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**Datasheet for the decision
of 29 January 2014**

Case Number: T 0688/11 - 3.5.01

Application Number: 03723003.4

Publication Number: 1500015

IPC: G06F17/60

Language of the proceedings: EN

Title of invention:
CUSTOMER INTERACTION REPORTING

Applicant:
SAP AG

Headword:
Customer interaction reporting/SAP

Relevant legal provisions:
EPC 1973 Art. 56

Keyword:
Inventive step - (no)



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Boards of Appeal
Chambres de recours**

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Case Number: T 0688/11 - 3.5.01

D E C I S I O N
of Technical Board of Appeal 3.5.01
of 29 January 2014

Appellant:
(Applicant)

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Decision under appeal:

**Decision of the Examining Division of the
European Patent Office posted on 26 October 2010
refusing European patent application No.
03723003.4 pursuant to Article 97(2) EPC.**

Composition of the Board:

Chairman: S. Wibergh
Members: P. Scriven
D. Prietzel-Funk

Summary of Facts and Submissions

- I. The appeal is against the Examining Division's decision to refuse European patent application 03723003.4 for lack of inventive step on the basis of document D6 (EP-A1-1 170 672).
- II. With the notice of Appeal, the appellant filed a main and an auxiliary request, identical to the requests underlying the impugned decision, and a further auxiliary request for oral proceedings. With the statement setting out its grounds of appeal, the appellant confirmed the above requests and additionally filed a set of claims according to a further auxiliary request.
- III. The Board arranged oral proceedings and, in a communication sent with the summons, set out its provisional view that the invention might be seen as an obvious technical implementation of a non-technical method of filling in forms, that the concept of gathering data by telephone using audible queries and spoken responses was known from, inter alia, D1 (US-A1-2002/0035474), and that the concept of separately storing a template and the contents of a form was known from, inter alia, D5 (WO-A1-98/43181).
- IV. During oral proceedings, the appellant filed an amended main request replacing the one on file, and asked that the same amendments be applied to the two auxiliary requests already on file. The appellant's final requests were that the decision under appeal be set aside and that a patent be granted on the basis of the main request submitted during the oral proceedings before the Board or on the basis of one of auxiliary requests 1 or 2 submitted with the statement setting

out the grounds of appeal but including the amendments as applied to the main request.

V. Claim 1 according to the main request reads now as follows:

A computer-implemented method of filling out an electronic data gathering form (205), the method comprising:

dividing the data gathering form (205) into a data gathering form template (210) and data gathering form values (215);

receiving a rendition command identifying a first platform (610) where the data gathering form (205) is to be executed wherein the rendition command indicates that rendition of the electronic data gathering form (205) over a telephone is requested;

transforming the data gathering form template (210) and changing the data gathering form values (215) for vocalization on the first platform;

transmitting the transformed data gathering form template (310, 315) and the changed data gathering form values to a voice server that controls a first session with the first platform (610) wherein the first platform is a telephone;

integrating at the first platform (610) the data gathering form template (310, 315) and the data gathering form values into a single data gathering form;

presenting in the data gathering form (605), during a first session of filling out the data gathering form (605), a series of queries to a user;

receiving from the user, during the first session, voice responses to the presented queries;

storing the responses in updated data gathering form values;

receiving a rendition command identifying a second platform wherein the rendition command identifying the second platform is a web rendition command;

transforming the data gathering form template (210) and changing the updated data gathering form values (215) for rendition on the second platform wherein the rendition on the second platform is web rendition;

transmitting the transformed data gathering form template (310, 315) and the changed updated data gathering form values to the second platform wherein the second platform is a web browser;

integrating at the second platform the data gathering form template (310, 315) and the updated data gathering form values into a single data gathering form;

presenting on a visual display, during a later second session of filling out the data gathering form (205), content of the voice responses received from the user; and

permitting responses to other queries of the data gathering form (205) to be filled out using an input device associated with the visual display wherein a web server receives the responses to other queries when the user keys in the responses or selects the responses using a computer's mouse.

VI. Claim 1 according to the first auxiliary request reads identically except for the first step of *presenting* and the step of *permitting* (bold text indicating the additions):

...
*presenting in the **single** data gathering form (605), during a first session ...*
...
*permitting responses to other queries of the **single** data gathering form (205)*

VII. Claim 1 according to the second auxiliary request reads identically to that according to the first auxiliary request, except for the following (additional text in bold type):

*A computer-implemented method of filling out an electronic data gathering form (205), **said electronic data gathering form (205) comprising queries** the method comprising: dividing the data gathering form (205) into a data gathering form template (210) **including query text** and data gathering form values (215) **including default responses and/or responses given by the user to the queries;***
...

VIII. The appellant's arguments can be summarized as follows:

D6 did not disclose the transmission of a transformed template. Nor did it disclose the integration of template and values on the first platform, the presentation of queries on the first platform, the reception of voice responses, or the storing of voice

responses. It would not have been obvious to change D6 to yield the invention, because the complete method would need to be changed, and in the context of D6 such changes would rather seem disadvantageous.

D5 disclosed the use of voice or keyboard input, but did not disclose the transformation of a template and of values to generate vocalised queries. At most, the skilled person, starting from D5 might think of using a telephone as a microphone; he would not consider making the telephone a presentation device.

None of the prior art disclosed a method in which a form was first partly filled in by telephone as both input and output device, and subsequently completed or amplified using a web browser. Indeed, there was no hint in the prior art at using such fundamentally different input devices as in the invention. Because the second platform, which made use of an input device associated with a display, was so different from the first, the steps taken on the second platform were not simply a repetition of those of the first.

Reasons for the Decision

Background

1. The invention concerns the filling in of forms in two stages. In the first stage, information is provided by telephone and entered in the corresponding part of the form. In the second stage, information is provided by computer, using a web browser.

2. The application presents three examples, and it is useful to set out the second of them here. It is the example on which all versions of claim 1 are now based. Its description starts at line 20 of page 12 in the published application.
3. The example concerns the writing of an "interaction report" for a salesperson's visit to a client. After the visit, the salesperson makes a telephone call, and responds to a number of queries. The responses are used to fill in part of a form. Later, when he has access to a computer, the salesperson can use a web browser to add further information to the form.
4. As set out above, the telephone and computer are used as convenient adjuncts to a non-technical method. The invention, however, goes further by providing for storage of a form in two separate parts, template and values, which are separately transformed (the three versions of claim 1 say that the template is *transformed* and the values *changed*, but there is no difference in meaning) firstly to versions suitable for presentation by telephone, secondly to versions suitable for a web browser. In each case, the transformed template and values are transmitted to a voice server (for the telephone) or the web browser, where they are integrated so that they can be presented and so that responses can be collected. In the first case, using the telephone, the responses are spoken; in the second, they are input by keyboard or mouse.

The prior art

5. Document D5 discloses a method in which a template (D5, page 2, lines 25 - 28; page 4, lines 4 - 8; page 6,

lines 18 - 24; Figure 3) is stored, with which data from separate storage is combined for presentation (D5, page 1, lines 16 - 19; page 4, lines 14 - 18; page 9, lines 9 - 10). Data entry may be by voice or by keyboard (D5, page 6, lines 24 - 26), and may take place over more than one session (D5, page 7, lines 1 - 7).

6. Document D1 discloses a method by which a business can register itself with a directory service (D1, paragraph [0083]). One way of doing that is by registering first by telephone by means of vocalized prompts and speech recognition (D1, paragraphs [0090], [0110], [0143] - [0145], [0211]), and subsequently adding or modifying data via a web site (D1, paragraphs [0110], [0213]).
7. The appellant did not dispute those readings of D5 and D1.
8. It is worth noting that the application expects the reader to understand how to split a form into template and values, how to integrate them for presentation and data collection, and how to make transformations for voice or web-based presentation and collection. As an example, the transformation for telephone presentation is explained in the following terms (published application, page 10, lines 27 - 31): *Since the responder's platform is the telephone, data management/analysis server 805 also prepares and transmits a data gathering form template for voice 210. Voice survey server 850 renders the voice template and values employing voice browser 845 to present the queries to the responder using a speaker* From this and the fact that no other passage has more details as to how the transformation should be performed, it follows that

the skilled person is assumed to know how to do it.

Main request, claim 1, inventive step

9. The closest prior art document is taken to be D5. There is no dispute that the subject matter defined by claim 1 differs from the disclosure of D5 by the transformations to voice and web-browser versions, by the transmissions to telephone and web-browser, and by the vocalized presentation on the telephone.
10. The method defined by claim 1 is based on the example of a salesperson visiting a client, and who wants to provide some information orally, while in the field, and complete it later, when writing is more convenient. In that example, the method serves a non-technical purpose, and it is legitimate to consider the skilled person faced with the technical problem of providing technical support.
11. In the Board's view, the use of a telephone for the first step would have been obvious. It was not only a well-known means of communicating over a distance, but the skilled person would also have known how to transform a form for presentation by telephone (see point 8., above). The use of a telephone in conjunction with a voice browser was known for just such data gathering as envisaged by the invention.
12. The use of a computer for the second step is the skilled person's technical starting point.
13. The skilled person, then, has a form as in D5, and the desire to use a voice browser for a first session of data gathering, with the remainder to be carried out on

the computer, again as in D5. One possibility would be to provide two separate markups of the form, one for the telephone, one for the computer. However, the skilled person is quite aware how to transform a template and set of values for presentation on a telephone and on a web browser, and he would give serious consideration to using such transformations if there were any technical advantage in doing so. One evident advantage would be that less storage would be required. Another would be that modifications of the form would be less onerous: with two versions of the form, it would be necessary to take special steps to keep them consistent. Finally, of course, the skilled person was aware that the separation of a form into template and values is primarily to facilitate presentation on different platforms. In the Board's view, the skilled person has plenty of reasons for adopting one form with transformations as needed.

14. With that decision taken, the skilled person would have been obliged to provide that, when the form is to be used on a particular platform (that is, when there is a need to render the form on the telephone or in the web browser, as the case may be), the correct version of the form is sent to the platform. That means that the transformed template and changed values must get to the platform.

15. Here, the skilled person faces another choice. Should the template and values be combined at the telephone or web-browser (as the case may be), in accordance with the claims, or elsewhere? In the communication sent with the summons to oral proceedings before the Board, it was argued that integration at the respective platform was an obvious choice:

It seems likely that it would be technically advantageous in some circumstances, and disadvantageous in others, and that the skilled person would have been aware of that fact. It would then be a matter of routine trade off, to decide where integration should take place.

The appellant did not take issue with that statement, and the Board sees no reason to depart from it.

16. The appellant's argument that there was nothing in the prior art to suggest such a two-step approach using telephone and web-browser cannot be accepted, because D1 discloses exactly that approach, as set out above.
17. The appellant's further argument that, if the skilled person considered using a telephone at all in combination with the teachings of D5, then the most he would do would be to use the telephone as a microphone, also fails in view of the facts that a rather different use of a telephone was known from D1, and that the skilled person is expected to know how to use a telephone as rather more than a microphone.
18. The Board, therefore, concludes that the method defined by claim 1 does not involve an inventive step (Article 56 EPC 1973), so that the main request cannot be allowed.

First auxiliary request, inventive step

19. The steps of *presenting* on the first platform (telephone) and of *permitting responses* on the second (web browser) have been modified from "the data

gathering form" to "the single data gathering form."

20. The effect of the modification is that the two steps now clearly refer to the results of the respective steps of *integrating*. In the main request, it is open to interpret the steps of *presenting* the and of *permitting responses* as referring back to the data gathering form which forms the input to the step of *dividing*.
21. The analysis of inventive step for the main request assumes that it is the integrated form, in each case, which is involved. That is, the analysis applies equally to the first auxiliary request, which, therefore, cannot be allowed for the same reasons.

The second auxiliary request, inventive step

22. According to this version of claim 1, the original data gathering form (the input to the step of *dividing*) comprises queries. In addition, the template includes query text and the values include default responses or responses already given by the user.
23. D1 already presents queries to which a user provides answers. Moreover, whether or not a prompt constitutes a query is a matter for the mind of a user rather than a technical issue, and non-technical features do not contribute to inventive step.
24. The Board concludes that the second auxiliary request is no more allowable than the main request.

Order

For these reasons it is decided that:

The appeal is dismissed

The Registrar:

The Chairman:



T. Buschek

S. Wibergh

Decision electronically authenticated