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**Datasheet for the decision
of 4 December 2012**

Case Number: T 1645/09 - 3.5.01

Application Number: 01994070.9

Publication Number: 1364313

IPC: G06F 17/30

Language of the proceedings: EN

Title of invention:

System and method for automatically generating user interfaces
for arbitrarily complex or large databases

Applicant:

Kaufman, Michael Philip

Headword:

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Relevant legal provisions:

EPC Art. 123(2)

Relevant legal provisions (EPC 1973):

EPC Art. 83, 84

Keyword:

"Nonappearance of appellant at oral proceedings"

Decisions cited:

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Catchword:

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Case Number: T 1645/09 - 3.5.01

D E C I S I O N
of the Technical Board of Appeal 3.5.01
of 4 December 2012

Appellant: Kaufman, Michael Philip
(Applicant) 77 East 12th Street
Suite 2FG
New York, NY 10003 (US)

Representative: Müller-Boré & Partner
Patentanwälte
Grafinger Straße 2
81671 München (DE)

Decision under appeal: Decision of the Examining Division of the
European Patent Office posted 12 March 2009
refusing European patent application
No. 01994070.9 pursuant to Article 97(2) EPC.

Composition of the Board:

Chairman: S. Wibergh
Members: R. R. K. Zimmermann
A. Pignatelli

Summary of Facts and Submissions

I. Euro-PCT application number 01 994 070 titled "System and Method for Generating Automatic User Interface for Arbitrarily Complex or Large Databases" and published as WO 02/059793 A2 has been refused by the examining division. According to the decision posted on 12 March 2009 the claims according to the only request then on file did not comply with the requirements of Articles 83, 84, and 123(2) EPC.

II. The appellant (applicant) lodged an appeal against the refusal decision on 12 May 2009 and filed a statement setting out the grounds of appeal on 22 July 2009. The grounds of appeal were complemented by five sets of claims filed as main request and first to fourth auxiliary requests.

III. In an annex to summons to oral proceedings dated 2 August 2012, the Board made the following statement:

"3. At present, the Board considers the objections raised by the examining division against claims as still relevant, also in the context of the new requests.

3.1 First, regarding the subject matter of the independent claims and taking into account the information given by the appellant in the statement setting out the grounds of appeal, the Board failed to find any direct and unambiguous support for the combination of features claimed as invention. The claims rather seem to result from a deliberate picking of features, the combination of which forms subject

matter that is new with respect to the embodiments of the original disclosure.

3.2 Furthermore, the examining division was right to object to the negative features and to claim features that merely indicate an effect or result to be achieved or a function to be provided by the invention. A functional feature is only allowed to be used in a claim if it is immediately clear to a skilled person how to implement the function defined. This condition seems not to be met. For example, it is not clear how the method claimed ensures relational integrity or creates an in-memory model by scanning a database.

3.3 In addition, sufficiency of disclosure of the invention (cf. Article 83 EPC 1973) seems to be doubtful. The application concerns a method and a system for automatically creating a graphical user interface for browsing etc any arbitrarily complex or large database, without any custom software programming. The Board has serious doubts whether the disclosure of the invention is sufficiently clear and complete for it to achieve these goals without having the skilled person to exercise undue efforts and inventive skills."

IV. In a letter dated 28 November 2012, the appellant indicated that "neither the applicant nor any representative will be attending the oral proceedings scheduled for December 4, 2012". The appellant requested that a decision be taken based on the written submissions. The letter includes observations on the alleged inventive contribution that the invention provided over the prior art. The appellant did not provide any comments on the objections addressed in paragraph 3 of the Board's communication (see above).

V. In the oral proceedings held as scheduled, the Board discussed the matter in absence of the appellant and announced its decision of the appeal.

Reasons for the Decision

The appeal, although admissible, is not allowable since the concerns addressed by the Board in its communication of 2 August 2012 have neither been removed nor challenged by the appellant. After reviewing its concerns as communicated to the appellant, the Board confirms the objections and hence finds the appeal unallowable.

Order

For these reasons it is decided that:

The appeal is dismissed.

The Registrar:

The Chairman:

T. Buschek

S. Wibergh