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Datasheet for the decision
of 6 September 2012

Case Number: T 0622/09 - 3.5.05

Application Number: 04014306.7

Publication Number: 1607845

IPC: G06F 3/033

Language of the proceedings: EN

Title of invention:
Method and apparatus for transitions in a user interface

Applicant:
Sony Ericsson Mobile Communications AB

Headword:
Transitions in a user interface/SONY ERICSSON

Relevant legal provisions (EPC 1973):
EPC Art. 54(2), 56, 84

Keyword:
"Clarity - main request (no)"
"Inventive step - first to fourth auxiliary requests (no)"

Decisions cited:
-

Catchword:
-

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C7688.D

Case Number: T 0622/09 **-** 3.5.05

D E C I S I O N
of Technical Board of Appeal 3.5.05
of 6 September 2012

Appellant: (Applicant)	Sony Ericsson Mobile Communications AB S-221 88 Lund (SE)
Representative:	Banzer, Hans-Jörg Kraus & Weisert Patent- und Rechtsanwälte Thomas-Wimmer-Ring 15 D-80539 München (DE)
Decision under appeal:	**Decision of the Examining Division of the European Patent Office posted 29 October 2008 refusing European patent application No. 04014306.7 pursuant to Article 97(2) EPC.**

Composition of the Board:

Chair:	A. Ritzka
Members:	M. Höhn
	G. Weiss

C7688.D

Summary of Facts and Submissions

I.   This appeal is against the decision of the examining
       division, dispatched on 29 October 2008, refusing
       European patent application No. 04014306.7 because it
       did not fulfil the requirements of Articles 84 EPC 1973
       and 52(1) EPC 1973 in view of prior-art documents

       D1: US 2001/050668 A1,
       D2: US 5745710 A1 and
       D3: GB 2365735 A.

II.   The notice of appeal was received on 19 December 2008.
       The appeal fee was paid on the same day. The statement
       setting out the grounds of appeal was received on
       6 March 2009. The appellant requested that the appealed
       decision be set aside and that a patent be granted on
       the basis of one of the sets of claims submitted as
       main request and as first to fourth auxiliary requests
       with the statement setting out the grounds of appeal.
       Oral proceedings were requested on an auxiliary basis.

III.   A summons to oral proceedings to be held on 18 October
       2012 was issued on 15 May 2012. In an annex
       accompanying the summons the board expressed the
       preliminary opinion that the sets of claims still did
       not fulfil the requirements of Articles 52(1) or 84 EPC
       1973. The board gave its reasons for the objections and
       explained why the appellant's arguments were not
       convincing.

IV.   By letter dated 26 July 2012 the board was informed
       that the appellant's representative would not be
       attending the oral proceedings and that the request for

oral proceedings was withdrawn. A written decision
according to the state of the file was requested on the
basis of the pending main request and the pending
auxiliary requests. The appellant did not submit any
comments on the objections raised in the annex
accompanying the summons.

V.   With a letter dated 4 September 2012 the board informed
       the appellant that the oral proceedings scheduled for
       18 October 2012 were cancelled.

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

       "1. A method of operating an electronic device (1)
       comprising an input device (2) and an output device (3),
       the method comprising:
       generating one or several parameters based on
       information from the input device in connection with a
       request for a transition from a first state to a second
       state of the output device (3), wherein said parameters
       affect the length of a transition time period between
       said first and second state, said transition time
       period involving rendering of a transition event,
       characterized in that
       said generating comprises determining a time period
       during which the output device (3) was in the first
       state before the request for the transition to the
       second state was received, said time period being one
       of said parameters."

       Independent claim 1 according to the first auxiliary
       request reads as follows:

"1. A method of operating an electronic device (1)
comprising an input device (2) and an output device (3),
the method comprising:
generating one or several parameters based on
information from the input device in connection with a
request for a transition from a first state to a second
state of the output device (3), wherein said parameters
affect the length of a transition time period between
said first and second state, a transition event being
rendered by said output device during said transition
time period, characterized in that
said generating comprises determining a time period
during which the output device (3) was in the first
state before the request for the transition to the
second state was received, said time period being one
of said parameters."

Independent claim 1 according to the second auxiliary
request reads as follows:

"1. A method of operating an electronic device (1)
comprising an input device (2) and an output device
(3) , the method comprising:
generating one or several parameters based on
information from the input device in connection with a
request for a transition from a first state to a second
state of the output device (3), wherein said parameters
affect the length of a transition time period between
said first and second state, a transition event being
rendered by said output device during said transition
time period, said transition event being selected from
the group consisting of: animated or moving graphics; a
video sequence; and MP3 or MIDI sound, characterized in
that

said generating comprises determining a time period
during which the output device (3) was in the first
state before the request for the transition to the
second state was received, said time period being one
of said parameters."

Independent claim 1 according to the third auxiliary
request reads as follows:

"1. A method of operating an electronic device (1)
comprising an input device (2) and an output device (3),
the method comprising:
generating one or several parameters based on
information from the input device in connection with a
request for a transition from a first state to a second
state of the output device (3), wherein said parameters
affect the length of a transition time period between
said first and second state, a transition event being
rendered by said output device during said transition
time period, said transition event being selected from
the group consisting of: animated or moving graphics; a
video sequence; and MP3 or MIDI sound, characterized in
that
said generating comprises determining a time period
during which the output device (3) was in the first
state before the request for the transition to the
second state was received, said time period being one
of said parameters,
wherein said information comprises information of a
sequence of selections of selectable items, said
selections being made by means of the input device (2),
and said items being presented within views on a
display of the electronic device (1), and wherein said
generating comprises comparing said sequence with at

least one stored sequence of previously executed
selections, and if said sequence match any stored
sequence determining the number of times said stored
sequence has been executed, said number of times
being one of said parameters."

Independent claim 1 according to the fourth auxiliary
request reads as follows:

" 1. A method of operating an electronic device (1)
comprising an input device (2) and an output device (3),
the method comprising:
generating one or several parameters based on
information from the input device in connection with a
request for a transition from a first state to a second
state of the output device (3), wherein said parameters
affect the length of a transition time period between
said first and second state, a transition event being
rendered by said output device during said transition
time period, said transition event being selected from
the group consisting of: animated or moving graphics; a
video sequence; and MP3 or MIDI sound, characterized in
that
said generating comprises determining a time period
during which the output device (3) was in the first
state before the request for the transition to the
second state was received, said time period being one
of said parameters,
wherein said generating comprises determining a mean
value which is the sum of the time period during which
the output device (3) was in the first state and the
time periods of a predetermined number of previous
states before the request for the transition to the
second state was received divided by the total number

of time periods, said mean value being one of said
parameters, and
wherein the mean value is weighted and said generating
comprises weighting said time periods such that the
time period during which the output device (3) was in
the first state has the largest weight."

Reasons for the Decision

1.   Admissibility

      The appeal complies with Articles 106 to 108 EPC (see
      Facts and Submissions, point II above). It is therefore
      admissible.

Main request

2.   Clarity - Article 84 EPC 1973

      The board agrees with the examining division that it is
      not clear how a time like the transition period can
      "involve" rendering a transition event. It is rather
      the output device which renders the transition event
      and this is done during the transition time period.
      Claims 1 and 12 therefore lack clarity and do not
      fulfil the requirements of Article 84 EPC 1973.

First auxiliary request

3.   Clarity - Article 84 EPC 1973

      The board accepts that the wording of claims 1 and 12
      of this request fulfils the requirements of Article 84

EPC 1973, because it specifies that it is the output device which renders the transition event and that this is done during the transition time period.

4.   Novelty - Article 54(2) EPC 1973

The board accepts the appellant's argument that D1 does not anticipate the subject-matter of independent claims 1 and 12. In particular, the board agrees that D1 does not disclose any form of transition event to be rendered when a selected item is changed. D1 discloses an adjustable transition time period, since the scrolling speed is varied, but when the cursor moves from one item to another, or another cell of the grid is selected (see paragraph [0052] of D1), no additional transition event is rendered. In the board's judgement moving the cursor/grid cell cannot be considered to be a transition event, because there is neither an explicit nor an implicit disclosure in D1 that such movement of the cursor/grid cell involves any transitional element.

Since neither of the other prior-art publications D2 and D3 discloses all the features of independent claim 1 or 12, the subject-matter of independent claims 1 and 12 is novel.

5.   Inventive step - Article 56 EPC 1973

D2 concerns the same technical field as the present invention and involves generating animations between different states of a display. D2 is therefore considered to be more pertinent than D1 and, hence, the closest prior art on file.

5.1   D2 discloses a method for operating an electronic
        device (see figure 1, set-top box 24) comprising an
        input device (see figure 1, remote control input
        device 30) and an output device (see figure 1,
        screen 29). For selecting a movie, items of different
        movies are presented on the screen (i.e. a first state
        of the output device) and a selection by the user is
        awaited (see figures 14a, 14b and corresponding
        description text, e.g. column 9, lines 30 to 53) for
        starting to display a movie (i.e. a second state of the
        output device). Two different transition events are
        foreseen which are rendered by the output device during
        the transition time period between the first and second
        state, a longer animation (see figure 14a, poster
        opening animation) and a shorter animation (see
        figure 14b, unrolled poster in foreground). According
        to D2, whether the shorter or longer animation is
        rendered depends on how often a user has interacted
        with the screen of movie items (see column 9, lines 47
        to 53), i.e. a parameter which affects the length of
        the transition time period between the first and the
        second state of the output device.

        Hence, D2 discloses all the features of the preamble of
        independent claim 1 of this request.

5.2   In contrast, according to the characterising portion of
        claim 1 the generating of the parameter for influencing
        the length of the transition time period comprises
        determining a time period during which the output
        device was in the first state before the request for
        the transition to the second state was received.

5.3   When starting from D2 as closest prior art, the
        underlying objective technical problem is considered to
        be generating an alternative parameter (in agreement
        with the reasoning in point 5.4 of the communication
        dated 28 May 2008 on which the decision under appeal is
        based). The board does not see why the claimed solution
        should be more precise than D2. Rather, it considers it
        to be an alternative approach for selecting such a
        parameter, depending on the needs of the designer of
        the method. This point of view is in accordance with
        the disclosure of the present invention (see e.g.
        paragraph [0049], "Alternatively or additionally, the
        parameter to affect the length of the transition time
        period may be a time period…").

5.4   D2 already discloses, in addition to counting the
        number of times an input is generated by a user, the
        alternative approach of determining a time period
        during which the output device has been in a specific
        state (see column 10, lines 7 to 25). If the determined
        time period exceeds 10 seconds in the previous state,
        another animation is activated (here the foot tapping
        animation, see figure 14b).

        The board therefore considers the solution of the
        objective technical problem according to claim 1 to be
        an obvious design alternative in the light of this
        disclosure in D2.

5.5   It furthermore regards counting either a number of
        events or a time period in order to trigger events as
        falling within the common general knowledge of the
        skilled person, who would apply that knowledge
        according to his particular implementation needs.

5.6   The board therefore judges that it was obvious for the
        skilled person, when starting with D2 as closest prior
        art, to replace generating the parameter for
        influencing the length of the transition time period by
        determining a time period during which the output
        device was in the first state before the request for
        the transition to the second state was received,
        instead of counting the number of user interactions.

        The subject-matter of claim 1 therefore lacks inventive
        step (Article 56 EPC 1973) with regard to the
        disclosure of D2 combined with the skilled person's
        common general knowledge.

Second auxiliary request

6.   D2 also discloses the additional feature of claim 1 of
        this request that the transition event is *inter alia* an
        animated or moving graphic (see e.g. column 9,
        lines 37-40 "… generates an animation which displays
        the Poster coming off of the wall and appearing in the
        foreground").

        The subject-matter of claim 1 of this request
        consequently lacks inventive step (Article 56 EPC 1973)
        with regard to the disclosure of D2 combined with the
        skilled person's common general knowledge, for the same
        reasons as those given for the preceding request.

Third auxiliary request

7.   Claim 1 of this request further specifies that another
        parameter (in addition to the one based on the

determined time period) is generated, based on the
number of times a stored sequence of previously
executed selections is used. No relationship between
the two kinds of parameters is defined, except for the
fact that they both affect the length of the transition
time period.

7.1   As shown in detail above (see point 5.1), D2 already
        discloses the use of information about the number of
        times a user has interacted with the screen (see D2,
        column 9, lines 47 to 53; figure 14a). This principle
        was therefore known to the skilled person from the
        closest prior art D2.

7.2   D2 does not explicitly disclose comparing the number of
        times with a stored sequence of executed selections.
        However, claim 1 does not define what that sequence
        looks like. It therefore encompasses very simple
        sequences as well as complex ones. Checking a user
        input for whether it touched a poster (as opposed to
        another region of the display) according to D2 can be
        regarded as a preset criterion, i.e. a stored criterion
        of which the number of executions is counted.

7.3   The board does not consider it to be inventive if such
        a criterion is more complex, because this is a mere
        design choice depending on the needs of the technical
        application for which the graphical interface is
        intended.

        The subject-matter of claim 1 of this request
        consequently also lacks inventive step (Article 56 EPC
        1973) with regard to the disclosure of D2 combined with
        the skilled person's common general knowledge.

Fourth auxiliary request

8.   Claim 1 of this request further specifies that not only
        the time period in the first state is taken into
        consideration, but also previous states. For this
        purpose a mean value is calculated over the number of
        different states before the transition command is
        received. The mean value is weighted so that the first
        state, i.e. the latest state, has the largest weight.

8.1   In the appeal proceedings the appellant did not provide
        any arguments in support of claim 1 of this request,
        nor – not even in reaction to the board's negative
        preliminary opinion expressed in the annex to the
        summons to oral proceedings – did it provide any
        information as regards the technical effect of these
        measures and whether it makes a technical contribution
        which involves any inventive activity over the
        disclosure of D2 combined with the skilled person's
        common general knowledge. In the board's judgement,
        once the skilled person intends to consider more than
        the latest state before the transition request, no
        inventive activity is required. It is considered to be
        the application of straightforward mathematics, i.e.
        common general knowledge, to calculate mean values over
        a range of events – also in the technical field of
        electrical engineering. The way the mean values are
        weighted depends on psychological needs of the user
        rather than on technical considerations or requirements.
        In the absence of any convincing argument from the
        appellant, the board therefore has no reason to change
        its preliminary opinion, and therefore considers the

additional features to be obvious with regard to the common general knowledge of the skilled person.

The subject-matter of claim 1 of this request consequently also lacks inventive step (Article 56 EPC 1973) with regard to the disclosure of D2 combined with the skilled person's common general knowledge.

9.   Similar objections apply to the corresponding independent device claim (i.e. claim 12, 11 or 10 respectively) of all requests, since the reasoning set out above applies *mutatis mutandis* to the corresponding apparatus features.

10.   Thus, none of the requests fulfils the requirements of the EPC.

Order

For these reasons it is decided that:

The appeal is dismissed.

The Registrar: The Chair:

K. Götz   A. Ritzka