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Datasheet for the decision of 21 April 2015

Case Number: T 0768/11 - 3.4.03

Application Number: 06250363.6

Publication Number: 1684253

IPC: G09B29/00, G01C21/00

Language of the proceedings: EN

Title of invention:
Gallery tour guide system and method for real-time provision of information using stored data.

Applicant:
Samsung Electronics Co., Ltd.

Headword:

Relevant legal provisions:
EPC 1973 Art. 54(1), 56

Keyword:
Novelty (yes) - after amendment
Inventive step (no)

Decisions cited:

Catchword:

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Case Number: T 0768/11 - 3.4.03

D E C I S I O N
of Technical Board of Appeal 3.4.03
of 21 April 2015

Appellant: (Applicant)	Samsung Electronics Co., Ltd. 129, Samsung-ro Yeongtong-gu Suwon-si, Gyeonggi-do, 443-742 (KR)
Representative:	Appleyard Lees 15 Clare Road Halifax HX1 2HY (GB)
Decision under appeal:	**Decision of the Examining Division of the European Patent Office posted on 15 November 2010 refusing European patent application No. 06250363.6 pursuant to Article 97(2) EPC.**

Composition of the Board:

Chairman	G. Eliasson
Members:	R. Bekkering
	T. Karamanli

Summary of Facts and Submissions

I. The appeal is against the decision of the examining division refusing the application No. 06 250 363.

The decision was based on the state of the file, as requested by the applicant, with reference to the communication of the examining division dated 1 April 2010, in which the applicant was *inter alia* informed that the subject-matter of claim 1 was not new in the sense of Article 54(1) EPC over document:

D1: WO 96/15517 A.

II. A summons to oral proceedings was issued by the board, provided with an annex in which a provisional opinion of the board on the matter was given.

In particular, the appellant was informed that it appeared that the subject-matter of claim 1 of the main request filed with the statement setting out the grounds of appeal lacked an inventive step in the sense of Article 56 EPC 1973. Furthermore, claim 1 lacked clarity and conciseness, Article 84 EPC 1973.

III. With a letter of reply dated 23 March 2015, the appellant filed a first auxiliary request.

The appellant requested that the decision under appeal be set aside and that a patent be granted on the basis of claims 1 to 26 of the main request filed with the statement of grounds of appeal or on the basis of claims 1 to 26 of the first auxiliary request filed with letter dated 23 March 2015.

The request for oral proceedings was withdrawn. The board was informed that the appellant would not attend the oral proceedings scheduled for 21 April 2015.

IV. Oral proceedings were held on 21 April 2015 in the absence of the duly summoned appellant.

V. Claim 1 of the appellant's main request reads as follows:

"*A system for providing information in real time using stored data, the system comprising:*
a data server (500) that stores exhibition information;
a first portable information providing unit (100) that stores and outputs the exhibition information; and characterised in that:
an information storage unit (400) is arranged to provide the exhibition information stored in the exhibition data server (500) to the first portable information providing unit (100); and
a central control unit (700) is arranged to exchange data with the first portable information providing unit (100) in real time;
wherein the information storage unit (400) is arranged to receive the exhibition information from the exhibition data server (500), store the received exhibition information in the information storage unit (400) and transmit that exhibition information stored in the information storage unit (400) to the first portable information providing unit (100); and
wherein the information storage unit (400) and the data server (500) are separate devices."

VI. Claim 1 of the appellant's first auxiliary request reads as follows:

"*A system for providing information in real time using stored data, the system comprising:*
an exhibition data server (500) that stores exhibition information;
a first portable information providing unit (100) that stores and outputs the exhibition information;
characterised in that:
an information storage unit (400) is arranged to receive the exhibition information from the exhibition data server (500), store the received exhibition information in the information storage unit (400) and transmit that exhibition information stored in the information storage unit (400) to the first portable information providing unit (100); and
a central control unit (700) is arranged to exchange data with the first portable information providing unit (100) in real time;
wherein the information storage unit (400) and the exhibition data server (500) are separate devices, and wherein the central control unit (700) is arranged to transmit a notification message to the first portable information providing unit (100), and
the central control unit (700) is arranged to transmit a message between the first portable information providing unit (100) and a second portable information providing unit."

VII. The appellant submitted in substance the following arguments:

Document D1 described that the personal interpretive device 101 was physically located in the storage base 113, and the personal interpretive device 101 was connected to the base computer 111, the data files were updated and a control signal was provided. Thus, the

storage base 113 and the base computer 111 of D1 were always operated together. Document D1 did not disclose the feature "*the information storage unit which receives information on the work on exhibition from the exhibition data server, stores the received information, and then transmits the stored information to the portable information providing unit*". Moreover, the central control unit in the application differed from the kiosk disclosed in D1. The kiosk of D1 merely provided data packets for identifying the displayed object information.

In D1, the devices 101 had to be installed in the storage base 113 and coupled to the base computer 111 in order to be updated. In the claimed invention, the information storage unit 400 received the exhibition information from the exhibition data server 500, which were separate devices, stored that exhibition information, and transmitted the exhibition information to the portable information providing unit 100. Thus, the claimed invention was a more efficient mechanism for providing the exhibition information. Moreover, the claimed invention had the special feature of the central control unit 700 which communicated in real time with the portable information providing unit 100, and which transmitted a notification message to the portable information providing unit 100, and which transmitted a message from one such portable information providing unit 100 to another, thereby allowing announcements to be issued and allowing one user to communicate with another. These features were in no way obvious from D1.

Accordingly, the claimed invention involved an inventive step.

Reasons for the Decision

1. The appeal is admissible.

2. Main request

2.1 Amendments

Claim 1 as amended is based on claims 1 and 2 as originally filed and on the description as originally filed (cf page 14, third paragraph).

Accordingly, the amendments comply with Article 123(2) EPC.

2.2 Novelty

2.2.1 Document D1 discloses a system for providing information in real time using stored data. In particular, document D1 discloses, using the terminology of claim 1, a system according to the pre-characterising portion of claim 1 including:
a data server (base computer 111) that stores exhibition information; and
a first portable information providing unit (Personal Interpretive Device PID 101) that stores and outputs the exhibition information.

Moreover, the system of D1 further comprises:
a unit (storage base 113) arranged to provide the exhibition information stored in the exhibition data server (base computer 111) to the first portable

information providing unit (PID 101) (cf page 12, lines 30 to 32); and
a central control unit (kiosk 117 (coupled to base computer 111)) arranged to exchange data with the first portable information providing unit (PID 101) in real time (cf page 6, lines 24 to 26; page 24, line 32 to page 26, line 28),
wherein the unit (storage base 113) is arranged to receive the exhibition information from the exhibition data server (base computer 111), and
wherein the unit (storage base 113) and the data server (base computer 111) are separate devices.

2.2.2 Document D1 does not disclose that the unit (storage base 113) **stores** the received exhibition information and transmits the **stored** exhibition information to the first portable information providing unit (PID 101).

The appellant argued that D1 did not disclose the feature "*the information storage unit which receives information on the work on exhibition from the exhibition data server, stores the received information, and then transmits the stored information to the portable information providing unit*". Document D1 disclosed that "*The data files 400 can be updated with new information when the personal interpretive device 101 is stored in the storage base 113 and connected to the base computer 111*" (page 12, lines 30 to 32) and "*While the personal interpretive device 101 is in the storage base 113 and coupled to the base computer 111, the base computer 111 provides a control signal 115 to the processor 207 confirming its connection*" (page 19, line 38 to page 20, line 2). Accordingly, D1 described that the personal interpretive device 101 was physically located in the storage base 113, and the personal interpretive device

101 was connected to the base computer 111, the data files were updated and a control signal was provided. Thus, the storage base 113 and the base computer 111 of D1 were always operated together.

2.2.3 In the board's judgement, however, even if storage base 113 and the base computer 111 of D1 were always operated together, as argued by the appellant, this does not alter the fact that in D1 the storage base 113 is arranged to provide the exhibition information stored in the exhibition data server (base computer 111) to the first portable information providing unit (PID 101), as defined in claim 1 (cf lines 14 to 17).

Moreover, as discussed above, in D1 the storage base 113 is arranged to receive the exhibition information from the exhibition data server (base computer 111) as further defined in claim 1 (cf lines 23 to 25).

Not disclosed in D1 is, as discussed above, only that the unit (storage base 113) stores the received exhibition information and transmits the stored exhibition information to the first portable information providing unit (PID 101).

2.2.4 The appellant moreover contested that the "*central control unit*" of the application would correspond to the "*kiosk*" of document D1.

As was apparent from the description associated with figures 3 and 4 of the application, the central control unit 700 transmitted a notification message from a pavilion or an art gallery to the portable information providing unit 100 in real time and controlled information exchanges between users, ie between one

portable information providing unit 100 and another one of the portable information providing unit 100.

According to document D1, on the other hand, "*Each kiosk 117 transmits predetermined data packets identifying specific object information in the area or hall 105 where the kiosk 117 is located. As a group of visitors with the personal interpretive devices 101 approach the kiosk 117, the personal interpretive devices 101 receive the data packets transmitted from the kiosk 117 and retrieve the object information so specified*" (cf page 24, lines 34 to 38). Thus, the kiosk of D1 merely provided data packets for identifying the displayed object information.

2.2.5 Claim 1 according to the main request, however, merely defines that the central control unit (700) "*is arranged to exchange data with the first portable information providing unit (100) in real time*". Clearly in D1, as is also apparent from the passages above referred to by the appellant, the kiosk (central control unit) is arranged to exchange data with the personal interpretive device (first portable information providing unit) in real time. Accordingly, no difference is provided in this respect over D1.

2.2.6 The subject-matter of claim 1 according to the main request is, thus, new over document D1 (Article 54(1) EPC 1973).

The subject-matter of claim 1 is also new over the remaining available prior art which is more remote.

2.3 Inventive step

2.3.1 As discussed above, document D1 does not disclose that the unit (storage base 113) stores the received exhibition information and transmits the stored exhibition information to the first portable information providing unit (PID 101).

Document D1 in fact does not disclose whether storage base 113 is eg an active device, carrying out such operations as storing and transmitting of information, or rather a passive device, merely providing a connection to the base computer 111. The appellant appears to take the latter view, referring to the description (cf page 12, lines 30 to 32 and page 19, line 38 to page 20, line 2 cited above). These passages, however, merely state that while the personal interpretive device 101 is in the storage base it is "*connected*" or "*coupled*" to the base computer 111, which allows either possibility.

The application leaves open which purpose is served by the unit storing the received exhibition information. Accordingly, the objective problem to be solved relative to D1 is generally to find a suitable setup for the storage base.

The provision of a storage base, which stores the information before transmitting it to the portable device, is an obvious solution for a person skilled in art. Indeed, intermediate data storage eg for data caching is commonly used when transmitting data from one device to another and, thus, a solution which is readily available to the skilled person.

2.3.2 According to the appellant, in D1, the devices 101 had to be installed in the storage base 113 and coupled to the base computer 111 in order to be updated. No other

arrangement was taught or contemplated. Therefore, the claimed invention was not obvious at least by the feature that the information storage unit 400 received the exhibition information from the exhibition data server 500, which were separate devices, stored that exhibition information, and transmitted the exhibition information to the portable information providing unit 100. Thus, the claimed invention was a more efficient mechanism for providing the exhibition information.

2.3.3 In the board's judgement, however, as discussed above, the only difference between the subject-matter of claim 1 and D1 is that the storage base stores the information before transmitting it to the portable device. It is not apparent that this yields a more efficient mechanism for providing the exhibition information. At any rate, this setup is readily available to the skilled person and, thus, obvious as discussed above.

Accordingly, the subject-matter of claim 1 according to the main request, having regard to the state of the art, is obvious to a person skilled in the art and, therefore, lacks an inventive step in the sense of Article 56 EPC 1973.

2.4 The appellant's main request is, therefore, not allowable.

3. First Auxiliary request

3.1 Amendments

The subject-matter of claim 1 of the first auxiliary request in substance differs from that of the main request in that:

"the central control unit (700) is arranged to transmit a notification message to the first portable information providing unit (100), and the central control unit (700) is arranged to transmit a message between the first portable information providing unit (100) and a second portable information providing unit."

The additional features are derived from original claims 5 and 2, respectively.

The remaining modifications to the claim wording are only made in order to better meet the requirements of clarity and conciseness, as acknowledged by the appellant.

Accordingly, the amendments comply with Article 123(2) EPC.

3.2 Inventive step

3.2.1 According to document D1, "*When the number of visitors in a given area reaches the target value, the base computer 111 will transmit 911 from the kiosk 117 to the personal interpretive devices 101 in the area a signal that alters the operating behaviour of the personal interpretive devices 101 in order to move the visitor to another area*" (cf page 26, lines 13 to 16).

Accordingly, in D1 the central control unit (kiosk 117) is arranged to transmit a notification message to the first portable information providing unit (personal interpretive devices 101), as defined in claim 1.

Moreover, in D1 the personal interpretive devices 101

are able to communicate with each other (cf page 23, line 23 to page 24, line 31). In particular, "*In addition to transmitting the identification of specific object information to be retrieved, other types of information may also be transmitted between group members. For example, two or more units can cooperatively engage in a game tour, wherein each visitor transmits information or clues they have solved to other group members*" (cf page 24, lines 27 to 31).

3.2.2 Not disclosed in D1 is that the central control unit (kiosk 117) is arranged to transmit the message between the first portable information providing unit (first personal interpretive devices 101) and a second portable information providing unit (second personal interpretive devices 101).

As the above additional feature of claim 1 is unrelated to the distinguishing feature over D1 discussed above for the main request, an assessment based on partial problems is appropriate.

The application does not specify any particular purpose being served or effect being achieved by transmitting the message through the central control unit. Accordingly, the further partial objective problem to be solved relative to D1 in respect of this additional distinguishing feature is merely to provide an alternative communication setup.

In the board's judgement, as in D1 each of the personal interpretive devices 101 also communicates with the kiosk 117, it would be readily apparent to a person skilled in the art that a transmission of messages through the kiosk would be a suitable alternative to a direct transmission of messages between devices 101.

3.2.3 The appellant argued that the claimed invention had the special feature of the central control unit 700 which communicated in real time with the portable information providing unit 100, and which transmitted a notification message to the portable information providing unit 100, and which transmitted a message from one such portable information providing unit 100 to another, thereby allowing announcements to be issued and allowing one user to communicate with another. These features were in no way obvious from D1.

3.2.4 As noted above, however, a transmission of messages both from the central control unit (kiosk) to the portable information providing unit (personal interpretive device) and between portable information providing units (personal interpretive devices) is already known from D1. The only difference over D1 is the transmission of the message through the central control unit (kiosk). This is, however, considered to be an obvious alternative, as discussed above.

3.2.5 Accordingly, the additional features above do not add anything inventive, the remaining features of claim 1 being obvious for the reasons given above with respect to claim 1 according to the main request.

Hence, the subject-matter of claim 1 according to the first auxiliary request, having regard to the state of the art, is obvious to a person skilled in the art and, thus, lacks an inventive step in the sense of Article 56 EPC 1973.

3.3 The appellant's first auxiliary request is, therefore, not allowable either.

Order

For these reasons it is decided that:

The appeal is dismissed.

The Registrar: The Chairman:

S. Sánchez Chiquero G. Eliasson

Decision electronically authenticated