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**Datasheet for the decision
of 6 February 2014**

**Case Number:**           T 2359/08 - 3.5.01

**Application Number:**     99309298.0

**Publication Number:**     1006462

**IPC:**                    G06F17/30

**Language of the proceedings:**   EN

**Title of invention:**
A method and apparatus for persistent storage of web resources

**Applicant:**
Alcatel-Lucent USA Inc.

**Headword:**
Persistent web resources/ALCATEL

**Relevant legal provisions:**
EPC 1973 Art. 56

**Keyword:**
Inventive step -
 use of relative time stamp in embedded link (no -
 analogy with everyday language)

**Decisions cited:**


**Catchword:**

Case Number: **T 2359/08 - 3.5.01**

**D E C I S I O N**
**of Technical Board of Appeal 3.5.01**
**of 6 February 2014**

**Appellant:**            Alcatel-Lucent USA Inc.
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**Representative:**       Hervouet, Sylvie
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**Decision under appeal:**   **Decision of the Examining Division of the**
                            **European Patent Office posted on 9 June 2008**
                            **refusing European patent application No.**
                            **99309298.0 pursuant to Article 97(2) EPC.**



**Composition of the Board:**

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

## Summary of Facts and Submissions

I.      This appeal is against the examining division's
        decision to refuse European patent application
        No. 99309298.0 on the basis that the claimed subject-
        matter extended beyond the content of the application
        as filed (Article 123(2) EPC). The decision also
        contained the examining division's *obiter dicta* opinion
        that the core idea of the invention was not inventive
        (Article 56 EPC) *inter alia* over the IBM Technical
        Disclosure Bulletin, Vol. 41, No. 01, January 1998
        entitled "Information Retrieval and Presentation
        Apparatus with Version Control" (D2).

II.     With the statement setting out the grounds of appeal
        dated 13 October 2008, the appellant requested that the
        decision under appeal be set aside and that a patent be
        granted on the basis of amended claims according to a
        main request and first and second auxiliary requests.

III.    In the communication accompanying the summons to oral
        proceedings, the Board presented its preliminary
        observations. The Board considered that the examining
        division's objections to added subject-matter had been
        largely overcome, but that the invention according to
        all the requests appeared to lack an inventive step. In
        particular, the Board considered that the relative time
        stamps in claim 1 of the first auxiliary request were
        not technical and that the updating of time stamps of
        embedded links, based on that of the retrieved
        document, or by incorporating the time stamp of the
        retrieved document, was known from D2.

IV.     In a response dated 6 January 2014, the appellant filed
        an amended main and first auxiliary request and
        requested that a patent be granted on the basis of

either one of these requests or the second auxiliary request filed with the statement of grounds of appeal dated 13 October 2008. The appellant also filed further arguments in support of the requests.

V.      The appellant informed the Board that it would not be represented at the oral proceedings. At the oral proceedings, held in the appellant's absence, the Board announced its decision.

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

"A method for persistent storage retrieval of an electronic document, said electronic document having multiple versions, said method comprising the steps of:

receiving a user request for one of said versions of said electronic document, said user request including a time-stamp;

retrieving a version of said electronic document corresponding to the time-stamp included in the user request for said electronic document;

modifying, in response to the user request, the retrieved version of said electronic document to update one or more embedded hyperlinks in said retrieved version of said electronic document to link to a version of a second document having a time-stamp that corresponds to the time-stamp of said retrieved version of said electronic document; and

transmitting the modified electronic document to a client."

Claim 1 of the first auxiliary request essentially adds to the end of the penultimate feature, the qualifier "the updated one or more embedded hyperlinks containing a relative time stamp".

Claim 1 of the second auxiliary request essentially replaces in the the penultimate feature of claim 1 of the main request "to link to a version of a second document having a time-stamp that corresponds to the time-stamp" with "to incorporate the time-stamp".


## Reasons for the Decision

1.      The invention concerns the problem of providing persistent access to Web documents, in particular, older versions of documents. The problem is solved by including a time stamp in the reference (URL) to each document, so that a user can access a version of a document as it existed at a particular point in time [6] (of the published application). A Web server receives a user request for a particular version of a document corresponding to the time stamp, retrieves the requested document and transmits it to the client [7].

2.      The aspect of the invention in dispute relates to the ability of the server to modify any embedded links in the retrieved document. These are updated to link to documents having a time stamp that "corresponds" to the time stamp of the retrieved version of the document (claim 1 of the main request). The effect of this is that if a user requests a particular version of a primary document, any links to secondary documents that are accessed from the primary document also lead to versions of the secondary documents as they existed as of the requested time stamp.

3.      The description gives an embodiment in which the
        embedded hyperlink contains a relative time stamp, such
        as "yesterday" or "+10D", specifying the time relative
        to the time stamp of the retrieved document [11].

4.      Claim 1 of the first auxiliary request contains this
        more limited definition and it is convenient to
        consider it first.

        *Inventive step (Articles 52(1) and 56 EPC) – first
        auxiliary request*

5.      The Board considers D2 to be an appropriate starting
        point because it concerns resolving links in time-
        stamped versions of information.

6.      D2 describes a system implemented as an information
        server at a host computer (last paragraph on page 712).
        The system's version controller retrieves and stores
        snapshots, or versions, of Web documents at
        predetermined update intervals (third paragraph on page
        711). The system's client manager allows a user to get
        the version of a URL at time T by coupling the time
        stamp T to the URL (page 711, lines 19 to 25; page 712,
        line 12), as claimed.

7.      According to the appellant in the grounds of appeal, it
        did not make sense to interpret D2 as having a version
        controller at the server triggering storing of the
        updated versions as described in the cited passage on
        page 711. This was because the server would already
        have all the updated Web pages and would not need to
        store them. However, as mentioned above, D2 explicitly
        states in the last paragraph that the "disclosed
        system", i.e. including the version controller, can be

implemented as an information *server*. Moreover, D2
states at page 711, lines 19 & 20 that the versions
between sampling intervals may be ignored and this is
confirmed in the next sentence which states that a
user's browsing of a Web page can trigger storing a
version. Thus, in the Board's understanding of D2, the
version controller does not necessarily have all the
versions of a document. This means that it does make
sense that it can be at a server, namely one that
collects documents from a different Web server. The
claim covers this interpretation.

8.      D2 also discloses, on page 712, under the bullet
        "linked-object recovery", a situation where there is an
        embedded hyperlink from A.html to B.html, each document
        having several versions with several time stamps. The
        link from A to B is said to be "evaluated" and the
        closest later version is "returned". The appellant
        argued that this resolving of time stamps did not imply
        that the retrieved document A was "modified" in
        response to the user request as claimed. The Board
        agrees that D2 does not directly disclose that the
        embedded link is modified, only that the link is
        "evaluated" and that "B.html", possibly the page data,
        is returned.

9.      Taking this as a difference, the Board considers that
        claim 1 differs from D2 in that the embedded links may
        contain a "relative" time stamp that is updated in
        response to the user request.

10.     However, relative time references, such as "yesterday"
        and "in ten days" are abstract concepts that are used
        in everyday language to indicate a particular time
        frame that one is interested in. Sometimes, it is
        convenient to use a relative time reference, e.g. when

talking about the recent past or near future. In other
situations, e.g. when talking about a historic event,
an absolute time reference may be more convenient. The
expression "relative" time stamp in the claim is a
straightforward analogy with and not more original than
this everyday usage. Thus, the effect of a relative
time reference in an embedded link is simply to obtain
the data that the author wanted to refer to, which
depends on the user's intention and the data itself.

11.    The description states that the effect of the relative
       time stamps, at least in the context of "next_archive"
       and "previous_archive", is to make moving between
       different versions of the documents more efficient
       (page 6, lines 12 to 13). Furthermore, the appellant
       argued that relative time stamps facilitate user
       requests, by allowing the user to specify the requested
       Web page without calculating the requested date.

12.    The advantage that the user need not calculate an
       absolute date is the same as in ordinary speech.
       Moreover, transferring as many calculation tasks as
       possible from the user to the computer must be regarded
       as a fundamental programming aim. The implementation by
       using a time stamp does not add anything inventive
       either because it is essentially only the assertion of
       the non-inventive idea as a functional requirement of
       the time stamp without any further implementation
       details.

13.    The difference of updating the embedded links has the
       effect of making them point to the required pages. As
       mentioned above, D2 appears to disclose "returning"
       these pages. Thus this difference represents the choice
       between returning the pages after clicking on the
       embedded links, or already with the retrieved document.

In the Board's view this is a straightforward trade-off
between the amount of data transmitted and the speed
required to access the data pages of the embedded
links. The Board does not consider that this can
establish an inventive step.

14.     For these reasons, claim 1 lacks an inventive step
        (Article 56 EPC) and the first auxiliary request is,
        therefore, not allowable.

        *Inventive step (Articles 52(1) and 56 EPC) – main
        request*

15.     Claim 1 of the main request is not limited to the use
        of relative time stamps and is thus broader than
        claim 1 of the first auxiliary request. Consequently,
        the main request is not allowable for lack of inventive
        step (Articles 52(1) and 56 EPC).

        *Inventive step (Articles 52(1) and 56 EPC) – second
        auxiliary request*

16.     Claim 1 of the second auxiliary request recites that
        the embedded hyperlinks in the retrieved document are
        updated to "incorporate" the time-stamps of the
        retrieved version of the document. In the grounds of
        appeal, the appellant stated that this claim was also
        supposed to encompass the possibility of using relative
        time stamps, presumably in the sense that "incorporate"
        means "use the information contained in". Thus this
        claim essentially has the same scope as claim 1 of the
        main request so that this request is not allowable for
        the same reasons as the main request.

17.     Since none of the requests are allowable, it follows
        that the appeal must be dismissed.

**Order**

**For these reasons it is decided that:**

    The appeal is dismissed.

The Registrar:                                    The Chairman:

B. Atienza Vivancos                               S. Wibergh

Decision electronically authenticated