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Datasheet for the decision
of 15 April 2009

Case Number: T 1265/06 - 3.5.01

Application Number: 04256786.7

Publication Number: 1655693

IPC: G06Q 10/00

Language of the proceedings: EN

Title of invention:
Handheld electronic device including appointment and meeting
conflict notification, and associated method

Applicant:
Research In Motion Limited

Opponent:
-

Headword:
Handheld calendar application/RESEARCH IN MOTION

Relevant legal provisions:
EPC Art. 52(2)

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

Keyword:
"Inventive step (yes)"

Decisions cited:
-

Catchword:
-

Case Number: T 1265/06 - 3.5.01

D E C I S I O N
of the Technical Board of Appeal 3.5.01
of 15 April 2009

Appellant:	Research In Motion Limited 295 Phillip Street Waterloo, Ontario N2L 3W8 (CA)
Representative:	Roberts, Gwilym Vaughan et al Kilburn & Strode LLP 20 Red Lion Street London WC1R 4PJ (GB)
Decision under appeal:	**Decision of the Examining Division of the European Patent Office posted 29 March 2006 refusing European patent application No. 04256786.7 pursuant to Article 97(1) EPC 1973.**

Composition of the Board:

Chairman:	S. Steinbrener
Members:	R. R. K. Zimmermann
	G. Weiss

Summary of Facts and Submissions

I.   European patent application No. 04 256 786.7 filed on
        3 November 2004 and published as EP-A-1 655 693
        concerns a handheld electronic device having a calendar
        application for automatically checking for and
        notifying the user of scheduling conflicts between
        existing and new calendar entries.

        The European search report referred among others, to
        prior art documents D1 (US-A-2002/0154178, published on
        24 October 2002), D2 (US-A-5 761 525, published on
        2 June 1998) and D3 (US-A-2001/0054072, published on
        20 December 2001).

II.   After various communications, the examining division
        issued summons to oral proceedings and advised the
        applicant that the application did not meet the
        requirement of inventive step since in the light of
        documents D1 and D2 the invention was merely a
        straightforward implementation of a business
        requirement.

III.   With a reply dated 6 January 2006, the appellant filed
        new sets of claims in accordance with a main request
        and a first auxiliary request, claim 1 of the main
        request reading as follows:

        "1.   A method of checking a new calendar entry in a
               calendar application (54) of a handheld electronic
               device (4), said calendar application (54) having
               a plurality of existing calendar entries, said
               calendar application (54) having a calendar cache
               associated therewith, said calendar cache

including a first subset of said existing calendar
entries falling within a first date range, the
method comprising steps of:
receiving information relating to said new
calendar entry, said information including at
least one of a date, a start time and an end time
of said new calendar entry;
determining whether said date falls within said
first date range of said calendar cache;
if said date falls within said first date range:
(i) examining said calendar cache and determining
whether said new calendar entry directly conflicts
with one of said existing calendar entries in said
first subset of said existing calendar entries
using said information, and (ii) providing a
conflict notification (60) if said new calendar
entry directly conflicts with one of said existing
calendar entries in said first subset of said
existing calendar entries; and
if said date falls outside of said first date
range: (i) updating said calendar cache to create
an updated calendar cache by replacing said first
subset of said existing calendar entries with a
second subset of said existing calendar entries
falling within a second date range, said second
date range covering a predetermined time period
including said date, (ii) examining said updated
calendar cache and determining whether said new
calendar entry directly conflicts with one of said
existing calendar entries in said second subset of
said existing calendar entries using said
information, and (iii) providing a conflict
notification (60) if said new calendar entry
directly conflicts with one of said existing

calendar entries in said second subset of said
existing calendar entries."

IV.   In oral proceedings before the examining division on
        7 February 2006, the application was discussed on the
        basis of the main request and two new auxiliary
        requests filed during the oral proceedings. According
        to the minutes, the examining division explained that
        the method of claim 1 was not inventive since a person
        skilled in the art who received a specification
        requirement to implement a conflict notification in a
        handheld calendar would, in a straightforward manner,
        reduce the search of possible conflicts to a range
        around the new entry. To use a predefined cache or to
        update it if necessary was a choice a skilled person
        would make according to circumstances.

V.   The refusal of the application was announced at the end
        of the oral proceedings. The reasons for the decision
        were given later in writing, by a letter posted on
        29 March 2006. According to the written decision, the
        technical problem solved by the invention was the
        technical implementation of the conflict notification
        in a calendar application of a handheld electronic
        device having only limited memory and processing
        resources. Without referring to any of the available
        prior art documents, the examining division held that
        the use of a predefined cache was merely one of several
        straightforward possibilities from which a person
        skilled in the art would select, without having to
        exercise any inventive skills. If the predefined cache
        did not allow the conflict notification to take place
        because the new date was out of range it was

straightforward that the cache had to be updated automatically.

VI.   An appeal against the refusal of the application was lodged in writing on 25 May 2006. The appeal fee was paid the same day. On 4 August 2006, a letter setting out the grounds of appeal was filed, including three sets of claims titled main request, first auxiliary request, and second auxiliary request, respectively. As stated explicitly in this letter, the new requests conformed to the respective requests on which the examining division based the refusal of the application.

VII.   The appellant requested as main request that the decision be cancelled and a patent be granted on the basis of the main request or (implicitly) one of the auxiliary requests on file. The auxiliary requests had been drafted to clarify that the cache was in memory and to further distinguish the invention over document D1 which the examining division up until the oral proceedings believed to be the closest prior art. As a final auxiliary request, the appellant requested oral proceedings if the Board intended to refuse the previous requests.

VIII.   According to the appellant, the prior art in electronic calendar applications required a manual, and thus inconvenient and time-consuming approach to avoid conflicting calendar entries.

Some prior art calendar applications, however for non-handheld devices only, informed the user automatically if a conflict existed with a new date entry. These applications searched the entire database of calendar

information each time a new appointment or meeting was
entered. Due to memory and processing constraints, such
an approach was not possible or practical for handheld
devices.

The present application solved the technical problem to
implement a calendar application with automatic
conflict notification for a handheld electronic device.

The prior art cited was neither concerned with this
type of problem, nor proposed a solution to it.

In particular, document D1 disclosed a multi-layered
online calendar purchasing system which did not relate
to a handheld electronic device and was thus not
suitable to be cited as closest prior art. Although
this online system used an event cache, there was no
hint to the present arrangement.

Closest prior art was rather document D3, since it was
related to a handheld or mobile calendar application.
The present invention was distinguished therefrom by
the calendar cache including a first subset of existing
calendar entries falling within a first date range.
Moreover, if the new appointment fell outside of said
first date range the calendar cache was updated by
replacing the first subset with a second subset of
existing calendar entries falling within the second
date range covering a predetermined time period
including the date of the new entry, thus resulting in
a kind of "moving cache". There was no hint in document
D3 or elsewhere in the prior art cited to such a kind
of "moving cache" as a means of efficiently

implementing the conflict check and notification on a
handheld electronic device.

Reasons for the Decision

1.   The appeal is admissible.

2.   The appeal is, moreover, allowable on the merits since
        the reasons for the refusal of the application do not
        hold up to examination, and there are no other reasons,
        on the face of the file, which could preclude the grant
        of a patent.

3.   The decision under appeal is indeed insufficient
        regarding the reasons given for lack of inventive step.

        The first steps of the reasoning are not objectionable:
        the management of appointments and meetings as well as
        the general idea of checking new calendar entries for a
        conflict with existing calendar entries are abstract
        methods analogous to the schemes and methods for
        performing mental acts and doing business, and
        therefore as such excluded from patentability by
        Article 52(2) and (3) EPC. Since applying any such
        scheme or method does generally not serve to solve a
        technical problem, they are also not suited to provide
        a novel and inventive contribution over the prior art.

        It is also correct in the present case to limit the
        possible technical contribution to the implementation
        aspect of the invention and to identify as the relevant
        technical problem underlying the invention, the
        technical implementation of a calendar application

which provides an automatic conflict notification on a handheld electronic device.

4.   In the light of the prior art cited by the examining division there is no evidence, however, that the use of the calendar cache in the solution of this problem would be merely "one out of several straightforward possibilities from which a person skilled in the art would select, without the exercise of inventive skill" or that updating the cache as claimed was straightforward.

The present application explains that the term "cache" meant "a section of a computing device's memory which retains certain data in order to speed up repeated access to the same data" (see the A-publication, paragraph 0020). The application hence uses this term in the ordinary meaning it has in the field of computer technology.

Claim 1 does not refer merely in general terms to the use of cache memory but rather defines a specific calendar cache, namely a cache including existing calendar entries falling within a first date range and updated according to the specifically claimed update process, resulting in what was, as a convenient shorthand, called a "moving cache".

As described in the present application, the calendar cache facilitates the automatic checking of calendar entries and obviates the need to search the entire database of existing calendar entries (see the A-publication at paragraph 0020). The calendar cache and the claimed update process are thus part of the

technical solution of the technical problem to
implement a calendar application providing an automatic
conflict notification in handheld devices, and have
thus to be taken into account in assessing inventive
step as a technical contribution to the prior art.

5.   Nevertheless, such a contribution could still be
        obvious for various reasons, for example, if the
        contribution was a direct or necessary consequence of
        the abstract scheduling method which the calendar
        application embodies. Such a link does not exist in the
        present invention; the conflict notification could be
        implemented for example, perhaps resulting in a lower
        performance, without using any kind of cache at all.

        Nor does the "moving cache" follow from the common
        practice in the field. The skilled person, even when
        considering the use of a cache memory in the context of
        a handheld device, would choose for updating the cache
        any one of the common replacement methods, for example
        updating by replacing the least recently or the least
        frequently used entry, i.e. by methods which are all
        different from the presently claimed cache algorithm.

        Finally, the invention could be rendered obvious
        directly by published prior art. In the present case,
        however, the examining division did not cite a single
        prior art document which was related to the use of a
        cache in a handheld device, let alone something like a
        "moving cache" for implementing the calendar
        application on a handheld device. The Board essentially
        agrees with the analysis presented by the appellant in
        the statement of grounds of appeal with respect to the

prior art documents cited in the first instance
proceedings.

In summary, none of the possible reasons of lack of
inventive step apply to the present invention, at least
not on the basis of the prior art cited.

6.   Finally, on the face of the facts on file, the Board
        has no reason to maintain the decision under appeal on
        any other grounds or to raise new objections against
        the main request on its own motion. The main request
        can thus be allowed on the condition that the
        description is adapted accordingly. Hence, it is not
        necessary to consider the auxiliary requests in
        deciding the case.

Order

For these reasons it is decided that:

1.   The decision under appeal is set aside.

2.   The case is remitted to the department of first
        instance for further prosecution.

The Registrar: The Chairman:

T. Buschek   S. Steinbrener