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Datasheet for the decision
of 3 December 2014

Case Number: T 2313/09 - 3.5.07

Application Number: 05105252.0

Publication Number: 1610231

IPC: G06F17/24

Language of the proceedings: EN

Title of invention:
Flexible report design

Applicant:
Microsoft Corporation

Headword:
Report design/MICROSOFT

Relevant legal provisions:
EPC Art. 54(1), 54(2)

Keyword:
Novelty - after amendment (yes)
Remittal to the department of first instance - (yes)

Decisions cited:

Catchword:

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Case Number: T 2313/09 - 3.5.07

D E C I S I O N
of Technical Board of Appeal 3.5.07
of 3 December 2014

Appellant: (Applicant)	Microsoft Corporation One Microsoft Way Redmond, WA 98052 (US)
Representative:	Grünecker, Kinkeldey, Stockmair & Schwanhäusser Leopoldstrasse 4 80802 München (DE)
Decision under appeal:	Decision of the Examining Division of the European Patent Office posted on 8 June 2009 refusing European patent application No. 05105252.0 pursuant to Article 97(2) EPC.

Composition of the Board:

Chairman	R. Moufang
Members:	R. de Man
	M. Rognoni

Summary of Facts and Submissions

I.   The applicant (appellant) lodged an appeal against the
       decision of the Examining Division refusing European
       patent application No. 05105252.0.

II.   The Examining Division decided that the subject-matter
       of the independent claims of the then main request and
       of the then auxiliary requests I, II and III was not
       new within the meaning of Article 54(1) and (2) EPC in
       view of the following document (one of its authors
       being erroneously identified in the contested decision
       as "Craig Stevens"):

       D1': Stinson C. et al., "Microsoft Excel 2003 Inside
            Out", Microsoft Press, September 2003, pages 797
            to 799 and 800 to 807.

III.   With the statement of grounds of appeal, the appellant
       filed a main request and auxiliary requests I, II and
       III. These requests were identical to those considered
       in the decision under appeal.

IV.   In a communication accompanying a summons to oral
       proceedings, the Board raised certain clarity
       objections and expressed the preliminary opinion that
       the subject-matter of claim 1 of the main request and
       of auxiliary requests I and III was not new and that
       the subject-matter of claim 1 of auxiliary request II
       lacked an inventive step over document D1'.

V.   With a letter dated 29 October 2014, the appellant
       replaced its requests with an amended main request and
       amended auxiliary requests I, II and III.

VI.   Oral proceedings were held on 3 December 2014. In the
       course of the oral proceedings the appellant replaced
       the main request and auxiliary request I with a new
       main request and maintained auxiliary requests II and
       III filed with the letter of 29 October 2014 as
       auxiliary requests I and II, respectively. At the end
       of the oral proceedings, the chairman pronounced the
       Board's decision.

VII.   The appellant requested that the decision under appeal
       be set aside and that a patent be granted on the basis
       of the claims of the main request filed during the oral
       proceedings or, in the alternative, on the basis of the
       claims of one of auxiliary requests I and II.

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

       "A method for designing and generating a report,
       comprising:

       declaring, in a report design (500), at least one
       column (600, 601), wherein said declaring comprises
       identification information identifying data to be
       placed in the at least one column and a declarative
       marking to indicate whether or not the at least one
       column can be expanded into a plurality of columns as
       necessary to accommodate data for the report such that
       the at least one column is declaratively defined as
       either dynamic or static;

       declaring, in the report design, at least one row (650,
       651), wherein said declaring comprises identification
       information identifying data to be placed in the at
       least one row and a declarative marking to indicate
       whether or not the at least one row can be expanded
       into a plurality of rows as necessary to accommodate

data for the report such that the at least one row is
declaratively defined as either dynamic or static;

declaring, in the report design, at least one nested
row (653, 655), wherein said declaring comprises
identification information identifying data to be
placed in the at least one nested row and a declarative
marking to indicate whether or not the at least one
nested row can be expanded into a plurality of nested
rows as necessary to accommodate data for the report
such that the at least one nested row is declaratively
defined as either dynamic or static;

wherein the declaring steps are performed using a
report design software;

storing the report design in a report definition file;

using the report design by a report processing software
(510) for generating the report by querying a data
source (520, 521) to retrieve the data that is
specified in the report design, populating the at least
one column, row or nested row indicated in the report
design with the retrieved data to compile the retrieved
data into a layout specified in the report definition
file;

wherein the report design comprises a computer readable
set of instructions."

IX.   In view of the outcome of the appeal, the text of the
        claims of the auxiliary requests need not be given.

Reasons for the Decision

1.   The appeal complies with the provisions referred to in
        Rule 101 EPC and is therefore admissible.

2.   *The invention*

2.1   The invention relates to the design and generation of a
        report for the display of data retrieved from a data
        source.

2.2   According to paragraph [0006] of the background section
        of the application, commercial software exists that
        allows a report designer to specify, in a report
        design, the type of data that he wants in a column of
        the report. Paragraph [0008] discloses, with reference
        to Figure 5, that report processing software exists
        that, on the basis of a report design, gathers data
        from a data source and compiles the data into a
        properly structured report.

2.3   The background section of the present application
        discusses two known types of report design: "table
        report designs" and "matrix report designs".

2.4   A table report design has a fixed number of columns and
        a dynamic number of rows. An example is provided by
        Figure 1 of the application, which shows a table report
        design comprising three columns "Customer", "Year" and
        "Sales". The rows of this design are "dynamic" in the
        sense that the number of rows is adapted to the amount
        of data to be presented. As an example, additional rows
        are added as data for additional years becomes
        available. Figure 1 also shows "nested rows" in that

rows for different years corresponding to the same customer are grouped together.

2.5   A matrix report design is similar to a table report design, but in addition allows columns to be dynamic. An example is provided by Figure 4, which shows a matrix report design comprising both dynamic columns for accommodating a dynamic number of years and dynamic rows for accommodating a dynamic number of customers. Figure 4 again shows nested rows.

2.6   Whereas Figures 1 and 4 are presented as illustrating prior-art report designs, Figure 6 is presented as illustrating a report design in accordance with the invention. According to paragraph [0055], any combination of nested dynamic and static rows or columns may be declared within another row or column.

3.   *Main request – admission*

3.1   The main request was filed at the oral proceedings before the Board in an attempt to overcome the novelty objection with respect to document D1' on the basis of which the Examining Division refused the application.

3.2   According to Article 12(2) RPBA, the statement of grounds of appeal has to contain an appellant's complete case. According to Article 13(1) RPBA, an amendment to an appellant's case after it has filed its grounds of appeal may be admitted and considered at the Board's discretion, said discretion to be exercised *inter alia* in view of the current state of the proceedings and the need for procedural economy.

3.3   In the present case, the appellant when filing its statement of grounds chose to address the novelty

objection only through argument and not through amendment. In addition, in response to the communication accompanying the summons to oral proceedings in which the Board expressed its provisional agreement with the objection, the appellant refrained from addressing it through a suitable amendment until it became clear at the oral proceedings that the Board was not persuaded by the appellant's arguments.

3.4   Nevertheless, in view of the facts that the main request overcomes the ground for the refusal (see points 5.1 to 5.7 below) and that it does not raise issues which the Board cannot deal with without adjournment of the oral proceedings, the Board exercises its discretion to admit it into the proceedings.

4.   *Main request – added subject-matter*

4.1   Claim 1 essentially corresponds to original claim 1, amended on the basis of paragraphs [0041] and [0042] of the original description to indicate that the steps of declaring a report design are performed using report design software, that the report design is stored in a report definition file, and that the report design is used by report processing software for generating a report by querying a data source to retrieve the data specified in the report design and populating the rows and columns of the report on the basis of the layout specified in the report definition file.

4.2   The expressions "such that the at least one column/row/ nested row is declaratively defined as either dynamic or static" are based on paragraphs [0023] and [0024] of the original description.

4.3   The feature "wherein the report design comprises a
        readable set of instructions" is based on paragraph
        [0040] of the original description.

4.4   The Board is therefore satisfied that amended claim 1
        complies with Article 123(2) EPC.

5.   *Main request – novelty*

5.1   According to the decision under appeal, the subject-
        matter of claim 1 of the then main request was fully
        anticipated by document D1'.

5.2   Document D1' relates to the Microsoft Office Excel 2003
        spreadsheet program. It discloses a method of creating
        a "PivotTable Report". According to page 797, a
        PivotTable Report is a special kind of table that
        summarises information from selected fields of a data
        source.

5.3   Document D1', page 803, discloses that the layout of a
        PivotTable is created by dragging field headings from a
        "PivotTable Field List" to the appropriate places on an
        initially blank PivotTable layout. It follows from
        Figure 30-8 on page 804 that the layout may include
        columns ("Year"), rows ("Channel"), nested columns
        ("Quarter") and nested rows ("CatalogNo"). Initially,
        these rows and columns are "dynamic" in the sense that
        the PivotTable displays all items for a particular
        field (page 806, second paragraph). By clicking the
        drop-down arrow at the right-hand side of a field
        heading, the display can be limited to particular
        items, thereby rendering the row or column
        "static" (page 806, second paragraph).

5.4   The appellant has argued that document D1' did not
        disclose the creation of a report design. A distinction
        had to be made between a "report design" and the
        (final) "report". The term "report design" denoted a
        template for a report defining what data (from a
        database) would be displayed in an actual report and
        (possibly) the layout.

5.5   In the Board's view, the creation of a PivotTable
        layout as disclosed in document D1' can in principle be
        viewed as the creation of a report design. When
        dragging field headings from the "PivotTable Field
        List" onto the initially blank PivotTable layout, the
        user effectively declares rows and columns and
        identifications of the data to be placed in those rows
        and columns. That the corresponding data values are
        immediately displayed in those rows and columns, as can
        be seen for example in Figure 30-8 on page 804, does
        not detract from this.

5.6   However, document D1' does not disclose storing the
        report design in a report definition file and
        subsequently using this report definition file by means
        of report processing software to generate a report.

5.7   The subject-matter of present claim 1 is therefore new
        over document D1' (Article 54(1) and (2) EPC).

6.   *Remittal to the department of first instance*

6.1   Since document D1' does not contain any indication that
        a PivotTable layout can be stored separately in a file
        for later retrieval by report processing software, the
        Board is satisfied that, starting from the disclosure
        of document D1' and further having only regard to
        common general knowledge that is apparent from the

file, the skilled person would not have arrived at the
subject-matter of claim 1 in an obvious manner. Due to
the structural differences between the PivotTable
functionality as disclosed in document D1' and the
invention as now claimed, document D1' in fact does not
appear to be a particularly suitable starting point for
the assessment of inventive step.

6.2   However, what now distinguishes the subject-matter of
        claim 1 from the disclosure of document D1', namely the
        separation of report design and generation into a first
        phase of designing a report layout to produce a report
        definition file and a second phase of using the report
        definition file to generate a report, is described in
        the present application as being part of the background
        of the invention and might hence as such be known from
        the prior art. See in particular paragraphs [0006] to
        [0008] of the description and also paragraphs [0041]
        and [0042]. In addition, further documents are cited in
        the search report. The Board is therefore not in a
        position to express an opinion on inventive step.

6.3   Furthermore, the claims still have to be examined for
        clarity. In particular, the wording of claim 1 "wherein
        said declaring comprises identification information
        (...) and a declarative marking" might require
        reformulation from a grammatical point of view.

6.4   For these reasons it is appropriate to remit the case
        to the Examining Division for further prosecution on
        the basis of the main request.

Order

For these reasons it is decided that:

1.   The decision under appeal is set aside.

2.   The case is remitted to the department of first
        instance for further prosecution.

The Registrar: The Chairman:

I. Aperribay   R. Moufang

Decision electronically authenticated