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Datasheet for the decision
of 1 December 2009

Case Number: T 0050/07 - 3.4.03

Application Number: 00986288.9

Publication Number: 1249014

IPC: G09G 5/14

Language of the proceedings: EN

Title of invention:
Method of transition between window states

Applicant:
Apple Inc.

Opponent:
-

Headword:
-

Relevant legal provisions:
EPC Art. 52(2), 52(3)

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

Keyword:
"Inventive step (no)"
"Difference over state of the art merely producing aesthetic
effect"

Decisions cited:
T 0641/00, T 0115/85

Catchword:
-

Case Number: T 0050/07 **-** 3.4.03

D E C I S I O N
of the Technical Board of Appeal 3.4.03
of 1 December 2009

Appellant: Apple, Inc.
1 Infinite Loop
Cupertino
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Representative: Lang, Johannes
Patent- und Rechtsanwälte
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Decision under appeal: **Decision of the Examining Division of the
European Patent Office posted 12 June 2006
refusing European application No. 00986288.9
pursuant to Article 97(1) EPC.**

Composition of the Board:

Chairman: G. Eliasson
Members: R. Q. Bekkering
                 T. Bokor

Summary of Facts and Submissions

I.   This is an appeal against the refusal of application
       00 986 288 for lack of inventive step,
       Article 56 EPC 1973, over

       D2: US 6 002 402 A.

II.   At oral proceedings before the board, the appellant
       applicant requested that the decision under appeal be
       set aside and that a patent be granted

       - on the basis of claims 1 to 14 filed as a main
       request with letter dated 2 November 2009, or

       - on the basis of claims 1 to 17 filed as first
       auxiliary request during the oral proceedings, or

       - on the basis of claims 1 to 14 filed under the title
       of fifth auxiliary request with letter dated
       2 November 2009, promoted to second auxiliary request.

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

       "*A method of transitioning a window (200; 300; 400; 500)
       on a computer screen between an open state and a
       minimized state, comprising the steps of:
       obtaining location information associated with a first
       window position (210) in the open state;
       obtaining location information associated with a second
       window position (220) in the minimized state;
       defining a set of curves (230, 240; 330, 340; 415,420),
       wherein said curves (230, 240; 330, 340; 415, 420)
       connect two selected points that relate to a dimension*

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*of said window in its first position (210) to
corresponding points of said window in its second
position (220); and
displaying said window (200; 300; 400; 500) at
successive positions within said curves (230, 240; 330,
340; 415, 420) from said first position to said second
position while scaling said dimension of the window to
fit within said curves (230, 240; 330, 340; 415, 420)
in a manner so as to give the appearance of sliding*".

IV.   Claim 1 of the first auxiliary request corresponds to
        claim 1 of the main request with the addition of the
        expression "continuously" as follows:

        "...*while* **continuously** *scaling said dimension of the
        window to fit within said curves...*".

V.   Claim 1 of the second auxiliary request corresponds to
        claim 1 of the first auxiliary request with the
        following addition at the end of the claim:

        "*the scaling comprising:
        determining the scaled length of each scan line as
        defined by a corresponding distance between said curves
        (230, 240; 330, 340) as the scan lines are shifted (625;
        710) along a path in the direction from said first
        window position (210) to said second window position
        (220), and to scale (625; 710) the scan lines to fit
        between the corresponding distance between the curves
        (230, 240; 330, 340) in transitioning from said first
        window position (210) to said second window position
        (220)*".

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VI.   The appellant in substance provided the following
         arguments:

         Although the overall aim of the invention clearly had
         aesthetical aspects, the teaching of the invention as
         defined in the claims was directed to the technical
         implementation of this overall aim. The invention
         improved the operability of the computer for the user
         by visualizing the internal operation in its temporal
         sequence. Displaying the internal operation of a
         technical system had been accepted by the case law for
         long as a teaching with technical character. The
         additional fact that aesthetic elements were also
         addressed could not detract from the technical
         character of the implementation and the contribution of
         the implementation elements to the inventive step.
         Therefore, the mere aim to provide an aesthetic
         appearance could not render obvious the specific
         implementation of the transition control. In document
         D2 the original window was shrunk at its original
         position and then moved to the task bar. There was no
         visualization of the transition process in D2.
         Accordingly, the invention as defined in the claims was
         novel and based on inventive step by virtue of the
         detailed implementation.

Reasons for the Decision

1.   The appeal is admissible.

2.   *Main request*

2.1   *Novelty*

2.1.1 Document D2 discloses a method of manipulating a window
       on a computer display. According to D2, "Clicking on
       the window minimizing button 641 causes window 614 to
       shrink in size until its internal contents are no
       longer visible and it further causes the shrunken
       window to move to a button position inside of task bar
       630. This new position can be task button 632 for
       example. The shrinking of window 614 and its movement
       into the form of task button 632 is represented by
       dashed lines 634" (column 15, line 62 to column 16,
       line 5; figure 6).

2.1.2 The appellant argued that document D2 disclosed a
       conventional minimizing operation of a window in which
       the window collapsed at the first position and then
       appeared in the task bar, in other words "*jumped*" to
       the task bar. Accordingly, there was no moving in D2 of
       the window from the first position to second position
       in a manner so as to give the appearance of sliding, as
       per claim 1. The dashed lines 634 in figure 6 merely
       indicated a logical link between the window and the
       task button but did not indicate any path along which
       the window was moved.

       In the board's opinion, however, document D2 leaves no
       doubt that the shrunken window is moved to the task bar

and thus displayed in successive steps along a path,
This path indeed needs not correspond to the rather
schematic dashed lines of figure 6 extending from the
initial window position to the task bar.

2.1.3   Hence, document D2 discloses, using the terminology of
        claim 1, a method of "*transitioning*" a window on a
        computer screen between an open state and a minimized
        state, comprising the steps of:
        obtaining location information associated with a first
        window position in the open state,
        obtaining location information associated with a second
        window position in the minimized state,
        scaling said dimension of the window and
        displaying the window at successive positions from said
        first position to said second position in a manner so
        as to give the appearance of sliding.

2.1.4   The subject-matter of claim 1 differs from D2 in that
        there is no mention in D2 of defining a set of curves,
        wherein the curves connect two selected points that
        relate to a dimension of said window in its first
        position to corresponding points of said window in its
        second position, and scaling the dimension of the
        window to fit within the curves. Furthermore, in D2
        there is no displaying of the window at successive
        positions "while" scaling the dimension of the window.

        Accordingly, the subject-matter of claim 1 of the main
        request is new over document D2
        (Article 54(1), (2) EPC 1973).

2.2   *Inventive step*

2.2.1   The effect of the above differences is the provision of
        an aesthetically pleasing visual effect for the
        transition between the window states (cf application,
        page 2, lines 21 to 28).

        As far as the appellant's argument is concerned that
        the claimed transition directs the user's attention to
        the ultimate destination of the minimized or maximized
        window, it is noted that this effect is already
        provided in document D2, where the movement of the
        shrunken window to the task bar is considered to
        achieve this very effect. The appellant's contention
        that the invention would more clearly point to the
        final destination than would be the case in D2, could
        not convince as many factors which are not defined in
        the claim play a role in the visibility of the
        transition, such as the time duration of the transition,
        the vertical and horizontal extension of the window
        while moving etc.

        Moreover, the alleged ergonomic improvement achieved by
        directing the user's attention to the final destination
        of the minimized window, so that the user will remember
        its location and, thus, find it again more rapidly, is
        not convincing either. As far as the precise location
        of the minimized window on the task bar is remembered
        at all by the user, this will only be ergonomically
        valuable to the user for a short amount of time, after
        which it will normally be forgotten. Furthermore, as
        minimized windows are at any rate typically arranged
        according to some predefined scheme (typically added at
        the end of the task bar or returned to the

corresponding application button on the task bar) the
user would already know where to find the minimized
window. Therefore, the board is not convinced that
there would be any added ergonomic value in drawing the
user's attention to the final destination of the
minimized window in the claimed manner.

The appellant furthermore argued that the invention
improved the operability of the computer for the user
by visualizing the internal operation in its temporal
sequence. Displaying the internal operation of a
technical system had been accepted by the case law for
long as a teaching with technical character, cf. e. g.
T 115/85. The additional fact that aesthetic elements
were also addressed could not detract from the
technical character of the implementation and the
contribution of the implementation elements to the
inventive step.

In the decision cited above, giving visual indications
about conditions prevailing in a system was considered
basically a technical problem. The present application
is, however, concerned with the aesthetics associated
with the operations of manipulating windows (eg opening,
closing, sizing, repositioning) (cf page 2,
lines 12 to 18). As the claimed method includes
features relating to the technical implementation for
obtaining the desired aesthetic effect, it is not
barred from protection by Articles 52(2) and (3) EPC.
Nonetheless, the features relating to the aesthetic
effect as such lack technical character and, therefore,
cannot contribute to inventive step (cf T 641/00
OJ 2003, 352).

Accordingly, the above differences between the subject-matter of claim 1 and document D2 are considered to merely produce an aesthetic effect.

2.2.2   As the aesthetic effect per se has no technical character, it cannot contribute to inventive step. Accordingly, in formulating the objective problem-to-be-solved relative to document D2, it is appropriate to take the aesthetic effect as such as an aim to be achieved (see also T 641/00 referred to above, Reasons 7).

Consequently, for the purposes of assessing the presence of an inventive step in the subject-matter of claim 1, the aesthetic effect obtained by the claimed subject-matter, be it the "*funnel-like*" effect in which the window is laterally deformed and then slid between curves to its final destination as depicted in figures 2A to 2F or any of the other embodiments of the application, is to be taken as an input requirement from the artist responsible for designing the aesthetic effect.

Accordingly, the objective problem to be solved is how to achieve the specific aesthetic effect, ie its technical implementation.

The aesthetic effect as detailed in the artist's specification, comprises displaying the window at successive positions within curves connecting two selected points that relate to a dimension of the window in its first position to corresponding points of said window in its second position while scaling the

dimension of the window to fit within these curves in a
manner so as to give the appearance of sliding.

The steps in claim 1 of defining the set of curves and
displaying the window as successive positions within
the curves while scaling it to fit within the curves
imply some not further specified data processing as
well as driving the computer screen.

Hence, the technical implementation as claimed is
merely limited to such implied data processing and
driving, which is considered to be a straightforward,
if not the only solution for obtaining this specified
aesthetic effect on the computer screen, and would be
obvious to a skilled person in the field of computer
graphics and in particular of graphical user interfaces.

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

3.   First auxiliary request

Claim 1 of the first auxiliary request corresponds to
claim 1 of the main request with the addition that the
window is displayed at successive positions within said
curves from said first position to said second position
while **continuously** scaling said dimension of the window
to fit within said curves in a manner so as to give the
appearance of sliding.

Continuously scaling the dimension of the window is
also part of the desired aesthetic effect and thus
included in the artist's specification of the aesthetic
effect to be technically implemented.

The technical implementation as claimed is straightforward in order to obtain the required sliding appearance and, thus, would be obvious to the person skilled in the art.

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

4.   *Second auxiliary request*

Claim 1 of the second auxiliary, having regard to claim 1 of the first auxiliary request, further defines that the scaling comprises determining the scaled length of each scan line as defined by a corresponding distance between said curves as the scan lines are shifted along a path in the direction from said first window position to said second window position, and to scale the scan lines to fit between the corresponding distance between the curves in transitioning from said first window position to said second window position.

In a conventional display (eg a CRT) built up by (horizontal) scan lines, it would be obvious to the person skilled in the art, in order to obtain the specified aesthetic effect, to scale each scan line of the window to fit between the curves as the scan lines are shifted along the path in the direction from the first to the second window position, thereby arriving at the claimed subject-matter.

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

Order

For these reasons it is decided that:

The appeal is dismissed.

Registrar   Chair

S. Sánchez Chiquero   G. Eliasson