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**Datasheet for the decision
of 5 October 2011**

Case Number: T 1420/08 - 3.5.03

Application Number: 03018919.5

Publication Number: 1509049

IPC: H04Q 7/22

Language of the proceedings: EN

Title of invention:
Methods and systems for providing information to mobile users
over limited bandwidth

Applicant:
Accenture Global Services Limited

Headword:
Providing information over limited bandwidth/ACCENTURE

Relevant legal provisions:
EPC Art. 56

Relevant legal provisions (EPC 1973):
-

Keyword:
"Inventive step (main, first to sixth auxiliary requests) -
no"

Decisions cited:
T 0641/00

Catchword:
-

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Case Number: T 1420/08 - 3.5.03

D E C I S I O N
of the Technical Board of Appeal 3.5.03
of 5 October 2011

Appellant:	Accenture Global Services Limited 3 Grand Canal Plaza Grand Canal Street Upper IE-Dublin 4 (IE)
Representative:	Müller-Boré & Partner Patentanwälte Grafinger Straße 2 D-81671 München (DE)
Decision under appeal:	**Decision of the Examining Division of the European Patent Office posted 26 February 2008 refusing European patent application No. 03018919.5 pursuant to Article 97(2) EPC.**

Composition of the Board:

Chairman: A. S. Clelland
Members: A. J. Madenach
                 R. Moufang

Summary of Facts and Submissions

I.   The present appeal is against the decision of the
        examining division to refuse application No. 03018919.5
        on the ground that the independent claims either did not
        fulfil the requirement of Article 56 EPC (main, first
        and third auxiliary requests) or that of Article 123(2)
        EPC (second auxiliary request).

        With respect to inventive step, the examining division
        cited:

        D1: EP 1262931 A

II.   The appellant requested that the decision of the
        examining division be set aside and a patent be granted
        on the basis of a main request or of auxiliary requests
        1 - 3, all filed with the grounds of appeal. The claims
        of these requests correspond to those considered by the
        examining division. As an auxiliary measure, oral
        proceedings were requested.

III.   The board summoned the appellant to oral proceedings. In
        a communication accompanying the summons, objections
        under Articles 84 and 56 EPC were raised in respect of
        the claims of the then pending requests.

IV.   In reply to the board's communication, the appellant
        submitted with letter dated 5 September 2011 a new main
        request and auxiliary requests 1 - 6 and requested the
        issuance of a communication under Rule 71(3) EPC on the
        basis of these requests. As an auxiliary measure, the
        appellant requested that the previous auxiliary requests
        1-3 be maintained as auxiliary requests 7-9 respectively.

V.   The oral proceedings took place on 5 October 2011. The
      appellant essentially confirmed the previous requests,
      i.e. that the decision under appeal be set aside and a
      patent be granted on the basis of the main request or,
      in the alternative, any one of the first to sixth
      auxiliary requests, all requests having been filed with
      the letter dated 5 September 2011. The appellant did not
      maintain the auxiliary requests 7-9.

      At the end of the oral proceedings, the chairman
      announced the board's decision.

VI.   Independent claim 9 according to the main request reads
      as follows:

      "A mobile terminal (201), comprising:
      a display screen;
      an input system (307) for receiving user input;
      a wireless communications subsystem;
      a processor (301),
      memory (311) on which computer executable instructions
      to be executed by the processor (301) are stored, such
      that the mobile terminal (201) is adapted to:
      (i) load a first or a second local client executable
          application (315) for decoding a coded short text
          messaging system message;
      (ii) receive the coded short text messaging system
          message via the wireless communications subsystem,
          wherein the coded short text messaging system message
          comprises compressed data;
      (iii) decoding the received short text messaging system
          message using a set of short codes that comprises
          short codes unique to the first or second application

to be translated into human understandable format and
administrative short codes consistent for the first
and second applications used for instructing the
first or second application,

wherein the set of short codes for the first local
client executable application comprises unique short
codes referring to information related to the first
local client executable application, and
wherein the set of short codes for the second local
client executable application comprises unique short
codes referring to information related [*sic*] the second
local client executable application."

This claim corresponds to claim 9 as considered by the
examining division in the impugned decision with the
addition of the last two features.

Claim 9 according to the first auxiliary request
essentially adds the further feature: "the first and the
second local client executable applications being
different local client executable applications and the
first local client executable application (315)
customized to provide information on a first topic and
the second local client executable application (315)
customized to provide information on a second topic,
wherein the first topic and the second topic are
different".

Claim 9 according to the second auxiliary request
essentially adds to claim 9 of the first auxiliary
request the further feature: "wherein said
administrative short codes are used for the same purpose
in said first local client executable application and
said second local client executable application".

Claim 7 according to the third auxiliary request essentially adds to claim 9 of the second auxiliary request the further feature: "wherein the human understandable format comprises text in a native language of the user of the mobile terminal (201) and/or graphics".

Claim 7 according to the fourth auxiliary request essentially adds to claim 7 of the third auxiliary request the further feature: "wherein instructing the first or second local client executable application comprises the first or second local client executable application to flush its memory [*sic*]".

Claim 7 according to the fifth auxiliary request essentially adds to claim 7 of the fourth auxiliary request the further feature that the client executable applications "are associated with different microportals".

Claim 7 according to the sixth auxiliary request essentially adds to claim 7 of the fifth auxiliary request the further feature that "each unique short code [is] associated with information used to determine how to order the output of the mobile terminal".

Independent claim 1 of all requests relates to a corresponding method.

Reasons for the decision

1.1   *Inventive step (main request), Article 56 EPC:*

The board understands the present invention as claimed
in claim 9 according to the main request to essentially
reside in a mobile terminal having a memory into which
computer executable instructions can be loaded and
stored. Specifically, these computer executable
instructions comprise local client executable
applications for decoding text messages which comprise
compressed data. (It is noted that according to
paragraphs [0038] and [0039] the text messages are coded
and decoded in order to reduce the amount of transmitted
data.) The text messages comprise short codes unique to
various applications, such as reports on soccer games or
automobile races, and the local client executable
applications are able to translate these into "human
understandable format". Furthermore, administrative
short codes which are consistent between the various
applications are used for instructing the applications.

1.2   The board considers D1 as the closest prior art.

        D1 relates to coding and decoding text messages in
        mobile communications in order to reduce the length of
        the transmitted message (see abstract). Hence it
        comprises explicitly and implicitly the generic features
        relating to a mobile terminal recited in the part of
        claim 9 preceding feature (i).

        The electronic device shown in Figure 1 of D1, which can
        be a mobile telephone as shown in Figure 2, comprises a
        processing logic 104 with an electronic code book stored
        therein (column 9, lines 41-57). Such a code book
        together with the application used for reading it
        (column 9, lines 47-51) is understood to correspond to a

first or second local client executable application for
decoding a coded short text messaging system message. It
is loaded into the mobile device (column 9, lines 13-15).
The mobile terminal of D1 is furthermore adapted to
receive the coded short text messaging system message
via the wireless communication subsystem (feature (ii)
of claim 9) (D1, column 9, line 58 - column 10, line 11).
Hence, the mobile terminal of D1 is adapted to decoding
the received short text messaging system message using a
set of short codes that comprises short codes unique to
the first or second application to be translated into
human understandable format (D1, *ibidem*).

The appellant is essentially in agreement with this
analysis (see letter of 5 September 2011, point VI.).

Furthermore, according to D1 there may be a plurality of
different code books which may be mutually exclusive
(column 11, lines 12-31) and which are understood to be
intended together with the application used for reading
them for decoding short code specific to them. Hence, D1
also discloses the feature "wherein the set of short
codes for the first local client executable application
comprises unique short codes referring to information
related to the first local client executable application,
and wherein the set of short codes for the second local
client executable application comprises unique short
codes referring to information related [to] the second
local client executable application".

Finally, according to D1 (column 11, lines 27-29) "a
portion of the message itself can be arranged to inform
the target device which code book to select". From this
passage follows that an instruction, *i.e.* an

administrative code (here: the selection of a particular codebook), in the form of a text message is sent to the mobile terminal. On the basis of the above understanding of a code book together with the application used for reading it corresponding to a local client executable application, it is clear that the administrative code sent to the mobile device must be readable for the first and second applications, *i.e.* consistent for the two applications in the terminology of claim 9, because otherwise at least one of the two applications would not be able to read the administrative code.

1.3   Hence, the claimed device differs from the device known from D1 by the administrative codes being "administrative short codes".

The objective problem could thus be seen in providing administrative codes to mobile devices in a way to reduce the required bandwidth.

1.4   The solution to the above problem is already given in D1 which teaches to use short code for text messages in general (see abstract).

Hence, it would have been obvious to the skilled person to have the administrative codes which, according to D1, are part of text messages (column 11, lines 27-29) in the form of short codes.

1.5   In this respect, the appellant essentially argued that D1 teaches away from the invention.

It was argued that if the instruction was for the selection of a specific code book, no short code could

have been used for the instruction since no code book to
be used for decoding the short code would have
previously been designated.

The board does not accept this argument. It would have
been self-evident to the skilled person that the
administrative short code must necessarily be
understandable for all code books which might run on the
mobile device in order to ensure that it can always be
understood and, therefore, "consistent" for all the
applications running on the mobile device.

1.6   The appellant also argued that the claimed subject-
        matter related to two different local client executable
        applications which, on the basis of the context of the
        application, were present on the mobile terminal at the
        same time. According to D1 only one application could be
        present at a given time because in D1 a code book
        together with the application used for reading it
        corresponded to the claimed local application (see point
        1.2 above) and because it appeared from column 11,
        lines 12-31 of D1 that only one code book was used at a
        given time.

        The appellant's argument is not considered convincing
        since such a feature is neither claimed nor does it form
        part of the originally filed application. The skilled
        person would moreover not understand the application in
        such a sense since mobile devices running several
        applications at a time were not common at the filing
        date of the application in suit.

1.7   The board concludes that the subject-matter of claim 9
        of the main request does not involve an inventive step
        with respect to the disclosure of D1 (Articles 52(1) and
        56 EPC).

2.   *Auxiliary requests (inventive step), Article 56 EPC:*

2.1   Claim 9 according to the first auxiliary request
        essentially adds the further feature: "the first and the
        second local client executable applications being
        different local client executable applications and the
        first local client executable application (315) [being]
        customized to provide information on a first topic and
        the second local client executable application (315)
        [being] customized to provide information on a second
        topic, wherein the first topic and the second topic are
        different".

        The first part of this feature, *i.e.* "the first and the
        second local client executable applications being
        different local client executable applications", was
        introduced to clarify the term "unique to" and to
        underline the fact that the first and second local
        client executable applications are different to one
        another.

        However, claim 9 of the main request has been
        interpreted by the board in this sense. Hence, the
        considerations set out above with respect to claim 9 of
        the main request apply, *mutatis mutandis*, to claim 9 of
        the first auxiliary request. Specifically, this part of
        the feature is known from D1 (column 11, lines 12-31).

The second part merely specifies that the applications provide information on first and second topics and thus relates to non-technical subject-matter which is not taken into account when considering inventive step. The board follows here the reasoning set out in T 641/00, OJ 2003, 352: headnote 1.

The board concludes that the subject-matter of claim 9 of the first auxiliary request does not involve an inventive step with respect to the disclosure of D1 (Articles 52(1) and 56 EPC).

2.2   Claim 9 according to the second auxiliary request essentially adds the further feature: "wherein said administrative short codes are used for the same purpose in said first local client executable application and said second local client executable application".

This feature was introduced to clarify the term "consistent for" in feature (iii). It does not limit the claim additionally or require that anything be added to the arguments already provided in relation to the main request in the context of the administrative code.

The board concludes that the subject-matter of claim 9 of the second auxiliary request does not involve an inventive step with respect to the disclosure of D1 (Articles 52(1) and 56 EPC).

2.3   Claim 7 according to the third auxiliary request essentially adds the further feature: "wherein the human understandable format comprises text in a native language of the user of the mobile terminal (201) and/or graphics".

According to D1, decoded text is rendered as plain text (see abstract). It would have been obvious to the skilled person on the basis of the plain text examples given in column 10, lines 19-29, to use text in a native language of the user.

The board concludes that the subject-matter of claim 7 of the third auxiliary request does not involve an inventive step with respect to the disclosure of D1 (Articles 52(1) and 56 EPC).

2.4   Claim 7 according to the fourth auxiliary request essentially adds the further feature: "wherein instructing the first or second local client executable application comprises the first or second local client executable application to flush its memory".

D1 is silent about the possibility of flushing one of its memories. It is, however, implicit that a mobile terminal receiving text messages, as in D1, must provide this functionality in order to be able to receive further text messages once the relevant memory is full. This was pointed out in general terms by the examining division.

The problem to be solved by this feature can thus be seen in providing a specific way to flush the mobile terminal's memory.

The board moreover notes that the above feature as well as the relevant part of the description are unspecific as to exactly what memory is concerned. This question

appears to be of no particular relevance for the
following argument though.

It was not contested at the oral proceedings that
several ways of flushing a memory in a mobile device
were known to the skilled person at the filing date of
the present application.

Considering the update of codebooks described in
paragraphs [0051] and [0061] of D1 it would have been
obvious to the skilled person to notify the user of the
mobile device of an update in order to give the user the
option to accept or decline an update. Any software
update can be expected to require that the working
memory be flushed and the device restarted, but even if
this were not the case it would be necessary to flush
the codebook memory in order to create enough memory for
the updated codebook. Such a notification of a codebook
update would necessarily comprise administrative code
for flushing the mobile terminal's memory.

On the basis of the teaching of D1, *i.e.* reducing the
bandwidth used for sending text messages, it would have
been obvious to the skilled person that this
notification is sent in a coded form to be decoded by
the resident code book with the application used for
reading it, *i.e.* by the local client executable
application. Hence, it would have been obvious to the
skilled person that the text message comprises an
administrative short code instructing the local client
executable application to flush the mobile device's
memory.

The board concludes that the subject-matter of claim 7
of the fourth auxiliary request does not involve an
inventive step with respect to the disclosure of D1
(Articles 52(1) and 56 EPC).

2.5   Claim 7 according to the fifth auxiliary request
        essentially adds the further feature that the client
        executable applications "are associated with different
        microportals".

        There was agreement that a microportal should be
        understood as a website that is used as a point of entry
        to the internet where information has been collected
        that will be useful to a particular person or group.

        According to D1, the automatic selection of a particular
        code book may be dependent, *inter alia*, on the telephone
        number of the sender (col. 11, lines 21-25). Hence, the
        client executable application based on a specific code
        book is associated with a specific telephone number. At
        the filing date of the present application, it was a
        generally known possibility to send text messages from
        an internet webpage to mobile devices in addition to
        sending message from a telephone. It would thus have
        been obvious to the skilled person to include this
        possibility in the list of associations given in D1 in
        order to make sure text messages sent by this channel
        are also correctly decoded. Hence, it would have been
        obvious to associate a code book with the application
        used for reading it, *i.e.* by the local client executable
        application, with a microportal.

        The board concludes that the subject-matter of claim 7
        of the fifth auxiliary request does not involve an

inventive step with respect to the disclosure of D1
(Articles 52(1) and 56 EPC).

2.6   Claim 7 according to the sixth auxiliary request
      essentially adds the further feature that "each unique
      short code [is] associated with information used to
      determine how to order the output of the mobile
      terminal".

      Given the fact that the term "information" in this
      feature is vague and unspecified and that this feature
      does not comprise any clear technical teaching, the
      board concludes that this feature is solely concerned
      with the presentation of information, *i.e.* for
      displaying and ordering the output (page 6, lines 51 and
      52 of the published application), and is, hence, not to
      be taken into account for determining an inventive step.
      Reference is directed to the reasoning developed in
      T 641/00 (OJ 2003, 352: headnote 1), which the board
      considers also to apply, *mutatis mutandis*, to a
      presentation of information.

      The board concludes that the subject-matter of claim 7
      of the sixth auxiliary request does not involve an
      inventive step with respect to the disclosure of D1
      (Articles 52(1) and 56 EPC).

3.   Since none of the independent device claims of the main
      and first to sixth auxiliary requests complies with the
      requirements of Article 56 EPC (inventive step) none of
      these requests is allowable. It is therefore not
      necessary to consider whether these claims comply with
      the further requirements of the EPC or to consider any
      further claims.

Order

For these reasons it is decided that:

The appeal is dismissed.

The Registrar   The Chairman

G. Rauh   A. S. Clelland