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

Case Number: T 0886/10 - 3.5.01
Application Number: 07019777.7
Publication Number: 1879140
IPC: G06Q30/00, G06Q20/00
Language of the proceedings: EN

Title of invention:

Contribution processing device and method, contribution
accepting device and method, program storage media, and
contribution processing system

Applicant:

Sony Corporation

Headword:

Donation for content/SONY

Relevant legal provisions:

EPC Art. 56, 123(2)

Keyword:

Inventive step - main request (no)
Amendments - auxiliary request allowable (no)



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Chambres de recours**

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Case Number: T 0886/10 - 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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London EC1N 2DY (GB)

Decision under appeal: **Decision of the Examining Division of the European Patent Office posted on 4 December 2009 refusing European patent application No. 07019777.7 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 07019777.7, publication number EP 1 879 140 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 request, essentially for the reason that the features distinguishing the invention from the closest prior art set forth in US patent 5 963 916 (cited as document D1) involved no more than the automation of business-related features using conventional hardware and programming methods. Further requests, submitted as first and second auxiliary requests, were not admitted on the grounds of new features introduced for the first time into the

claims.

- III. The appellant lodged an appeal against the refusal in due form and time, on the basis of the main and auxiliary requests considered by the examining division.
- IV. The Board informed the appellant in writing that the objection of lack of inventive step was upheld against the main request. In oral proceedings, held before the Board on 18 September 2015, the matter was discussed with the appellant. With regard to the amendments resulting in the auxiliary requests, the Board raised the objection of added subject matter under Article 123(2) EPC.
- 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, in the alternative, to the first or second auxiliary requests before the examining division. Claim 1 of the main request is worded as follows (paragraph signs (a), (aa) etc. and replacement signs [1:] and [2:] added for convenience of reference):
- "(a) A contribution processing system, comprising:
 - (aa) a content providing device for providing content in response to a request; and
 - (ab) a plurality of contribution processing devices for receiving said content supplied from said content providing device which communicate with the content providing device over a wide area network, and for making a contribution to the creator of said content, and wherein:
 - (b) each of said contribution processing devices, comprises:

- (ba) receiving means for receiving [1:image] data of said content supplied from said content providing device over said network;
- (bb) display means for displaying a content display screen having a given contribution button displayed thereon, based on said image data received by said receiving means;
- (bc) contribution data creating means for creating contribution data equivalent to a given monetary amount corresponding to said contribution button when the contribution button is selected on the said content display screen; and
- (bd) transmitting means for transmitting said contribution data created by said contribution data creating means to said content providing device over [2:said network]; and
- (c) said content providing device comprises:
 - (ca) storage means for receiving said contribution data transmitted from said contribution processing device over [2:said wide area network] and for converting the contribution data received from each of the contribution processing devices into a number of points based on a conversion rate and for storing said points in correspondence with said content; and
 - (cb) charge processing means for charging the user of each of said contribution processing devices for a monetary amount equivalent to said converted points."

In claim 1 of the first auxiliary request, features (aa) and (ab) read as follows (replacement sign [3:] added for convenience of reference):

- (aa) a content providing device for providing real-time video in response to a request from a plurality of contribution processing devices; and

(ab) the plurality of contribution processing devices for receiving said real-time [sic] supplied from said content providing device upon request therefrom which communicate with the content providing device over the Internet, and for making a contribution to the creator of said video, whereby the content providing device is operable to provide only a maximum real-time videos at the same time , [3:whereby the maximum number is selected such that the video is streamed in real-time over the Internet] and wherein:

Text passages [1:] and [2:] read as follows:

[1:] real-time video

[2:] the Internet

The second auxiliary request replaces passage [3:] in claim 1 above by the following text:

[3:] the maximum number being selected in accordance with the bandwidth of the line over which the video is to be provided such that the video is streamable in real-time.

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

Document D1, specifically the "preferred network embodiment", disclosed online previewing and rating of audio content, samples of which were downloadable from a web server, which could be considered as the closest piece of prior art. In this embodiment, the rating data was stored in association with the song and the user's demographic information. In contrast to the present invention, the rating was not converted to points at the server, and nor was there any accumulation of rating data or or any other points settlement process.

The invention, on the other hand, provided for a centralised mechanism or algorithm, by which the monetary value of a contribution amount sent from a user PC via the Internet to the server was converted into points at some conversion rate. It was clear that the conversion rate would have to 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 which would otherwise be generated by the process of updating the conversion rate, which could be different at each client site. This reduction of data flow, and the consequential saving in network and processing resources, was the essential technical effect of the 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 and the consequential resource-saving effects provided a non-obvious technical contribution over the prior art. In the prior art system of document D1, the ratings, as shown in figure 19, did not need any conversion to points. The skilled person would thus have had no incentive to contemplate any adaptation of the prior art system which could lead to the present invention.

In response to the objection of added subject matter in claim 1 of the auxiliary requests, the appellant cited paragraphs 0158, 0203, 0204, and 0206 (A1-document) of the application as filed and submitted that the skilled person would conclude from those passages that the system would be arranged to select the maximum number of real-time videos such that the quality of the content of a live video was maintained. The auxiliary requests, therefore, did not add any new information to

the application.

Reasons for the Decision

1. The admissible appeal is not allowable since none of requests before the Board forms a valid basis for the grant of a patent. The main request pursues subject matter that does not meet the requirement of inventive step under Article 52 (1) and Article 56 EPC. The auxiliary requests amend the subject matter of the respective claim 1 in contravention of the requirement of Article 123 (2) EPC.
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 content such as music, movies, and written documents (see Abstract). The embodiment relevant to the present invention is the online system using a central website server, and using the Internet for transmitting contents: 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, in particular lines 4 f. and 37 f.).
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, claim 15 f.) comprising a content providing device for providing multimedia contents in response to a request (central web site server, see e.g. D1, Abstract, column 9, line 24 ff., column 18, lines 11 to 15, claim 14) and contribution processing devices (kiosks, see e.g. D1, column 9, lines 21 to 24, column 10, lines 21 to 25, claim 15) receiving the contents over the network (Internet). Each of the contribution processing devices comprises display means displaying a content display screen having a given contribution button displayed thereon (D1, column 13, lines 51 to 65 together with figure 19), contribution data creating means (see e.g. D1, column 5, line 15, column 10, lines 21 to 25 and lines 62 to 65: "ratings the users give to particular samples" of the recordings, see column 13, lines 51 to 65 "prompts her for a rating") and transmitting means for transmitting the contribution data to said content providing device (Internet and telecommunications link, see e.g. D1, column 9, line 12 ff.). The content providing means (the central web site server) comprises storage means (database, see D1, column 9, lines 24 ff.) for receiving and storing the contribution data (see D1, column 10, lines 62 ff., column 13, lines 57 to 60) and charge processing means (web site server provides for credit card payment, see D1, figure 38, hot zone 314, figure 57).

5. In contrast to the prior art system, the contribution data received from the contribution processing devices according to the present invention are equivalent to a monetary amount (feature bc). In addition, the contribution data are converted to "points" at a given conversion rate (feature ca) and the charge processing means charges the users for the respective monetary

- amount equivalent to the converted points (feature cb), whereby, according to feature c, the conversion and the charge processing take place at the location of the content providing device.
6. Except for the decision to perform the conversion and charge processing in the content providing device, 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. The appellant submitted, and the Board agrees, that the central location and execution of the conversion and charging processes 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). In summary, the claimed invention according to the main request is merely the obvious computer implementation of a business model and thus does not involve an inventive step.

8. The auxiliary requests are not allowable either, albeit for the different reason of added subject matter. Claim 1 of these requests contain the new feature that the maximum number of real time videos provided at the same time "is selected such that the videos is streamed in real-time..." (first auxiliary request) and "is selected in accordance with the bandwidth of the line ..." (second auxiliary request). These definitions imply a choice made under some specific technical constraint or condition. However, neither a selection process nor any other process delivering a maximum number is directly and unambiguously derivable from the application as filed. The passages of the application cited by the appellant (see above) address the general problem that the number of streamable videos is bandwidth limited and that the central server "has a limitation on the number (e.g., up to 10 pieces)". Neither the well-known bandwidth limitations of communication channels, nor any such statement in those passages, implies that the maximum number is "selected" in accordance with any technical parameters or constraints. The network operator may simply have given the maximum number to the content provider, possibly not even for technical reasons. The auxiliary requests, therefore, add a new piece of teaching and thus also new technical information to the application, which is not allowable under Article 123 (2) EPC.
9. Since, for the above reasons, none of the requests enables the Board to allow the appeal, the appeal must 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