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**Datasheet for the decision
of 3 June 2015**

Case Number: T 1562/11 - 3.5.01
Application Number: 07002856.8
Publication Number: 1850278
IPC: G06Q10/00, G06F17/30, G06F3/048
Language of the proceedings: EN

Title of invention:

Improving portal page personalization offering a direct
manipulative window arrangement functionality

Applicant:

SAP SE

Headword:

Closing out white space/SAP

Relevant legal provisions:

EPC 1973 Art. 56

Keyword:

Inventive step - (no)
Efficient utilization of space within a graphical user
interface - technical effect (no)

Decisions cited:

T 0823/07, T 0643/00, T 0928/03, T 0049/04, T 0717/05,
T 1023/06, T 1793/07, T 0509/07, T 0125/04, T 1143/06,
T 1575/07, T 1741/08, T 1214/09

Catchword:



**Beschwerdekammern
Boards of Appeal
Chambres de recours**

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Case Number: T 1562/11 - 3.5.01

D E C I S I O N
of Technical Board of Appeal 3.5.01
of 3 June 2015

Appellant: SAP SE
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Decision under appeal: **Decision of the Examining Division of the
European Patent Office posted on 4 March 2011
refusing European patent application No.
07002856.8 pursuant to Article 97(2) EPC.**

Composition of the Board:

Chairman R.R.K. Zimmermann
Members: P. Scriven
D. T. Keeling

Summary of Facts and Submissions

- I. This is an appeal against the decision of the Examining Division to refuse the European patent application EP07002856.8.
- II. The Examining Division refused the application on the grounds that the subject-matter of claim 1 according to the main and three auxiliary requests lacked inventive step over the QlikView 7 software as described in D15 ("*Qlik ViewTM 7*"[Online] 21 April 2005 (2005-04-21), XP007905369 Retrieved from the Internet: URL: <http://www.visualintelligence.co.nz/downloads/IntroductionToQlikView050421.pdf> [retrieved on 2008-08-06]). In particular, the Examining Division considered that those features of the claimed arrangement for handling window panes which were not disclosed in D15 represented an obvious design choice resulting from general layout principles.
- III. The appellant requested that the decision be set aside and that a patent be granted on the basis of a main request or of one of three auxiliary requests, as filed with the notice of appeal, dated 2 May 2011, and re-filed with the statement of grounds of appeal, dated 21 June 2011. The requests were identical to those rejected by the Examining Division.
- IV. In a communication annexed to a summons to oral proceedings, the Board set out its preliminary opinion, agreeing with the Examining Division that the claimed invention lacked an inventive step over D15. The Board was not persuaded that the invention solved a technical problem.

V. In a letter dated 21 April 2015, the appellant restated its requests that the decision be set aside and that a patent be granted on the basis of the main request or one of the three auxiliary requests, as filed on 2 May 2011.

VI. Oral proceedings before the Board took place on 3 June 2015. The appellant confirmed its requests as stated in the letter of 21 April 2015.

VII. Claim 1 of the main request reads:

"A method comprising:

displaying an enterprise portal;

displaying role-specific window panes (104, 205, 206, 207) in the enterprise portal;

detecting a first position of a first window pane (104, 205);

detecting an input signal to drag-and-drop the first window pane (104, 205) to a second position, wherein a user drags the first window pane (104, 205) around the enterprise portal; and

displaying the first window pane (104, 205) in the second position where the user left the first window pane (104, 205);

characterized in, that the method further comprises automatically shifting the first window pane (104, 205) in the second position to a third position where the first window pane (104, 205) is aligned with other window panes (206, 207) to close out white space (211, 400, 500)."

VIII. The first auxiliary request differs from the main request in that claim 1 contains the additional text "*and to keep all the white space (211, 400, 500) at the*

bottom of the enterprise portal" at the end.

IX. The second auxiliary request differs from the first auxiliary request by the addition of the feature "*and automatically shifting window panes (104, 206, 207) that overlap with the second position of the first window pane (104, 205)*" at the end of claim 1.

X. The third auxiliary request differs from the first auxiliary request by the addition of the feature "*automatically shifting window panes (104, 206, 207) that overlap with the second position of the first window pane (104, 205); and automatically resizing a first window pane (104, 205) to match a second window pane (104, 203, 204, 208)*" at the end of claim 1.

XI. The appellant's arguments were as follows:

D15 did not disclose the following features defined in claim 1:

a) the first window pane is shifted to the third position after the user has left it in the second position;

b) the first window pane is shifted so as to close out white space.

It was not clear from D15 whether the "snap-to-grid" encompassed a shift to a third position, after the user had dropped the object in a second position (feature (a)), or was a restriction on the drag-and-drop so that a dragged pane was only ever shown occupying grid positions.

Feature (a) provided the technical effect of reducing

the number of calculations. In the claimed invention, only one shifted position needed to be calculated, namely the third position calculated after the user had dropped the window pane. In D15, by contrast, the drag-and-drop between grid positions ("snap-to-grid") would necessitate the calculation of several shifted positions along the path.

Feature (b) provided the technical effect that the arrangement of window panes with no white space in-between led to an automatic accumulation of contiguous white space so that additional window panes could be more easily accommodated. In this manner, the invention provided a more efficient utilization of space for displaying window panes, and addressed the physical limitations of the size and resolution of the computer screen. According to T 823/07 "Identifying commercial suppliers/ADKNOWLEDGE" (point 7 referring to T 643/00 "Searching image data/CANON" and T 928/03 "Video Game/KONAMI), this was a technical effect contributing to the solution of a technical problem.

The closing-out of white space improved readability, which enabled the user to use the portal more efficiently. According to well-established and converging case law (T 49/04 "Text Processor/WALKER", T 717/05 "Auxiliary game/LABTRONIX CONCEPT INC.", T 1023/06, T 1793/07, and T 509/07), such effects, relating to how cognitive content is conveyed to the user, were not a mere presentation of information, but were technical effects contributing to the solution of a technical problem.

In claim 1 of the first auxiliary request, the window panes were shifted such that all the white space was kept at the bottom of the enterprise portal. This was

particularly efficient, since the white space would serve as information to the user of where the portal ended. This would allow the user to use the portal more efficiently.

In claim 1 of the second auxiliary request, other window panes that overlap with the second position (the position at which the user dropped the pane) were automatically shifted. The underlying idea was to eliminate overlap between window panes (see the published application, paragraph [31]). Thus, the additional feature of the second auxiliary request addressed the problem of efficient space utilization while maintaining the visibility of the window panes.

In claim 1 of the third auxiliary request, the first window pane (the one dropped) was automatically resized to "match" a second window pane. This arrangement provided a more efficient utilization of screen space.

Reasons for the Decision

1. *The invention*

- 1.1 The invention concerns a graphical user interface called an "enterprise portal" (published application, paragraph [20]), which comprises "window panes" and "white space" (figures 2, 4 and 5). The window panes (205, 206, 207) may be tailored to a specific user role [25]; the "white space" (211, 400, 500) is unused space where new window panes might be added ([25]). The user can change the appearance of the portal by dragging a

first window pane (e.g. "Employee Photo" 205) from a first position to a second position (figure 4; [22]).

However, the pane does not stay where the user left it. According to claim 1 of the main request, the first window pane (205) is automatically shifted to a third position that is aligned with other window panes (206, 207) to "close out white space". In other words, the enterprise portal automatically eliminates the white space in-between window panes (see: figure 5; and [29] and [39]).

2. *Main request, inventive step*

2.1 The Examining Division considered D15 to be the most relevant state of the art vis-à-vis the subject-matter of claim 1, and the appellant agrees. The Board sees no reason to depart from this starting point for evaluating inventive step.

2.2 It is common ground that D15 discloses an enterprise portal having a drag-and-drop function (page 26, section "Layout Design"), which allows the user to move window panes ("sheet objects") within the portal. There is also a "snap-to-grid" function, which aligns the objects that are being moved to a predefined design grid. As pointed out by the appellant, "snap-to-grid" does not unambiguously imply a move from the drop position to an aligned position. Nor does D15 disclose the closing-out of white space between window panes. Hence, the Board finds that document D15 does not disclose the following features of claim 1:

a) the first window pane is shifted to the third position after the user has left it in the second

position;

b) the first window pane is shifted so as to close out white space.

- 2.3 Feature (a) is not technical, since it provides no technical effect. In particular, the Board does not follow the appellant's argument regarding a reduction in calculation. Claim 1 says nothing about what is and what is not calculated during drag-and-drop. There are no clear implications as to resource requirements of the invention, and so there is no basis for a comparison with the "snap-to-grid" method of D15.

In the Board's view, any difference between the shift to a third position according to the invention and the "snap-to-grid" method of D15 is a matter of visual presentation relating to the "look-and-feel" of the portal, and not a technical distinction.

- 2.4 Considering feature (b), the Board does not accept that the arrangement of window panes according to the invention leads to better use of screen space in any technical sense.

Firstly, since claim 1 neither defines how the panes are aligned, nor their sizes, it covers inefficient usage of space, e.g. large panes aligned in one column leaving only a narrow strip of white space on one side.

- 2.5 Secondly, the Board does not consider more efficient usage of screen space to be a technical effect. The Board rather agrees with the Examining Division that it is a matter of layout design. The arrangement of objects within available screen space does not involve any technical considerations of the computer screen,

but follows the same layout principles as would apply to the layout of a magazine cover, for example. The "white space" is not a limited physical resource but rather part of the layout itself. In the Board's view, the invention does not overcome any physical limitation of the computer screen.

2.6 The alleged improvement in readability of the displayed content is not an evident result of the claimed layout of window panes without intervening space; nor has an improvement been substantiated by any real test or other evidence. An improvement that resides merely in the cognitive process of reading is not a technical effect, and is, therefore, irrelevant to inventive step. In this regard, the Board does not see T 49/04 as settled law.

2.7 T 49/04 itself declined to follow the earlier decision T 125/04 "Assessment system/COMPARATIVE VISUAL ASSESSMENTS". T 509/07, which the appellant cites as following T 49/04, did not do so; rather, it distinguished the case on the facts (point 5.2.2 of the reasons).

As the appellant pointed out, T 49/04 was followed in T 1023/06 and T 1793/07, but then T 1143/06 specifically declined to follow T 49/04, as did a series of further decisions (see, for example, T 1575/07 "Managing maintenance/ACCENTURE, T 1741/08 "GUI layout/SAP", T 1214/09 "Information managing/SHARP").

The present Board shares the view taken by the Board in T 1143/06 that a feature which relates to how cognitive content is conveyed to the user on a computer screen normally does *not* contribute to a technical solution to

a technical problem. An exception would be if the manner of presentation could be shown to have a credible technical effect.

2.8 T 717/05 does not refer to T 49/04, but the appellant has sought to rely on it. It concerned the display of outcomes of games, which the Board considered to be technical as it provided information about the internal state of the gaming apparatus. The Board does not see how the factual situation aids the appellant, and notes that T 717/05 does not seem to set out a general point of law.

2.9 For the above reasons, the Board does not consider that the invention contributes to the solution of a technical problem by providing a technical effect, and concludes that the subject-matter of claim 1 according to the main request lacks inventive step (Article 56 EPC 1973).

3. *First auxiliary request, inventive step*

3.1 In claim 1 of the first auxiliary request, the window panes are shifted such that all the white space is kept at the bottom of the enterprise portal. In the appellant's view, this was particularly efficient since the white space would serve as information to the user of where the portal ended. This would allow the user to use the portal more efficiently.

3.2 However, the Board does not consider this to be technical. It is merely a subsidiary effect of the layout, which, at most, amounts to presentation of information. Thus, for the same reasons as provided with regard to the main request, the Board considers that the invention as defined in claim 1 of the first

auxiliary request is devoid of any technical effect which could support the presence of an inventive step (Article 56 EPC 1973).

4. *Second auxiliary request, inventive step*

4.1 In claim 1 of the second auxiliary request, (other) window panes that overlap with the second position (the position where the user left the first window pane after drag-and-drop) are automatically shifted. The appellant explained at the oral proceedings that the underlying idea was to eliminate overlap between window panes (see also paragraph [31]). Thus, the additional feature of the second auxiliary request addressed the problem of efficient space utilization while maintaining the visibility of the window panes.

4.2 In the Board's view, however, eliminating overlap is part of the layout design, and not a technical effect contributing to the solution of a technical problem. Thus, this feature does not render the second auxiliary request more inventive than the first auxiliary request. Consequently, the subject-matter of claim 1 according to the second auxiliary request is not allowable for lack of inventive step (Article 56 EPC 1973).

5. *Third auxiliary request, inventive step*

5.1 In claim 1 of the third auxiliary request, the first window pane (the one that is dragged-and-dropped) is automatically resized to "match" a second window pane.

5.2 The appellant argued that this arrangement provided a more efficient utilization of screen space. However, since it has already been concluded that such an effect

cannot support the presence of an inventive step, the third auxiliary request is no more inventive than the higher-ranked requests.

- 5.3 It may be added that the third auxiliary request does not entail efficient usage of screen space, because there are no size restrictions. The first window pane might be enlarged and so take up more space, or shrunk to the point where the content is no longer readable.

Order

For these reasons it is decided that:

The appeal is dismissed.

The Registrar:

The Chairman:



T. Buschek

R.R.K. Zimmermann

Decision electronically authenticated