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**Datasheet for the decision
of 12 February 2010**

Case Number: T 0376/07 - 3.5.01

Application Number: 01301522.7

Publication Number: 1128288

IPC: G06F 17/30, G06F 17/60

Language of the proceedings: EN

Title of invention:
Electronic bulletin board system and mail server

Applicant:
Gala Incorporated

Opponent:
-

Headword:
Automatic hyperlinking/GALA INC.

Relevant legal provisions:
-

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

Keyword:
"Inventive step - conversion of notable words in bulletin
board message into hyperlinks to additional information (no)"

Decisions cited:
-

Catchword:
-

Case Number: T 0376/07 **-** 3.5.01

D E C I S I O N
of the Technical Board of Appeal 3.5.01
of 12 February 2010

Appellant:

Gala Incorporated
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Decision under appeal:

Decision of the Examining Division of the European Patent Office posted 14 September 2006 refusing European patent application No. 01301522.7 pursuant to Article 97(1) EPC 1973.

Composition of the Board:

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

C2920.D

Summary of Facts and Submissions

I.   This appeal is against the decision of the examining
        division to refuse the European patent application
        No. 01301522.7 on the ground that the subject-matter of
        independent claims 1 to 6 did not involve an inventive
        step over a conventional bulletin board system in
        combination with WO-A-99/64965 (D1) and the skilled
        person's common general knowledge (Article 56 EPC 1973).

II.   In the statement setting out the grounds of appeal, the
        appellant requested that the decision under appeal be
        set aside and that a patent be granted on the basis of
        claims 1 to 9 of an amended (broader) main request, or
        claims 1 to 6 of a first auxiliary request,
        corresponding to the refused request, or claims 1 to 6
        of a second auxiliary request with minor amendments.
        The appellant also made an auxiliary request for oral
        proceedings.

III.   In the communication accompanying the summons to oral
        proceedings, the Board summarised the issues to be
        discussed and tended to agree with the examining
        division that the claimed subject-matter lacked an
        inventive step.

IV.   In a reply, the appellant stated that he had no further
        submissions and withdrew the request for oral
        proceedings. The oral proceedings were cancelled.

V.   The present decision is therefore based on the
        appellant's requests in the grounds of appeal, dated
        11 January 2007.

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

"An electronic bulletin board system including a server
computer with an electronic bulletin board function
arranged to communicate with at least one user computer
via a network for mediating information exchange
therebetween, the bulletin board system comprising:
       a transmitter transmitting data of a message
registration screen to a user computer in response to
the user's request;
       a section retrieving information filled in the
message registration screen at the user computer and
posting the retrieved information on the electronic
bulletin board; and
       a section allowing user computers to read
the information posted to the electronic bulletin board,
       the bulletin board system being characterized by
further comprising:
       a database operated by the electronic bulletin
board system which stores a plurality of predetermined
notable words;
       a further database operated by the electronic
bulletin board system which stores a plurality of
records with text data;
       a logic device arranged to inspect a message text
posted to the bulletin board system to detect notable
words from the database,
the system being arranged to:
       post the inspected message text on the bulletin
board when no notable words are detected; and to, when
the message text includes a notable word in the
database,
       search the further database using detected notable
words as keywords, wherein if a record including the

notable word is found as a result of searching the
further database, the word in the message text is
converted into a hypertext format having a URL, the URL
generated so as to constitute a start instruction to a
search report program which searches the further
database using the word associated with the link as a
keyword and reports the result, the search report
program generating a set of screen data including text
from the text data; and

     post the message text on the bulletin board;
     the URL being configured such that when it is
accessed by a specific user computer the search report
program is executed to return a set of report screen
data of the search result to the specific user
computer."

Claim 1 of the first auxiliary request adds to the end
of the second feature of the characterising portion
"each record stored in the further database being
linked with a corresponding URL" and at the end of the
third last (search) feature that the generated screen
data includes "a hypertext having the URL to which the
obtained record is linked as a link destination".

Claim 1 of the second auxiliary request essentially
adds to the first auxiliary request at end of the first
feature of the characterising portion that the
plurality of notable words are "predetermined by an
operator", in the following feature that the text data
is "of advertisements", and at the end of the search
feature that the generated screen data further includes
"the text data of the obtained record".

VII.   The appellant argued essentially as follows:

The system of Dl simply provided information and
automatic links to previously downloaded web pages,
whereas the present invention provided links to
additional content, namely the content stored in the
further database.

In the arrangement of Dl, the "word database" was
simply referring to the same data as the database
identified by the examining division as the further
database of claim 1, so the list of words contained in
the word database would only have been there if there
was a page with that word in it, and so there would
have been no need for two separate searches. Further,
Dl contained no hint of the two separately recited
search steps. Thus, Dl did not teach or suggest the
second search step and so the skilled person attempting
to modify a conventional electronic bulletin board
system based on Dl would not have included two separate
searches.

Moreover, the examining division admitted that even a
combination of Dl and a conventional bulletin board
system would not have delivered the whole of the scope
of claim 1, since as pointed out by the examining
division and recited in claim 1, the set of screen data
generated by the search report program additionally
included text from the text data. This was presented by
the examining division as a separate partial problem.

However, this was not a separate problem but was
integrally linked with the whole of the present
invention. The whole point of the present invention was

to supply additional information, i.e. the information contained in the further database.

However, having identified a conventional bulletin board system as the closest prior art, the objective problem could only be determined by comparing claim 1 with such an electronic bulletin board system. The content of Dl, which was not the closest prior art and did not even relate to a server-based application, could not be taken into account for this determination of the objective problem without introducing hindsight. The present invention did not aim to solve the problem of retrieving previously processed files as in Dl. Thus, contrary to the opinion of the examining division, the present invention was concerned with a single problem, namely to improve a conventional bulletin board system. It could not even be said that the objective problem was to supply additional information, since this would have introduced a hint to the solution which could not be done without the benefit of hindsight.

In the first auxiliary request, the additional feature of providing a set of screen data including hypertext having the URLs stored in the further database was likewise not taught or suggested by Dl.

In the second auxiliary request, the records were said to be text data of advertisements. Although this may not at first sight have appeared to be a technical feature, it clearly distinguished from Dl since it required the text data stored in the further database to be completely distinct from the bulletin board system since the data presented on the bulletin board by the user was not "advertising" data. Thus, it

specifically required the further database to have different data from the user-entered data in the bulletin board system. Further, it was clarified that the notable words were selected by an operator.

Reasons for the Decision

1.   The appeal complies with the requirements referred to in Rule 65(1) EPC 1973 and is therefore admissible.

   The application

2.   The application concerns the problem of automatically turning words in messages posted on an electronic bulletin board (e.g. discussion forum) into hyperlinks that link to additional relevant information, e.g. advertising information.

3.   Looking at the bulletin board "Ski - Snowboard" 100a of Figure 3, if the user selects message no. 35, for example, he sees the usual bibliographic data and the text 102 of the message. Before displaying the message, the system of the invention processes it to find out whether any of the words in the message are present in a collection of "notable words" (database in claim 1 and paragraph 21 of the published application). If a word is found, a database relating words to additional information ("further database" in claim 1) is searched using that word as a keyword. If any record for this word is found in this further database, the word in the original message (e.g. "SKI" 103) is turned into a hyperlink (paragraph 22). When clicked, it links to the start page of a search program that searches the

further database for all records having the keyword and displays a list of results as in Figure 4 (paragraph 24). The list includes text relating to the word and (in claim 1 of first auxiliary request) an address (URL) of a page containing information relating to the word. The additional information may be advertising information (in claim 1 of second auxiliary request), which can therefore be associated with words in messages on the bulletin board (paragraph 25).

Main request

4.   It is common ground that the closest prior art is a conventional bulletin board system and that the subject-matter of claim 1 differs by the characterising part. In essence, this specifies the above-mentioned conversion of words into hyperlinks.

5.   The examining division considered at page 4 of the decision under appeal that these features solved the problem of allowing the system to retrieve previously processed files relevant to the posted message (problem "a"). The appellant considers that including this aspect of supplying additional information into the problem impermissibly involves hindsight. However, even if the problem is formulated more broadly as improving the conventional bulletin board system as suggested by the appellant, the Board considers that an obvious improvement would have been to provide additional information relevant to the message using hyperlinks. This is because it was a well known general technique that was applicable to all types of documents as essentially acknowledged in paragraphs 5 to 7 of the published application.

6.   Furthermore, the Board considers that, when trying to
        improve the bulletin board system by adding hyperlinks,
        the skilled person would indeed consider D1 because it
        discloses the same idea at the top of page 2, namely
        "to identify electronic documents or files which are
        relevant to another electronic document downloaded from
        a data network, and to incorporate direct or indirect
        links to those relevant documents or files into the
        downloaded document". The appellant argues that D1 is
        not relevant because it does not relate to a server-
        based application. However, although the system of D1
        identifies the relevant documents at the browser, i.e.
        client side, the Board is of the view that it is a
        closely related field, being another example of the
        generic field of document processing over a network.

7.   The appellant also argues that D1 does not actually
        solve the problem of providing additional information,
        but a different problem, namely retrieving previously
        processed files. However, in the Board's view, the
        electronic documents that D1 refers to in the passage
        cited above are electronic documents in general. The
        "previously downloaded web pages" are only disclosed as
        examples of a "previously analysed document", mentioned
        at page 7, beginning of last paragraph. In fact, it
        appears that the documents in D1 can be any set of
        documents provided that they have been "previously
        analysed", i.e. put into the relevant database and
        keywords calculated, which would also appear to be
        necessary in the invention. In this respect, D1
        discloses at the paragraph bridging pages 8 and 9 that
        the data in the tables can be pre-installed, based on
        the analysis of a number of (apparently arbitrary)

representative documents. Finally, in the Board's view,
even "downloaded web pages" are not limited to the
appellant's interpretation. This can be seen from the
extension of the system, described in D1 at the bottom
of page 13, where the databases contain data
"downloaded to all users in the company", i.e. not
necessarily those previously downloaded by the user
reading the message and thus, for this user, documents
in general.

8. The Board agrees with the examining division that D1
    discloses the above described dual database solution.
    Specifically, if a predetermined notable word (keyword
    in D1) in a first database (word Table 1 - page 7, last
    paragraph) is found in the text, it is converted to a
    hyperlink (page 9, second full paragraph). The URL of
    the hyperlink causes a program (DLL - page 11, lines 16
    to 20) to search a further database (document Table 2 -
    page 8, second full paragraph) using the word as a
    keyword (page 11, lines 26 to 28) and to return "text
    data" of the records found (URLs of the documents -
    page 12, lines 20 to 24 - can be considered to be "text
    data"). Thus the Board judges that the general idea of
    improving the conventional bulletin board system by the
    replacement of "notable" words in a first database by
    hyperlinks that start a search for additional
    information in a further database would be obvious to
    the skilled person.

9. A difference remains in that claim 1 specifies (first
    part of third last feature) searching the further
    database for the notable word as an additional
    condition for converting the word to hypertext (two-
    stage search). The examining division considered at

page 5 of the decision that this was implicit from
page 2, lines 17 to 20 of D1, which disclosed that
links were introduced for documents "containing at
least one of said keywords". However, the Board is of
the view that this is a general disclosure, which
although covering a two-stage search, does not actually
disclose it. The appellant argues that such a search
would not be obvious since it is not disclosed or
necessary in D1 because all the potential keywords in
the word table must necessarily also be in the document
table so that there is no need to search for them there
(it appears from page 7, last paragraph, that the word
table can be a histogram of the data in the document
table plus the keywords derived therefrom, derived
automatically).

10.   However, the Board considers that having had the idea
        of replacing notable words by links to relevant
        information, the two-stage search in two databases is
        an obvious implementation detail. Firstly, the use of
        one or two databases in the first place is an obvious
        matter of routine design depending on circumstances
        such as speed and complexity of the databases. Even the
        inventor apparently saw the possibility of combining
        the URL data with the notable words, thus requiring
        only a single search, as a simple alternative (see
        paragraph 27 of published application). Moreover,
        having decided to use two databases, the decision to
        populate the first one automatically with words only
        found in the second as in D1, or to check both at the
        time of the conversion as in claim 1 is a similar
        design choice that in the Board's view does not require
        inventive skills. The latter would be more appropriate
        if there is any possibility that the word table

contains extra words not in the further database, such
as if the notable words are entered manually as is
envisaged in the invention (see point 13, below). In
this case, there might be no data associated with those
words, so that it would be an obvious precaution to
check this before changing a word into a hyperlink.

11.   Thus, in the Board's view, all the distinguishing
       features of claim 1 are known from D1, or follow in an
       obvious manner, not providing any surprising effect or
       requiring any technical difficulty to implement.
       Accordingly, the Board judges that the skilled person
       would arrive at the claimed invention without requiring
       an inventive step (Article 56 EPC 1973).

       Auxiliary requests

12.   Claim 1 of the first auxiliary request adds that each
       record in the further database also has a URL that is
       returned with the search results. This implies that for
       this claim the URL cannot be interpreted as the claimed
       "text data", which is thus an additional distinguishing
       feature (difference "B" in the decision under appeal).
       However, the Board judges that the idea of adding
       additional text data to the URL text data is a non-
       technical presentation of information as a result of
       editorial decisions such as whether a summary of the
       data at the URL is required. Moreover, it requires no
       further technical implementation. Thus it does not
       contribute to inventive step and there is no need to
       consider whether this feature has synergy with the
       other features, or what the precise formulation of the
       problem should be.

13.   Claim 1 of the second auxiliary request adds that the
        notable words are predetermined by an operator and that
        the text data is associated with advertisements. There
        is also an additional feature that the generated screen
        data further includes "the text data of the obtained
        record". However, this text data appears to be the same
        as the above-mentioned text data already claimed in the
        same feature, so that the Board cannot see that it adds
        anything new. The appellant argues that the fact that
        the text data is associated with advertisements implies
        the technical consideration that the further database
        is not limited to contain data related to web pages
        previously downloaded by the user as is the case in D1.
        However, since the Board does not interpret D1 so
        narrowly (see point 7, above), it cannot agree that
        such a technical consideration exists. The effect of
        the operator determining the notable words is to limit
        the invention to a manual determination of the keywords
        that can be searched in the further database. However,
        the Board does not consider that changing an automatic
        determination into a manual one involves an inventive
        step.

14.   Accordingly, the subject-matter of claim 1 of all
        requests does not involve an inventive step (Article 56
        EPC 1973), so that it follows that the appeal must be
        dismissed.

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Order

For these reasons it is decided that:

The appeal is dismissed.

The Registrar: The Chairman:

T. Buschek   S. Wibergh

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