 as received by telefax on 19 January 2006 (main request) or claim 1 as filed during oral proceedings before the first instance on 20 January 2006 (first auxiliary request) or claim 1 as received by telefax on 19 January 2006 (second auxiliary request) or claims 1 as filed during oral proceedings before the first instance on 20 January 2006 (third and fourth auxiliary requests). Further, oral proceedings were requested as an auxiliary measure.

III. A summons to oral proceedings to be held on 23 July 2009 was issued on 29 April 2009. In an annex accompanying the summons the board expressed the preliminary opinion that the subject-matter of independent claim 1 of the main request was considered obvious (Article 56 EPC 1973) in the light of the disclosure of D1 when combined with the skilled person's common general knowledge or with the teaching of

D5: US 4812843 or

D6: US 5428778 (the numbering following the annex accompanying the summons),

which documents were both introduced into the proceedings by the board of its own motion according to Article 114(1) EPC. The board gave its reasons for the objection and why the appellant's arguments were not convincing.

IV. With a letter dated 23 June 2009 the appellant filed two sets of amended claims according to a new main request and a new auxiliary request, replacing all previous requests, together with arguments that the main request involved an inventive step. However, no arguments supporting the auxiliary request were presented.

V. Oral proceedings were held on 23 July 2009 in the course of which the appellant's representative presented arguments in favour of an inventive step of the main request and the auxiliary request, in particular in the light of a combination of the teachings of D1 and D6.

VI. Independent claim 1 of the main request reads as follows:

"1. A transfer device (GWS) communicating with a plurality of information provider servers (W) via a first network (INET) and communicating with a plurality of mobile terminals (MS) via a second network (MPN), said transfer device (GWS) performing push-type information transmission to

said mobile terminals (MS) wherein push-type information is provided to the mobile terminals (MS) from an unspecified information provider server (W) without awaiting access to the unspecified information provider server (W) by said mobile terminals (MS), and comprising:

a) a database means (UDB) for storing (S71) network addresses of a plurality of mobile terminals (MS) and corresponding user attributes of the users of said mobile terminals (NS);

b) a storage means (BOX3; U-MAX) for storing (S72) push-type information appended to attribute data designated by and provided from an unspecified information provider server (W), said designated and provided attribute data comprising user attributes of users who are designated as desired destinations by said unspecified information provider server (W) to receive said push-type information;

c) a comparing means for comparing said user attributes stored in said database means (UDB) with said designated user attributes of users designated as desired destinations by and provided from said unspecified information provider server (W) in order to extract network addresses of a plurality of mobile terminals (MS) corresponding to relevant users having said designated user attributes and being designated as desired destinations by said unspecified information provider server (W) based on said comparison; and

d) a transmitting means for reading out said push-type information from said storage means (BOX3) and for transmitting (S73; S74; S75; S76) said read-out push-type information via said second network (MPN) to said mobile terminals (MS) with said extracted network addresses."

Further independent claims 3 and 5 are directed to a corresponding push-type information transmission method and a corresponding communication network.

VII. Independent claim 1 of the auxiliary request reads as follows:

"1. A transfer device (GWS) communicating with a plurality of information provider servers (W) via a first network (INET) and communicating with a plurality of mobile terminals (MS) via a second network (MPN), said transfer device (GWS) performing push-type information transmission to said mobile terminals (MS) wherein push-type information is provided to the mobile terminals (MS) from an unspecified information provider server (W) without awaiting access to the unspecified information provider server (W) by said mobile terminals (MS), and comprising:

a) a database means (UDB) for storing (S71) network addresses of a plurality of mobile terminals (MS) and corresponding user attributes of the users of said mobile terminals (MS);

b) an information managing portion (BOX3; M-MAX) for storing (S72) push-type information therein, said push-type information being appended to attribute data designated by and being provided from an unspecified information provider server (W), said designated and provided attribute data comprising user attributes of users who are designated as desired destinations by said unspecified information provider server (W) to receive said push-type information and being stored separately in a user information managing portion (U-MAX);

c) said user information managing portion (U-MAX) comprising a comparing means for comparing said user attributes stored in said database means (UDB) with said designated user attributes of users designated as desired destinations by and provided from said unspecified information provider server (W) which are stored separately in said user information managing portion (U-MAX); in order to extract network addresses of a plurality of mobile terminals (MS) corresponding to relevant users having said designated user attributes and being designated as desired destinations by said unspecified information provider server (W) based on said comparison; and

d) a transmitting means for reading out said push-type information from said information managing portion (BOX3; M-MAX) and for transmitting (S73; S74; S75; S76) said read-out push-type information via said second network (MPN) to said mobile terminals (MS) with said extracted network addresses."

Further independent claims 3 and 5 are directed to a corresponding push-type information transmission method and a corresponding communication network.

VIII. The appellant requested that the decision under appeal be set aside and that a patent be granted on the basis of the main request, or, subsidiarily, on the basis of the auxiliary request, both requests as filed with letter dated 23 June 2009.

IX. After deliberation the board announced its decision.

## Reasons for the Decision

Main request

1. Inventive step of claim 1 - Article 56 EPC 1973
  - 1.1 As communicated to the appellant in the annex accompanying the summons the board agrees with the examining division's analysis of the disclosure of document D1 for the features of claim 1 as set out on page 6 of the appealed decision. It was common ground in the oral proceedings that D1 discloses all the features of claim 1 except that, according to feature b), attribute data designated by and provided from an unspecified information provider server is appended to the push-type information.
  - 1.2 The board agrees with the appellant's arguments that D1 did not disclose receiving information content appended to user attributes and that there was no matching of received user attributes with stored user attributes for extraction of a network address. In contrast to the present invention, D1 did not allow for defining a user group targeted to receive information, because according to D1 the information content from the provider was filtered or screened and information content related attributes were extracted in order to match with stored attributes. The technical disadvantage was that the entire information data had to be screened.
  - 1.3 The objective technical problem of this distinguishing feature of claim 1 is considered, in agreement with the appellant (see bottom of page 12 of the letter

dated 23 June 2009), to be to target the information to users in a less time consuming and memory consuming way.

1.4 The appellant argued that according to further prior art document D6 keywords were set in order to screen incoming information just as in D1, i.e. again the entire information content had to be screened. Instead of extracting those keywords automatically by parsing the information content and indexing as disclosed in D1, according to the teaching of D6 keywords could be set by a user for information received from an external information source. D6 described a local system without network connection, however if D6 were interpreted analogously to D1 the user setting the keywords could not be considered part of the external information source, but would rather be part of the information matching process. Thus, D6 would not teach to receive user attributes separated from information content. Starting from D1 the skilled person therefore would not find attribute data according to the distinguishing feature of claim 1 in D6.

1.5 D6 also deals with the problem of disseminating information to users and alerting users to the disseminated information. It further discloses the principle of matching user attributes with information attributes. Its relevance would therefore be clear to the skilled person. D6 teaches storage of a plurality of parameters including keywords in association with information items comparable to the user attributes in claim 1. D6 discloses that information items are classified according to the information contained and the audience for which they are intended (see column 4, lines 30 to 33). D6 also mentions the specification of

individual users or a group of users as recipients of information items (see column 6, lines 36 to 51). D6 suggests that those recipients can be nominated by the author of the information item at the time of creation (column 7, lines 58 to 59). Furthermore, according to D6 the parameters stored in association with each information item are selected by the originator (column 4, line 33) of the information. Thus the natural interpretation of D6 is that the person entering an information item is also responsible for entering the keywords or other parameters. Those attributes or parameters are appended to the information item text in form of a message header (column 8, lines 5 to 8). Thus the board does not agree that D6 teaches to screen the entire information content in the matching process.

The parameters and the stored interest profile for the user are compared in the dissemination subsystem of D6, which is considered to be the system element in D6 which corresponds to the "gateway" of to the present invention, since D6 distinguishes between the dissemination subsystem and other parts. The dissemination subsystem receives the information as a message with the message header (column 8, lines 12 to 18), i.e. receives the attributes appended to the information content as in the distinguishing feature of claim 1. Each user whose interest profile matches the parameters of the information item is alerted to the presence of the matching information item (see abstract; column 1, line 53 to column 2, line 48; figures 5A, 5B, 6A and 6B). In comparison to automatically matching with attributes extracted from the body of the information as known from D1, the

skilled person would realize that the alternative of appending attributes to the information content according to D6 renders the targeting more flexible (for example the above mentioned specifying of individual users or a group of users as recipients of information can be independent of the information content) and the amount of processing time and memory consumption for the matching process are reduced since there is no need to screen the entire information content.

1.6 Therefore, the skilled person when interpreting the disclosure of D1 would consider the teaching of D6 in order to solve the problem of targeting the information to users in a less time consuming and memory consuming way and arrive at the claimed subject-matter without inventive skills.

1.7 The subject-matter of claim 1 therefore lacks an inventive step in the light of D1 when combined with the teaching as set out in D6.

#### Auxiliary request

2. Claim 1 of this request further specifies in features b) and c) that the push-type information and the user attributes appended to it are stored separately.

2.1 According to D1 the information to be parsed is stored (see page 7, line 19). When indexing the information data, attributes are extracted. Such indices are coherent datasets used for a different purpose and processed in a different way to the information itself.

It would therefore be natural to store such an index separately from the content that has been parsed, e.g. in the form of a file. In D6 too it is disclosed to store in association with each information item in the database system a plurality of parameters (e.g. column 1, lines 57 to 58), which implies in the light of the further disclosure of this document as discussed above, that the information items and the corresponding parameters are stored separately. For example, in D6 it is mentioned that a text item is placed in a text file (column 8, lines 32 to 33) and, hence, it would follow that the information item is stored separately from the message header containing the attributes.

2.2 The appellant argued that by separately storing attributes from the information content, in contrast to the disclosures of D1 and D6 this content is left untouched. However, according to D1 the information items matched with the user profiles are sent to the user as they are. Thus, in D1 the information items are also left untouched, because reading information and extracting user attributes does not change the information content which is therefore forwarded unchanged. Also when separating an information item from the message header when a text item is placed in a text file according to D6 (column 8, lines 32 to 33), this does not mean that the information is changed, but rather that it is taken as is and stored separately ready to be forwarded to a recipient.

2.3 The amendment to claim 1 therefore merely adds what was already at least obvious from D1 or D6 and hence does not add anything inventive. Thus, claim 1 of this

request lacks an inventive step for the same reasons as set out with regard to the main request.

3. Since there is no allowable request, the appeal has to be dismissed.

## **Order**

**For these reasons it is decided that:**

The appeal is dismissed.

The Registrar

The Chairman

K. Götz

D. H. Rees