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Datasheet for the decision
of 13 February 2018

Case Number: T 0912/12 - 3.5.07

Application Number: 07759675.7

Publication Number: 2002361

IPC: G06F17/30

Language of the proceedings: EN

Title of invention:
Expanded snippets

Applicant:
Google LLC

Headword:
Expanded snippets/GOOGLE

Relevant legal provisions:
EPC Art. 56

Keyword:
Inventive step - all requests (no)

Decisions cited:
T 0003/90, T 0641/00, T 0154/04, T 1143/06

Case Number: T 0912/12 - 3.5.07

D E C I S I O N
of Technical Board of Appeal 3.5.07
of 13 February 2018

Appellant: Google LLC
(Applicant)   1600 Amphitheatre Parkway
                           Mountain View, CA 94043 (US)

Representative: Anderson, Oliver Ben
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**Decision under appeal: Decision of the Examining Division of the
                           European Patent Office posted on 31 October 2011
                           refusing European patent application No.
                           07759675.7 pursuant to Article 97(2) EPC**

Composition of the Board:

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

Summary of Facts and Submissions

I.   The appeal lies from the decision of the Examining
        Division to refuse European patent application
        No. 07759675.7 for, *inter alia*, lack of inventive step
        (Articles 52(1) and 56 EPC) of the subject-matter of
        claim 1 of the main request, and of the first and
        second auxiliary requests, over the prior art disclosed
        in the following document:

        D1: US 2006/0069670 A1, published on 30 March 2006.

        The Examining Division also referred in its decision to
        the following document as evidence of the common
        general knowledge of the skilled person:

        D2: US 2002/0042799 A1, published on 11 April 2002.

        The Examining Division considered some of the claimed
        features of the second auxiliary request to be related
        to non-technical user requirements.

II.   With the statement of grounds of appeal, the appellant
        requested that the decision be set aside and that a
        patent be granted on the basis of the main request or
        one of auxiliary requests I to IV submitted with the
        grounds of appeal.

III.   In a communication under Article 15(1) RPBA
        accompanying the summons to oral proceedings, the Board
        expressed, *inter alia*, its provisional opinion that the
        subject-matter of claim 1 of all pending requests
        lacked inventive step in view of document D1 as closest
        prior art and, at least for some of these requests, in
        view of the common general knowledge concerning the
        processing of search requests over a network, as

exemplified in the following prior-art documents cited
by the Board:

D3:   Betz, K. et al.: "Developing Highly-Responsive
       User Interfaces with DHTML and Servlets",
       Proceedings of the 2000 IEEE International
       Performance, Computing and Communications
       Conference, 20 to 22 February 2000, pages 437 to
       443;

D4:   Teng, W. et al.: "Integrating Web Caching and Web
       Prefetching in Client-Side Proxies", IEEE
       Transactions on Parallel and Distributed Systems,
       vol. 16, no. 5, pages 444 to 455, published in
       May 2005.

IV.   In response to the Board's summons, the appellant
       informed the Board that it would not attend the oral
       proceedings, but that it maintained the main request
       and auxiliary requests I to IV. In reply, the Board
       informed the appellant that the oral proceedings had
       been cancelled.

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

       "A method, comprising:
          providing search results,
             where at least one of the search results
           includes a reference and a text excerpt,
             where the reference specifies a search result
          document,
             where the text excerpt is obtained from the
          specified search result document, and
             where the text excerpt occurs in a structural
          component of the search result document, the
          structural component corresponding to a paragraph
          of the search result document;
          detecting selection of the text excerpt; and

    providing, in response to the selection of the text
excerpt, an expanded text excerpt for display with the
search results,
    where providing the expanded excerpt for display
with the search results includes:
selecting, in response to the selection of the text
excerpt, at least one of:
        text preceding the text excerpt to a beginning
    of the structural component or following the text
    excerpt to an ending of the structural component,
    or
        another structural component, in the search
    result document, that precedes or follows the
    structural component, the other structural
    component being selected based on the structural
    component in which the text excerpt occurs; and
one of:
        providing the expanded text excerpt superimposed
    on the search results,
        providing the expanded text excerpt in a frame
    in connection with the search results, or
        providing the expanded text excerpt inline
    within the search results,
    the expanded text excerpt including the text excerpt
and additional text from the specified search result
document, the expanded text excerpt being less than all
of the text in the specified search result document,
and
    the additional text including the selected at least
one of the text or the other structural component."

VI.   Claim 1 of auxiliary request I reads as follows:

    "A method, comprising:
    providing search results,

where at least one of the search results
includes a reference and a text excerpt,

where the reference specifies a search result
document, and

where the text excerpt is obtained from the
specified search result document;

detecting selection of the text excerpt; and

providing, in response to the selection of the text
excerpt, an expanded text excerpt for display with the
search results,

where providing the expanded excerpt with the search
results includes:

determining that the text excerpt occurs in a
structural component of the search result document, the
structural component corresponding to a paragraph of
the search result document;

selecting:

text preceding the text excerpt to a beginning
of the structural component or following the text
excerpt to an ending of the structural component,
and

another structural component, in the search
result document, that precedes or follows the
structural component, the other structural
component being selected based on the structural
component in which the text excerpt occurs, the
other structural component corresponding to
another paragraph of the search result document;
and

one of:

providing the expanded text excerpt
superimposed on the search results,

providing the expanded text excerpt in a frame
in connection with the search results, or

providing the expanded text excerpt inline
within the search results,

the expanded text excerpt including the text
excerpt, the selected text, and a portion of the
selected other structural component, the expanded text
excerpt being less than all of the text in the
specified search result document, [*sic*]"

VII. Claim 1 of auxiliary request II reads as follows:

"A method, comprising:
    receiving user input relating to a manner for
providing expanded text excerpts;
    providing search results for display,
        where at least one of the search results
      includes a reference and a text excerpt,
        where the reference specifies a search result
      document,
        where the text excerpt is obtained from the
      specified search result document, and
    where providing the search results includes
providing an expanded text excerpt, corresponding to
the text excerpt, with the search results when the user
input indicates that expanded text excerpts are to be
provided with search results, the expanded text excerpt
being displayed only in response to the text excerpt
being selected;
    detecting selection of the text excerpt after
providing the search results;
    providing the expanded text excerpt for display with
the search results in response to the selection of the
text excerpt,
    where providing the expanded text excerpt for
display includes at least one of:
        providing the expanded text excerpt to be
      superimposed on the search results,

providing the expanded text excerpt to be
displayed in a frame in connection with the
search results, or
providing the expanded text excerpt to be
displayed inline within the search results,
the expanded text excerpt including the text excerpt
and additional text from the specified search result
document, where the expanded text excerpt includes less
than all of the text in the specified search result
document."

VIII.   Claim 1 of auxiliary request III differs from auxiliary
request I in that it replaces "providing search
results" with:

"receiving a search query;
 providing search results based on the search query,"

and in that it adds the following features at the end
of claim 1 of auxiliary request I:

  "where the text excerpt is visually distinguished
within the expanded text excerpt, and
   where one or more search terms, included in the
search query, are visually distinguished within the
expanded text excerpt in a manner that is different
than a manner in which the text excerpt is visually
distinguished within the expanded text excerpt."

IX.   Claim 1 of auxiliary request IV reads as follows:

"A method, comprising:
    receiving user input relating to a manner for
providing expanded text excerpts;
            forming a list of search results,

where at least one of the search results
includes a reference and a text excerpt,
    where the reference specifies a search result
document,
    where the text excerpt is obtained from the
specified search result document, and
    where the text excerpt occurs in a structural
component of the search result document, the
structural component corresponding to a paragraph
of the search result document or a section of the
search result document;
generating an expanded text excerpt for the text
excerpt, where generating the expanded text excerpt
includes:
    selecting at least one of:
        text preceding the text excerpt to a beginning
    of the structural component or following the text
    excerpt to an ending of the structural component,
    or
        another structural component, in the search
    result document, that precedes or follows the
    structural component, the other structural
    component being selected based on the structural
    component in which the text excerpt occurs,
    where the expanded text excerpt includes the text
excerpt and the selected at least one of the text or
the other structural component, the expanded text
excerpt including less than all of the text in the
specified search result document;
    providing the list of search results for display,
    where providing the list of search results includes
providing an expanded text excerpt with the list of
search results when the user input indicates that
expanded text excerpts are to be provided with the list
of search results, the expanded text excerpt being

displayed only in response to the text excerpt being
selected,
   detecting selection of the text excerpt after
providing the search results;
  providing the expanded text excerpt for display with
the list of search results in response to the selection
of the text excerpt,
   where providing the expanded text excerpt for
display includes at least one of:
      providing the expanded text excerpt superimposed
   on the list of search results,
      providing the expanded text excerpt in a frame
   in connection with the list of search results, or
      providing the expanded text excerpt inline
   within the list of search results."

X.   The appellant's arguments relevant to the decision are
       discussed in detail below.

Reasons for the Decision

1.   The appellant's statement that it would not be
       attending the oral proceedings is, in the absence of
       any indication to the contrary, to be understood as a
       withdrawal of its request for oral proceedings (see
       T 3/90, OJ EPO 1992, 737, reasons 1, and the further
       decisions cited in Case Law of the Boards of Appeal,
       8th edition, 2016, III.C.2.3.1). The decision can
       therefore be taken without holding oral proceedings.

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

The invention

3.   The application relates to the presentation of search
        results from a known search engine for searching
        "documents" in a very broad sense, such as an internet
        search engine for searching web pages (see
        international publication of the application,
        description, page 1, lines 6 to 23, and page 3, last
        paragraph). Search results, e.g. web pages, are
        typically presented as a list that often includes
        search-result information such as the title, a snippet,
        and a link (e.g. the address of a web page). A snippet
        includes a small portion of a document that often
        contains one or more search terms from the search
        query. The snippet may not provide enough information
        to enable the user to make a meaningful decision about
        which search results to select from the list.

        The invention addresses the problem of how to enable a
        user to choose more intelligently which search result
        document to access by providing a user interface which
        shows, in response to the user's selection of a
        snippet, further extracted information in the form of
        an expanded text excerpt of the document containing the
        snippet, so that the user is better informed before
        making his decision (see description, page 1, lines 25
        to 29, page 9, lines 24 to 25, original claim 1).

All requests - added subject-matter

4.   Even though the Board has doubts that the subject-
        matter of claim 1 of all requests meets the
        requirements of Article 123(2) EPC, it considers it
        more appropriate in the present case to base its
        decision for all requests on its assessment of the
        inventive step of claim 1.

Main request

5.   Claim 1 of the main request relates to a method which
        comprises the following features, as itemised by the
        Board:
        (a) providing search results,
             (i)   where at least one of the search results
                     includes a reference and a text excerpt,
                     where the reference specifies a search
                     result document,
             (ii)   where the text excerpt is obtained from the
                     specified search result document, and
             (iii)   where the text excerpt occurs in a
                     structural component of the search result
                     document, the structural component
                     corresponding to a paragraph of the search
                     result document;
        (b) detecting selection of the text excerpt; and
        (c) providing, in response to the selection of the text
            excerpt, an expanded text excerpt for display with
            the search results, where providing the expanded
            excerpt for display with the search results
            includes:
             (i)   selecting, in response to the selection of
                     the text excerpt, at least one of:
                      (1) text preceding the text excerpt to a
                          beginning of the structural component
                          or following the text excerpt to an
                          ending of the structural component,
                          or
                      (2) another structural component, in the
                          search result document, that precedes
                          or follows the structural component,
                          the other structural component being

selected based on the structural
component in which the text excerpt
occurs;

(ii)   and one of:
(1) providing the expanded text excerpt
superimposed on the search results,
(2) providing the expanded text excerpt in
a frame in connection with the search
results, or
(3) providing the expanded text excerpt
inline within the search results,

(d) the expanded text excerpt including the text
excerpt and additional text from the specified
search result document, the expanded text excerpt
being less than all of the text in the specified
search result document, and

(e) the additional text including the selected at least
one of the text or the other structural component.

Main request - inventive step

6.   The Board agrees with the Examining Division that
document D1 is a suitable starting point for the
assessment of inventive step, and the appellant has not
contested this finding.

6.1   Document D1 discloses a system for information
retrieval and user interfaces for the presentation of
information regarding documents which may be relevant
to a search query. D1 discloses that search results for
a query (see e.g. Figures 4A and 4B) are displayed,
each containing an excerpt from a search result
document (see Figure 4B, reference signs 454 and 456).
According to the implementation depicted in Figure 4B
of D1, a search result includes two text excerpts of
the search result document (see Figure 4B, reference

signs 454 and 456 and paragraph [0045]) and a link
(reference sign 458 in Figure 4B) to other relevant
excerpts in the document. Moreover, the document title
and author information are presented (see Figure 4B,
reference sign 452) and can be selected by a user (see
D1, paragraphs [0045] and [0048]). Hence, D1 discloses
features (a), (a)(i) and (a)(ii) of claim 1.

According to the contested decision, D1 does not
disclose the reference defined in feature (a)(i).
Apparently, the Examining Division interpreted this
reference in the sense of a Uniform Resource Locator
(URL) as disclosed in Figure 4A, reference sign 418.
However, the Board considers that this feature has a
broader meaning.

Feature (a)(iii) specifies that the text excerpt
corresponds to all or part of a paragraph of a search
result document such as (a part of) one or two
sentences (see description of the application, page 7,
lines 15 and 16; see also features (c)(i)(1)
and (c)(i)(2) of claim 1 and page 8, lines 5 to 14). D1
does not disclose any restrictions with respect to the
form of the excerpts and hence does not disclose
feature (a)(iii).

Document D1 explains that the page number which is
displayed in Figure 4B together with the text excerpt
can be selected by a user and that, in response to the
selection of the page number, an excerpt page
associated with the corresponding excerpt is displayed
(see D1, paragraph [0046], and, in particular, page 4,
left-hand column, lines 1 to 4). Since the Board
considers that the text excerpt is selected by
selecting the page number and that the excerpt page of
D1 shown in Figure 6 (paragraph [0059]) presents an

expanded excerpt, D1 discloses features (b), (c) and (c)(i) of claim 1.

Document D1 discloses in Figure 6 and paragraphs [0059] to [0064] that an excerpt is displayed in response to a selection of a search result document. This excerpt may include all or some of the text of one or more pages of the search result document that includes a search term from the search query (see paragraphs [0046] and [0062]). The text displayed on the excerpt page is limited to a part of the search result document and includes the selected text excerpt (see D1, paragraphs [0062] and Figure 6), but is not restricted to the content of one or more paragraphs. Hence, D1 discloses feature (d) of claim 1, but none of features (c)(i)(1), (c)(i)(2) or (e).

The Board agrees with the Examining Division that document D1 does not disclose any of features (c)(ii)(1) to (c)(ii)(3) of claim 1.

6.2   The method of claim 1 therefore differs from the method of document D1 in that it includes the following two groups of features:
       -    the features (a)(iii), (c)(i)(1), (c)(i)(2), and (e); and
       -    features (c)(ii)(1) to (c)(ii)(3).

6.3   The features in the first group of differences relate to the selection of textual content for the excerpt and the expanded excerpt from the search result document and have the effect that they restrict the selection of the presented content based on the paragraphs as structural components of the document.

The Board considers that these features specify which
part of the document is selected for presentation to a
human user. These features concern only the selection
of cognitive content according to certain rules, i.e.
they specify what is presented to the user. None of
these features concerns the actual implementation of
the selection rules in a computer system. These
features solve the non-technical problem of determining
what information should be presented as a text excerpt
or as an expanded text excerpt to the user.

In general, when a computer program is developed, the
algorithm underlying the program is first developed on
a conceptual level before it is actually implemented in
a computer system by means of program code. When the
claimed solution is analysed with respect to its
underlying algorithm on an appropriate conceptual
level, the selection rules themselves can be conceived
as rules that could provide a human user with
instructions on selecting further text deemed to be
informative. For the technical functioning of the
computer system it is irrelevant according to what
rules the content of the text excerpts or the expanded
text excerpts is selected. Hence, the Board does not
see that these features have a credible technical
effect. As the Board does not consider that these
features contribute to the solution of a technical
problem, they cannot be taken into account in the
assessment of inventive step (see decision T 154/04, OJ
EPO 2008, 46, reasons, point 15).

6.4   The features in the second group of differences concern
        primarily the manner in which the expanded excerpt is
        presented on the display to the user, i.e. the question
        of how the information is presented. In this respect
        the Board refers to decision T 1143/06 of 1 April 2009,

reasons 5.4, which states "... a feature which relates to the manner how cognitive content is conveyed to the user on a screen normally does not contribute to a technical solution to a technical problem. An exception would be if the manner of presentation can be shown to have a credible technical effect." In the present case, there is no credible technical effect of a superimposed presentation according to feature (c)(ii)(1), of a presentation "in connection" with the search results according to feature (c)(ii)(2) or of an "inline" presentation according to feature (c)(ii)(3). Hence, the desired manner of presentation is a non-technical aim that may legitimately appear in the formulation of the technical problem to be solved.

The Board shares the view taken by the Examining Division that frames, superimposed windows and "inline" presentations were well-known techniques at the priority date and the appellant has not contested this.

The Board notes that only feature (c)(ii)(2), which mentions frames, defines a specific feature of an implementation. As this feature is well known in the context of implementing user interfaces, the Board considers that the implementation detail proposed in feature (c)(ii)(2) could be implemented by the skilled person as a matter of routine. Moreover, the Board observes that features (c)(ii)(1) to (c)(ii)(3) are claimed as alternatives in claim 1. Consequently, if one of these alternatives is considered to be obvious, the assessment of the inventiveness of the further alternatives is not decisive for the overall assessment of claim 1.

6.5   In the statement of grounds of appeal, the appellant argued that claim 1 of the main request contained

features (c)(i)(1), (c)(i)(2) and (d) that were new
over D1 and were not suggested by D1, but did not
provide a problem-and-solution approach or any argument
with respect to the effect of the claimed method over
document D1.

The Board does not dispute that features (c)(i)(1) and
(c)(i)(2) are new, but considers that they do not
contribute to inventive step. Feature (d) is considered
to be disclosed in D1, as argued above, but here the
Board relies on passages of D1 on which the appellant
has not commented in the statement of grounds of
appeal. In view of the Board's above considerations,
the appellant's arguments in favour of claim 1 of the
main request are not convincing.

6.6   It follows from the above that the method of claim 1 of
        the main request lacks inventive step over D1
        (Article 52(1) EPC in combination with Article 56 EPC).

Auxiliary request I - inventive step

7.   The amendments to claim 1 of auxiliary request I, when
        compared to claim 1 of the main request, do not add any
        features which could change the assessment, made above
        with respect to claim 1 of the main request, that the
        claimed subject-matter lacks inventive step.

        In particular, the method of claim 1 of auxiliary
        request I differs from claim 1 of the main request in
        that it mentions features (c)(i)(1) and (c)(i)(2) not
        as alternatives, but in combination (see description,
        page 8, line 12, as a basis for this amendment). As
        both features are considered to specify non-technical
        rules for content selection in the context of

presenting text to a user, this amendment does not
contribute to an inventive step of the subject-matter
of claim 1.

A further amendment adds to feature (c)(i)(2) of
claim 1 of the main request that the other structural
component corresponds to another paragraph of the
search result document. This amendment reflects a
further non-technical rule for text selection. Hence,
the amended feature (c)(i)(2) likewise does not
contribute to inventive step.

Moreover, feature (a)(iii) of claim 1 of the main
request has been replaced by adding the step
   "determining that the text excerpt occurs in a
structural component of the search result document, the
structural component corresponding to a paragraph of
the search result document" to feature (c) of claim 1
of the main request.

This amendment clarifies that the property specified in
feature (a)(iii) of claim 1 of the main request is
determined by the method of claim 1 according to
auxiliary request I when the expanded excerpt is
provided with the search results. However, a skilled
person would consider performing this step when the
expanded excerpt is provided as a matter of routine
when he starts with a non-technical requirement
corresponding to feature (a)(iii). Hence, the
appellant's argument that the added step of determining
is inventive over D1 is not convincing.

Finally, the deletion of feature (e) broadens the scope
of claim 1 and cannot be the basis for an inventive
step.

Consequently, the Board considers that the method of claim 1 of auxiliary request I lacks inventive step over D1 (Article 52(1) EPC in combination with Article 56 EPC).

Auxiliary request II - inventive step

8.   Apart from some deleted features, the method of claim 1 of auxiliary request II differs from claim 1 of the main request essentially as follows:

The expanded text excerpts are provided together with the search results if the user configures the method accordingly (see the following features of claim 1: "receiving user input relating to a manner for providing expanded text excerpts" and "providing an expanded text excerpt, corresponding to the text excerpt, with the search results when the user input indicates that expanded text excerpts are to be provided with search results, the expanded text excerpt being displayed only in response to the text excerpt being selected").

This configuration shortens the time taken to respond to the user's selection of the text excerpt compared to a retrieval of an expanded text excerpt in response to the user's selection of the corresponding excerpt in the displayed search results.

The claimed solution is a trade-off between, on the one hand, shorter response time and, on the other hand, additional costs of higher memory use and processing time at the server and the client and of increased network traffic (as, for each search result, the expanded text excerpt needs to be generated, stored,

transmitted and cached). Such a trade-off is within the
normal development skills of the skilled person, who in
the present case is a software engineer familiar with
processing, on a search server such as a web search
engine, search requests received over a network from
remote clients. The skilled person is aware of slow
response times for remote requests due to communication
overhead and latency (see the abstracts of documents D3
and D4). For example, document D4 (see e.g. abstract
and section 1.1) shows that caching and prefetching
were well known in the context of web browsing. Hence,
shipping the expanded text excerpts in advance
(together with the search results) for caching at the
client lacks inventive step. Moreover, it was generally
well known at the priority date to configure software
systems by means of user input to enhance flexibility
with respect to different requirements.

In the statement of grounds of appeal, the appellant
argued that the features relating to the
configurability of the manner of providing expanded
text excerpts were new and not suggested by documents
D1 or D2.

The Board does not dispute that document D1 does not
disclose the claimed configurability of the manner of
providing expanded text excerpts. The appellant,
however, has neither addressed the Board's arguments
for lack of inventive step nor argued in detail why the
claimed configurability features would not have been
obvious to the skilled person. Hence, the Board is not
convinced by the appellant's submissions.

Consequently, the Board considers that the method of
claim 1 of auxiliary request II lacks inventive step

over D1 (Article 52(1) EPC in combination with
Article 56 EPC).

Auxiliary request III - inventive step

9.   Independent claim 1 of auxiliary request III differs
        from claim 1 of auxiliary request I essentially in that
        it adds the step of receiving a search query for which
        the results are provided and two last features
        concerning the manner in which the search terms and the
        text excerpt are displayed ("visually distinguished")
        within the expanded text excerpt.

9.1   As the Board has already interpreted claim 1 of the
        main request and auxiliary request I to mean that the
        search results are provided in response to a received
        search query and as this is known from document D1 (see
        Figure 3A, reference sign 305, the description,
        paragraph [0038], and claim 1, for example), the added
        step of receiving a search query cannot change the
        Board's assessment of inventive step.

9.2   The last two features of claim 1 concern how
        information (the text excerpt and the search terms) is
        visually distinguished when it is presented on the
        display. Displaying visually distinguished textual
        information to a human user does not, at least in the
        context of claim 1, serve a technical purpose, but aims
        to lower the cognitive burden on the user when he
        attempts to identify certain elements (e.g. the search
        terms, the excerpt) in the displayed information.

        Consequently, the Board does not consider that these
        features contribute to a credible technical effect.
        Hence, it is legitimate to add the non-technical

requirement that the search terms and the selected text excerpt be visually distinguished by means of different manners of presentation in the expanded text excerpt to the objective technical problem to be solved (see decision T 641/00, COMVIK, OJ EPO 2003, 352).

9.3   Claim 1 does not define - apart from the mere automation - any technical features of an implementation of this requirement. As the mere automation by means of computing means was, at the priority date, a matter of routine for the skilled person, the Board considers that the method of claim 1 of auxiliary request III lacks inventive step over D1 (Article 52(1) EPC in combination with Article 56 EPC).

Auxiliary request IV - inventive step

10.   Claim 1 of auxiliary request IV differs from claim 1 of the main request essentially in that it adds the features related to the configurable manner of providing the expanded text excerpt discussed above in the context of auxiliary request II.

       As a further amendment, it adds that the structural component of the search result document where the text excerpt occurs corresponds to a paragraph or to a section of the search result document. However, the addition that the structural component may correspond to a section of the search result document is regarded as a further non-technical rule for text selection which does not contribute to inventive step.

       It follows from the above considerations, including those concerning the main request and auxiliary request II, that claim 1 of auxiliary request IV lacks

inventive step in view of the prior art on file
(Article 52(1) EPC in combination with Article 56 EPC).

Conclusion

11.   As none of the appellant's requests can form the basis
         for the grant of a patent, the appeal has to be
         dismissed.

Order

For these reasons it is decided that:

The appeal is dismissed.

The Registrar: The Chairman:

I. Aperribay   R. Moufang

Decision electronically authenticated