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Datasheet for the decision of 27 September 2017

Case Number: T 1691/12 - 3.5.06

Application Number: 09172149.8

Publication Number: 2306262

IPC: G06F1/16, G06F3/048

Language of the proceedings: EN

Title of invention:
A method of interacting with electronic devices in a locked state and a handheld electronic device configured to permit interaction when in a locked state

Applicant:
BlackBerry Limited

Headword:
Selective status notifications in locked state/BLACKBERRY

Relevant legal provisions:
EPC Art. 56

Keyword:
Inventive step - (yes)

Decisions cited:

Catchword:

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Case Number: T 1691/12 - 3.5.06

D E C I S I O N
of Technical Board of Appeal 3.5.06
of 27 September 2017

Appellant: (Applicant)	BlackBerry Limited 2200 University Avenue East Waterloo, ON N2K 0A7 (CA)
Representative:	Reichl, Wolfgang MERH-IP Matias Erny Reichl Hoffmann Patentanwälte PartG mbB Paul-Heyse-Straße 29 80336 München (DE)
Decision under appeal:	**Decision of the Examining Division of the European Patent Office posted on 6 March 2012 refusing European patent application No. 09172149.8 pursuant to Article 97(2) EPC.**

Composition of the Board:

Chairman	W. Sekretaruk
Members:	G. Zucka
	M. Müller

Summary of Facts and Submissions

I. The appeal is against the decision by the examining division, dispatched with reasons on 6 March 2012, to refuse European patent application 09172149.8, on the basis that the subject-matter of independent claim 1 of the main and auxiliary request was not inventive, Article 56 EPC. The following document cited during the first instance procedure is relevant for the present decision:

D5 = US 2007/234208 A1

II. A notice of appeal was received on 30 April 2012, the appeal fee being paid on the same day. A statement of grounds of appeal was received on 6 July 2012.

III. The appellant (applicant) requested that the decision under appeal be set aside and a patent granted on the basis of either request that was the subject of the refusal, or on the basis of auxiliary request 2 filed with the grounds of appeal. The appellant made a conditional request for oral proceedings.

IV. The board issued a summons to oral proceedings. In an annex to the summons, the board set out its preliminary opinion on the appeal.

V. On 18 August 2017, the appellant filed amended claim sets for each of his requests. During the oral proceedings, he filed amended description pages for auxiliary request 1.

VI. The appellant requested that the decision under appeal be set aside and that a patent be granted with the following documents:

claims
1-14 of auxiliary request 1, filed 18 August 2017;

description pages
2, 2a, 4, 5, 11, 14, 20-22, filed 27 September 2017,
3, 6-10, 12, 13, 15-19, as originally filed,
1, filed 9 July 2010;

drawing sheets
1-3, as originally filed,
4, filed 17 December 2009.

VII. Independent claim 1 of the sole request reads as follows:

"A handheld electronic device (100), comprising:
a controller (116);
a display screen (112) connected to the controller (116);
an input device connected to the controller (116);
a communication subsystem (104) connected to the controller (116) for communication over a wireless network (150);
a notification element connected to the controller (116);
wherein the controller (116) is configured for:
initiating a locked state on the device in response to detection of a trigger condition;
deactivating the display screen;
monitoring for a plurality of predetermined inputs for interacting with the device (100) via the input device when the device (100) is in the locked state;
with the display screen deactivated, generating, without unlocking the device (100), a notification regarding a new event and/or device state via the

notification element in response to detection of one of said plurality of predetermined inputs when the device is in the locked state; and

triggering an unlocking process in response to an input other than said plurality of predetermined inputs for interacting with the device (100) in the locked state;

wherein in the locked state restrictions limiting the interaction with the device (100) are enforced, the restrictions prevent entry or extracting of information from the device (100) other than the notification in response to the plurality of predetermined inputs and the unlocking process triggered by the other input,

wherein at least two types of notifications are provided, each type of notification associated with a respective application on the device, wherein each type of notification is provided in response to detection of a respective different predetermined input when the device is in the locked state."

VIII. Independent method claim 14 comprises method features corresponding to the apparatus features of claim 1.

IX. At the end of the oral proceedings, the chairman announced the board's decision.

Reasons for the Decision

1. *The admissibility of the appeal*

The appeal is admissible.

2. *Clarity; Article 84 EPC*

Independent claims 1 and 14 were amended by including a definition of the expression "locked state". The board is satisfied that the preliminary clarity objection raised under section 4 of the summons has hereby been overcome.

3. *Inventive step; Article 56 EPC*

3.1 Essentially in line with the reasoning given in the appealed decision (Reasons 1.1), the board considers that D5 constitutes a suitable starting point for the assessment of inventive step.

3.2 D5 discloses a handheld electronic device, in particular a mobile phone (see figure 1).

Said device has a display screen (12) which, being a mobile phone display screen, implies that the display screen is connected to a controller that is also part of the handheld electronic device.

An input device is connected to the controller (see par. [0011]: "set of keys").

Since the handheld electronic device in D5 is a mobile phone, it implicitly comprises a communication subsystem connected to the controller for communication over a wireless network (*viz.* a cellular network, *e.g.* a GSM, UMTS or LTE network).

Notification elements which can be illuminated (*i.e.* the trackball 20, the area surrounding the trackball or the area surrounding the set of buttons 18) are connected to the controller. At least two types of

notifications can be provided, each type of notification associated with a respective application on the device (see D5, par. [0032]: the notifications provided by the trackball 20, the area surrounding the trackball or the area surrounding the set of buttons 18 are, respectively, the device state, user profile information and the battery level).

In D5, the controller is configured to initiate a locked state on the device in response to a trigger condition. (The locked state is mentioned in D5, par. [0019]. It is implicit for the skilled person that the controller will not initiate the locked state simply randomly but in response to something, *i.e.* a "trigger condition").

3.3 It is common ground that the subject-matter of claim 1 differs from the disclosure of D5 at least in that

a) the display screen is deactivated when the device is in the locked state;

b) each type of notification regarding a new event and/or device state is provided in response to detection of a different predetermined input when the device is in the locked state.

3.4 The board is of the opinion that features (a) and (b) solve unrelated problems.

3.5 Feature (a) saves energy. Deactivating the screen of a mobile phone in a locked state in order to save energy was however commonplace already at the priority date of the application.

3.6 Feature (b) has the effect that the user can selectively switch on or off the different types of notifications. (The user would want to do this for instance because he or she is annoyed by the LEDs but needs some information nonetheless, or because there are more notifications of interest than there are notification elements.)

The solution provided by feature (b) is considered not obvious. If a user wanted further customisation of the notifications, he or she would normally go through some standard menu visible on the screen of the mobile phone of D5.

There is no suggestion in D5 to allow any inputs in the locked state (except for unlocking). There is also no suggestion in D5 to provide different inputs for different notifications.

The board further considers that none of the other documents cited in the search report, even when combined with the teaching of D5, render the solution of feature (b) obvious.

3.7 The board is therefore of the opinion that the subject-matter of claim 1 and, for similar reasons, that of method claim 14 is not obvious. The requirement of Article 56 EPC is consequently satisfied.

Order

For these reasons it is decided that:

1. The decision under appeal is set aside.

2. The case is remitted to the examining division with the order to grant a European patent with the following documents:

claims
1-14 of auxiliary request 1, filed 18 August 2017;

description pages
2, 2a, 4, 5, 11, 14, 20-22, filed 27 September 2017,
3, 6-10, 12, 13, 15-19, as originally filed,
1, filed 9 July 2010;

drawing sheets
1-3, as originally filed,
4, filed 17 December 2009.

The Registrar: The Chairman:

B. Atienza Vivancos W. Sekretaruk

Decision electronically authenticated