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**Datasheet for the decision
of 18 September 2015**

Case Number: T 1143/09 - 3.5.01

Application Number: 01915777.5

Publication Number: 1267290

IPC: G06F17/60

Language of the proceedings: EN

Title of invention:
DONATION PROCESSING SYSTEM

Applicant:
Sony Corporation

Headword:
Donation management/SONY

Relevant legal provisions:
EPC Art. 56

Keyword:
Inventive step - (no)



**Beschwerdekammern
Boards of Appeal
Chambres de recours**

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Case Number: T 1143/09 - 3.5.01

**D E C I S I O N
of Technical Board of Appeal 3.5.01
of 18 September 2015**

Appellant: Sony Corporation
(Applicant) 1-7-1 Konan
Minato-ku
Tokyo (JP)

Representative: D Young & Co LLP
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Decision under appeal: Decision of the Examining Division of the
European Patent Office posted on 10 February
2009 refusing European patent application No.
01915777.5 pursuant to Article 97(2) EPC.

Composition of the Board:

Chairman P. Scriven
Members: R.R.K. Zimmermann
S. Fernández de Córdoba

Summary of Facts and Submissions

- I. European patent application 01915777.5, publication number EP 1 267 290 A1, relates to an electronic commerce system using the Internet. The system implements an "entirely new business model" for generating revenue from online services which provide multimedia content, including user-generated content supplied by essentially private web users, referred to as content creators, and commercial contents supplied by commercial clients, to the Web public and return a share of profit, subject to service charges, to the respective content creator on the basis of an accumulated number of points that reflect the number of received clicks, i.e. the number of people watching the commercials, and the amount of collected financial contributions paid voluntarily by users for more or less altruistic motives. According to the application, A1-document, paragraph 0033, this "new business model" has been constructed with the aim of encouraging content creators to create better content and of increasing the number of times that the client PCs access the Web site.
- II. The examining division refused the application for lack of inventive step, raising the objection against all independent claims of the main and two auxiliary requests then pending. According to the objection, the invention was an obvious implementation of a non-technical business idea using a notoriously known computer system as disclosed for example in US patent 5 963 916 (cited as document D1). The reduction of storage and bandwidth requirements, asserted by the applicant as an important advance over the prior art, were dismissed as speculative and void of substance.

- III. The appellant lodged an appeal against the refusal in due form and time. Together with the grounds of appeal, filed by a letter dated 23 April 2009, a main and an auxiliary set of claims were filed, which closely correspond to the two auxiliary requests considered by the examining division.
- IV. The Board informed the appellant in writing that the objection of lack of inventive step seemed likely to be upheld and that, accordingly, the Board did not see any prospect for a success of the appeal. In a letter of reply and in oral proceedings held on 18 September 2015, the appellant defended its opinion that the claimed invention was novel and inventive over the prior art.
- V. The appellant requested that the decision under appeal be set aside and that a patent be granted on the basis of the claims according to the main or first auxiliary requests filed with the statement setting out the grounds of appeal. Claim 1 of the main request is worded as follows (signs (a), (b), (ba) etc. added for convenience of reference):
- "(a) A contribution processing system having a plurality of contribution processing devices connected to a server over the Internet, (b) each contribution processing device comprising:
 - (ba) receiving means operable to receive over the network (300), from the server (301), content data for displaying a web page, wherein the receiving means is operable such that, said web page displays a user contribution icon (242) including a contribution button which is configured to be selected to indicate that a contribution is to be given;

- (bb) display means operable to control a content display screen, said content display screen being operable to display the contribution icon (242) and the contribution button;
- (bc) contribution data creating means operable to create contribution data that is a monetary amount of contribution after the contribution button is selected on said content display screen; wherein the
- (bd) transmitting means is operable to transmit to said server said contribution data created by said contribution data creating means to a contribution managing device located in the contribution acceptance unit (32) over said network (300) and user identification information, and (c) the server comprising
- (ca) a contribution acceptance unit (32) operable to provide an indication of an acceptance of the contribution and to require monetary payment information if the user is not identified as a registered user in a user information database (45);
- (cb) a user information database (45) located in the contribution acceptance unit (32) operable to store the content identification data in association with the content, and (cc) a management server (36) operable to convert the contribution data received from the contribution processing device into points at a given conversation rate; and
- (cd) the user information database (45) being operable to update the points stored in the user information database (45) associated with the content identification data."

The first auxiliary request adds the following feature to the end of claim 1 of the main request (paraphrasing sign (d) added):

"(d) wherein, on a given day, the points accumulated in the user information database (45), if above a threshold, are used to offset a charge to the user associated with the content identification data for connection to the network."

VI. The appellant's arguments submitted in written and oral proceedings, as far as relevant to this decision, may be summarised as follows:

The "preferred network embodiment" disclosed in document D1 was a relevant piece of prior art. In this embodiment, the rating data was stored in association with the content ID and the user's demographic information. In contrast to the present invention, the rating was not converted to points at the central Web server, and nor was there any accumulation of ratings or use of a points settlement process. The invention provided for a centralised mechanism, an algorithm, by which the monetary value of a contribution amount sent from a user's PC via the Internet to the server was converted into points at some conversion rate. Implicit in the conversion rate was that it would change over time and also with the place of the client site which could be anywhere in the world. Having the conversion done centrally at the server rather than at the client site reduced the data flow around the network since, for the update process, no data had to be transmitted to the client sites. This reduction of data flow, and thus the consequential saving of network and processing resources, was the essential technical effect of the invention.

In the prior art system of document D1, there was no need for the conversion of the rating data;

consequently, the skilled person had no incentive to contemplate any adaptation of the system of D1 in a manner that led to the present invention.

Whilst it might be argued that performing a conversion of the contribution data to points was a non-technical step, the decision of where to perform this conversion required technical considerations. This decision, in connection with the resulting resource-saving effects, provided a non-obvious technical contribution over the prior art of document D1 clearly based on an inventive step.

Reasons for the Decision

1. The admissible appeal is not allowable since none of requests before the Board complies with the requirement of inventive step.
2. Referring, first, to the main request, the Board concludes that the subject matter of claim 1 is obvious in the light of the prior art set forth in document D1. The examining division, as well as the appellant, acknowledged the relevance of that document for the present invention. The Board does not see any reason for a different finding.
3. Document D1 discloses a system allowing users to access, via the Internet, multimedia contents like music, movies, and written documents (see Abstract). The embodiment relevant to the present invention is the online system using a central website server and the Internet for transmitting content, the "Preferred Networked Embodiment", alias "preferred kiosk-based network (i.e. internet) embodiment" (see D1, column 5,

- lines 1 to 21 and column 9, lines 4 to 41).
4. This prior art system is a contribution processing system (rating means for prompting the user for a user rating and storing the rating, see e.g. D1, column 5, line 12 ff., column 10, lines 62 to 65, column 18, line 11 ff.) having a plurality of contribution processing devices (kiosks, see e.g. D1, column 9, lines 21 to 30) connected to a server (central web site server, see e.g. D1, Abstract, column 9, line 24 ff., and claim 14) over the Internet (D1, column 9, line 37). The system comprises receiving and display means for receiving and displaying web page information, which includes displaying a user contribution icon (D1, column 13, lines 51 to 65 together with figure 19). The contribution data created after selection of the contribution icon (D1, figure 19, reference numerals 401 to 405) is transmitted to a contribution acceptance unit of the server (D1, column 13, lines 57 to 60: "the system" together with D1, column 10, lines 62 to 65) and stored in a user information database (D1, column 13, lines 57 to 60: "database"). The system updates the contribution data (ratings) stored in the use information database (D1, loc.cit. the "system maintains the ratings" in the database).
 5. In contrast to the prior art system, the contribution data received from the client PCs and processed by the server according to the present invention is of monetary nature and serves to provide a financial reward to the content creator (see claim 1, feature bc). Accordingly, the invention requires payment information from the users for processing the contribution data (see claim 1, feature ca). Moreover, the server comprises a management server that converts the contribution data into "points" at a given

- conversion rate (see claim1, feature cc), and the update of the points stored in the user information database (see claim 1, feature cd).
6. Except for the decision to perform the conversion processing centrally, in the server (feature cc), those differences result directly from the underlying business model. In particular, using points for calculating shares of profit to be returned to the content creators is a decision based on business considerations without entailing any technical effect. The residual technical differences are essentially details of the computer implementation and involve no more than normal techniques common in the field of designing and programming e-commerce applications. They do not provide any non-obvious contribution to the prior art.
 7. Referring to the auxiliary request, it is noted that claim 1 only adds feature (d), defining a financial charging of the user according to some points settlement scheme. This feature, again, results from business considerations and provides no technical contribution beyond what is claimed in the main request.
 8. The appellant submitted, and the Board agrees, that the central location and execution of the conversion of contributions to points are determined by technical considerations and possibly provide a technical contribution to the prior art. However, allocating data processing functions to a central server is an obvious option. A centralised allocation of data processing functions is actually disclosed in document D1: a centralised storage and software point provided by the website server is proposed, in order to make the update

process for product data and software more efficient and cost effective (see D1, column 9, lines 24 to 35).

9. In summary, the claimed invention is merely the obvious computer implementation of a business model and thus does not involve an inventive step. Since, for these reasons, none of the requests before the Board is allowable, the appeal can only be dismissed.

Order

For these reasons it is decided that:

The appeal is dismissed.

The Registrar:

The Chairman:



T. Buschek

P. Scriven

Decision electronically authenticated