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Datasheet for the decision
of 10 August 2012

Case Number: T 2129/08 - 3.5.05

Application Number: 03396087.3

Publication Number: 1517469

IPC: H04L12/14

Language of the proceedings: EN

Title of invention:
Method, system and computer program product for online
charging in a communications network

Applicant:
Comptel Corporation

Headword:
Online charging/COMPTEL

Relevant legal provisions:
EPC Art. 54, 56, 84
RPBA Art. 15(3)

Keyword:
Claims - clarity and support by description (no)
Novelty - main request (no)
Inventive step (no)
Oral proceedings - non-attendance of party

Decisions cited:

Catchword:

Beschwerdekammern

Boards of Appeal

Chambres de recours

Case Number: **T 2129/08 - 3.5.05**

D E C I S I O N
of the Technical Board of Appeal 3.5.05
of 10 August 2012

Appellant: (Applicant)	Comptel Corporation Lapinrinne 3 00100 Helsinki (FINLANDE)
Representative:	Lipsanen, Jari Seppo Einari Seppo Laine Oy Itämerenkatu 3 B 00180 Helsinki (FINLANDE)
Decision under appeal:	Decision of the Examining Division of the European Patent Office posted 18 June 2008 refusing European patent application No. 03396087.3 pursuant to Article 97(2) EPC.

Composition of the Board:

Chair:	A. Ritzka
Members:	K. Bengi-Akyuerek
	F. Blumer

Summary of Facts and Submissions

I.   The appeal is against the decision of the examining
        division, posted on 18 June 2008, refusing European
        patent application No. 03396087.3 on the grounds of
        lack of novelty (Article 54 EPC), having regard to

        D1:   WO-A-00/24161,

        and lack of clarity (Article 84 EPC) with respect to a
        main request and for lack of inventive step (Article 56
        EPC) in view of D1 with regard to a first and second
        auxiliary request.

II.   Notice of appeal was received on 25 August 2008. The
        appeal fee was paid on the same day. The statement
        setting out the grounds of appeal was received on
        21 October 2008. The appellant requested that the
        decision of the examining division be cancelled in its
        entirety and that a patent be granted based on the
        requests on file, i.e. main request (claims 1 to 23),
        first auxiliary request (claims 1 to 22) or second
        auxiliary request (claims 1 to 22). In addition, oral
        proceedings were requested as an auxiliary measure.

III.   A summons to oral proceedings scheduled for 10 August
        2012 was issued on 21 May 2012. In an annex to this
        summons pursuant to Article 15(1) RPBA, the board
        expressed its preliminary opinion on the appeal. In
        particular, objections were raised under Articles 84
        and 52(1) EPC in conjunction with Articles 54 and 56
        EPC mainly in view of

        D3:   WO-A-02/37870.

        Document D3, cited in the original patent application,

was introduced by the board into the appeal
proceedings.

IV.   With a letter of reply dated 6 August 2012, the
        appellant informed the board that it would not be
        attending the scheduled oral proceedings. The appellant
        did not submit any comments on the substance of the
        board's communication under Article 15(1) RPBA.

V.   Oral proceedings were held as scheduled on 10 August
        2012 in the absence of the appellant. After due
        deliberation on the basis of the written submissions,
        the decision of the board was announced at the end of
        the oral proceedings.

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

        "Method for managing online charging by online
        mediation in communications networks, the method
        comprising:
        - receiving (303) at least one first charging request
          relating to a service of at least one first charging
          session in a first network element,
        - receiving (304) at least one second charging request
          relating to a service of at least one charging
          session in at least one second network element, and
        - setting (305) charging models for the first and
          second charging sessions,
        characterized by following steps performed online
        interactively during an end user session comprising at
        least one said first charging session and at least one
        said second charging session,
        - identifying (613) a common user of the at least one
          first charging session, and the at least one second
          charging session,

- determining (105, 203) the authorization of the user
  to the services during the end user session,
   and for authorized users
  - using (909) at least one combination pricing plan
    for setting charging for the end user session,
  - using (614) the combination pricing plan as
    response to the first and the second received
    charging requests,
  - determining charging by said combination pricing
    plan, the charging being different from the charge
    determined by the first charging request(s) and the
    second charging request(s) added together, and
  - determining being carried through by using during
    the end user session different proxy or control
    node components to identify service requests
    according to different service identification
    rules, each proxy component using individual
    service identification rules."

Independent claim 1 of the first auxiliary request
comprises the features of claim 1 of the main request
and further adds:

"- the setting (305) of the charging models comprising
   the steps of
  - receiving (107 - 109) at least one of said first or
    second charging requests from a network layer
    including a subscriber identifier, information of
    whether the user has been authenticated or not, a
    service identifier referring either access data,
    service session or a piece of content service, and
  - checking (905) whether system includes a pricing
    plan for the received charging request(s)."

Independent claim 1 of the second auxiliary request
comprises the features of claim 1 of the main request

and further adds:

"- the setting (305) of the charging models comprising
  the steps of
  - receiving (107 - 109) at least one of said first or
    second charging requests from proxy or control node
    components of a network layer including a
    subscriber identifier, information of whether the
    user has been authenticated or not, a service
    identifier referring either access data, service
    session or a piece of content service, and
  - checking (905) whether system includes a pricing
    plan for the received charging request(s)."

Reasons for the Decision

1.   Admissibility of the appeal

        The appeal complies with the provisions of Articles 106
        to 108 EPC (cf. point II above) and is therefore
        admissible.

2.   Non-attendance at oral proceedings

        The appellant decided not to attend the scheduled oral
        proceedings. Pursuant to Article 15(3) RPBA, the board
        is not obliged to delay any step in the appeal
        proceedings, including its decision, by reason only of
        the absence at the oral proceedings of any party duly
        summoned who may then be treated as relying only on its
        written case.

        In the present case, the appellant did not submit any
        comments on the objections raised in the board's
        communication under Article 15(1) RPBA. The board

reconsidered these objections and was in a position to take a decision at the end of the oral proceedings, in the absence of the appellant, exercising its discretion according to Article 15(3) RPBA.

3.   Main Request

This request corresponds to the main request underlying the appealed decision.

3.1   Article 84 EPC

3.1.1   The board judges that this request does not comply with the requirements of Article 84 EPC for the reasons set out in section 3.1 of the board's communication under Article 15(1) RPBA.

3.1.2   In particular, the following objection under Article 84 EPC affects the proper assessment of novelty and inventive step of the subject-matter of claim 1:

In the "setting (305)" step of claim 1, the statement "the ... second charging sessions" (emphasis added) lacks its proper antecedent since a "second charging session" has not been defined before, thereby rendering this claim unclear.

3.2   Article 52(1) EPC: Novelty and inventive step

In the board's judgment, claim 1 of this request does not meet the requirements of Articles 52(1) and 54 EPC for the following reasons:

3.2.1   Firstly, the board does not concur with the examining division in considering D1 as closest prior art, since D1 does not serve the purpose of providing multi-level

charging during an established end user session and since its disclosure differs from the subject-matter of claim 1 by at least three features.

The distinguishing features between claim 1 and the disclosure of D1 are seen in that (i) the second charging request is received in a <u>second</u> network element, (ii) the charging is based on a <u>combination</u> pricing plan and differs from the charge determined by the first and second charging request added together, and (iii) the charging setting and determination is done <u>only</u> for already authorised users.

Rather, the board considers document D3 to be the closest prior art.

3.2.2   Secondly, referring to the objection under Article 84 EPC given in point 3.1.2 above, the "receiving (304)" step is interpreted as "receiving (304) at least one second charging request relating to a service of at least one [second] charging session in at least one second network element" for the assessment of novelty and inventive step with regard to claim 1.

3.2.3   D3 is related to a method for managing online charging of multimedia sessions in communications networks (see e.g. abstract; Figs. 17 and 20) and discloses, with regard to the terminology of claim 1, the method steps of receiving a first session token in a first network entity of an access network (*viz.* "PSAN 14") related to an access bearer-level service, i.e. requesting a first charging session, and receiving a second session token in a second network element of a multimedia network (*viz.* "multimedia system 16") being related to a session-level service, i.e. requesting a second charging session (see e.g. page 29, lines 12-16 and

Fig. 19, block 34).

According to D3, the charging node further generates
charging models such as a bundled charging scheme for
the respective sessions via session identifiers
received with the session tokens (see e.g. page 21,
lines 7-8; page 34, lines 5-12; Fig. 25, block 174).
The charging node of D3 also identifies a common user
(e.g. "UE-A") of the corresponding sessions through a
received service charging identifier (SCI) which may
combine a session identifier with the UE-A identifier
(see page 32, lines 21-23 and page 41, lines 21-23).
Moreover, the charging node also determines whether the
user agreed to combined charging for bearer-level and
session-level services, i.e. whether the user is
authorised to use the respective bearer-level and
access-level services during the end user session by
means of the session token (see page 31, lines 9-14).

D3 additionally divulges that a combined charging or
bundled session-bearer charging scheme, which can be
regarded as a "combination pricing plan" as claimed, is
set and used for charging authorised users by the
charging node (see page 31, lines 9-14 and page 38,
lines 16-18 in conjunction with Fig. 21, block 136 and
Fig. 25, block 174). Since the corresponding charging
schemes are bundled according to the approach described
in D3, the charging is supposed to be different from
the charge determined by the access-level services and
the session-level services added together in accordance
with claim 1.

Furthermore, the determination of the charging is done
by using different proxy components such as a "Session
Control and Policy Control block 48" of the multimedia
network and an "Access Network Bearer Control block 46"

of the access network (see Fig. 18) which are used to correlate each multimedia flow with the corresponding session based on individual session rules or admission and policy enforcement rules, i.e. the received service requests are identified according to different individual service identification rules in D3 (see e.g. page 28, line 28 to page 29, line 7).

Also, in the system of D3, the above steps are performed online and interactively during the end user multimedia sessions as claimed (see e.g. Fig. 19).

3.2.4   Hence, all the limiting features of claim 1 are considered to be disclosed in D3. Consequently, the subject-matter of claim 1 lacks novelty.

3.2.5   In conclusion, this request is not allowable under Article 54 EPC.

4.   First Auxiliary Request

This request differs from the main request in that the "setting (305)" step of claim 1 additionally includes the features of claim 15, namely,
(i) receiving at least one of said first or second charging requests from a network layer including a subscriber identifier, information of whether the user has been authenticated or not, a service identifier referring [to] either access data, service session or a piece of content service;
(ii) checking whether [the] system includes a pricing plan for the received charging request(s).

These amendments are supported by e.g. claim 15 as originally filed and Fig. 9, block 905.

4.1   Article 84 EPC

The observations concerning the main request set out in
point 3.1 above apply *mutatis mutandis* to the claims of
this request.

Hence, the board judges that the claims of this request
do not meet the requirements of Article 84 EPC either.

4.2   Article 52(1) EPC: Novelty and inventive step

In the board's judgment, claim 1 of this request does
not meet the requirements of Articles 52(1) and 56 EPC
for the following reasons.

4.2.1   The feature analysis with respect to the main request
        outlined in point 3.2.3 above applies *mutatis mutandis*
        to claim 1 of this request.

4.2.2   D3 also discloses the additional feature specifying
        that the charging requests received from a network
        layer (i.e. the network layer of "SGSN 94", "GGSN 96"
        or "Serving-CSCF 102"; see Figs. 20 and 25) include a
        subscriber identifier (i.e. "UE-A identifier"; see e.g.
        page 41, lines 21-23) and a service identifier (i.e.
        "session identifier"; "service charging identifier";
        see e.g. page 21, lines 7-8 and page 32, lines 21-23)
        and the method step of checking whether the system
        includes a pricing plan for the received charging
        requests (see e.g. Fig. 25, block 174 in conjunction
        with page 34, lines 5-12).

4.2.3   Feature (i) further specifying that the charging
        requests include information as to whether the user has
        been authenticated or not is, however, not directly and
        unambiguously derivable from D3.

Therefore, the subject-matter of claim 1 is considered to be novel over the cited prior art (Article 54 EPC).

4.2.4   The application is however silent as to the technical effect resulting from the above distinguishing feature. The board considers processing time savings at the charging node based on the prior notification of the user authentication outcome as one achievable technical effect due to the fact that the underlying complex charging process could be avoided if the charging node detected beforehand that the user had not been success-fully authenticated via the received charging requests.

4.2.5   Hence, the objective problem to be solved by claim 1 may be regarded as being how to reduce the processing delay of a network charging node performing secure charging.

4.2.6   Setting out from D3, which mentions that the use of network services should be enforced *inter alia* based on the identity/authority level of users (see e.g. page 17, lines 19-23), the way of retrieving user authentication information for the charging process under consideration typically depends on the practical circumstances with which the skilled person may typically be faced. In this context, the skilled person in the field of data networks would understand that detecting the outcome of user authentication, e.g. via the received session tokens, prior to (rather than after) the selection of the actual charging model would reduce the respective processing delays at the charging node. Hence, he would readily select such a solution for performing secure charging based on the practical circumstances and his common general knowledge, without exercising any inventive skills.

4.2.7   In view of the above, the subject-matter of claim 1
         does not involve an inventive step having regard to D3
         and the skilled person's common general knowledge.

4.2.8   In conclusion, this request is not allowable under
         Article 56 EPC.

5.   Second Auxiliary Request

         This request differs from the first auxiliary request
         in that feature (i) related to the "setting (305)" step
         of claim 1 is rephrased as receiving at least one of
         said first or second charging requests <u>from proxy or
         control node components of</u> a network layer including a
         subscriber identifier, information of whether the user
         has been authenticated or not, a service identifier
         referring [to] either access data, service session or a
         piece of content service (emphasis added).

         These amendments are based on e.g. page 16, lines 3-4,
         page 24, lines 7-9, and page 25, lines 26-27 of the
         description as filed.

5.1   Article 84 EPC

         The observations concerning the main request set out in
         point 3.1 above apply *mutatis mutandis* to the claims of
         this request.

         Hence, the board judges that the claims of this request
         do not meet the requirements of Article 84 EPC either.

5.2   Article 52(1) EPC: Novelty and inventive step

         In the board's judgment, claim 1 of this request does

not meet the requirements of Articles 52(1) and 56 EPC for the following reasons:

5.2.1   The feature analysis with respect to the main request outlined in point 3.2.3 above and to the first auxiliary request given in point 4.2.2 above applies *mutatis mutandis* to claim 1 of this request.

5.2.2   The additional feature that the charging requests are received from proxy or control components (*viz.* "SGSN 94"; "GGSN 96"; "Serving-CSCF 102") is also disclosed in D3 (see e.g. Fig. 20 and Fig. 25).

5.2.3   The observations related to the first auxiliary request given in points 4.2.3 and 4.2.4 apply *mutatis mutandis* to claim 1 of this request.

5.2.4   Consequently, the subject-matter of claim 1 does not involve an inventive step having regard to D3 and the skilled person's common general knowledge.

5.2.5   In conclusion, this request is not allowable under Article 56 EPC either.

Order

For these reasons it is decided that:

The appeal is dismissed.

The Registrar: The Chair:

K. Götz   A. Ritzka

Decision electronically authenticated