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**Datasheet for the decision
of 10 November 2016**

Case Number: T 1961/12 - 3.5.03

Application Number: 03760098.8

Publication Number: 1514437

IPC: H04Q7/20, H04Q7/32

Language of the proceedings: EN

Title of invention:

A method and device for storing and accessing personal information

Applicant:

Nokia Technologies Oy

Headword:

Storing and accessing personal location-based information/
NOKIA

Relevant legal provisions:

EPC Art. 54

Keyword:

Novelty - all requests (no)

Decisions cited:

Catchword:



Beschwerdekammern
Boards of Appeal
Chambres de recours

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Case Number: T 1961/12 - 3.5.03

D E C I S I O N
of Technical Board of Appeal 3.5.03
of 10 November 2016

Appellant: Nokia Technologies Oy
(Applicant) Karaportti 3
02610 Espoo (FI)

Representative: Higgin, Paul
Swindell & Pearson Limited
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Decision under appeal: **Decision of the Examining Division of the
European Patent Office posted on 2 May 2012
refusing European patent application
No. 03760098.8 pursuant to Article 97(2) EPC.**

Composition of the Board:

Chairman F. van der Voort
Members: K. Schenkel
P. Guntz

Summary of Facts and Submissions

- I. This appeal is against the decision of the examining division refusing European patent application No. 03760098.8, publication number EP 1 514 437 A, which was originally filed as international application PCT/IB03/02324 (publication number WO 03/107112).
- II. The reasons given for the refusal were that the subject-matter of claims 1 of a main request and first to third auxiliary requests was not new (Articles 52(1) and 54 EPC) having regard to the disclosure of
D5: WO 02/17567 A
and that the subject-matter of claim 1 of the second auxiliary request extended beyond the content of the application as filed (Article 123(2) EPC).
- III. 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 a set of claims of a main request or, in the alternative, a first or a second auxiliary request, all requests as filed with the statement of grounds of appeal. Oral proceedings were conditionally requested.
- IV. In a communication accompanying a summons to oral proceedings, the board, without prejudice to its final decision, raised objections under Articles 123(2) and 84 EPC against claims 1, 20 and 21 as well as objections under Article 52(1) EPC in conjunction with Article 54 EPC in respect of the subject-matter of claims 1, 20 and 21 having regard to the disclosure of document D5.

V. Oral proceedings were held on 10 November 2016.

The appellant requested that the decision under appeal be set aside and that a patent be granted on the basis of the set of claims of the main request or, in the alternative, on the basis of the set of claims of the first or the second auxiliary request, all requests as filed with the statement of grounds of appeal.

At the end of the oral proceedings, after due deliberation, the chairman announced the board's decision.

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

"A method comprising:
generating a data file (102) comprising at least one data item (106, 108) from data relating to a user;
associating a presentation format with the data file;
obtaining information including at least location information;
determining a context of a user from the obtained information and
displaying, in response to the obtaining of information, the at least one data item on a display of a user device in accordance with the presentation format wherein the data item displayed is relevant to the determined context."

VII. Claim 1 of the first auxiliary request differs from claim 1 of the main request in that

in the second line the wording "generating a data file" has been replaced by "generating a plurality of data files" and in that

the wording "and the data items are displayed in an order based on the obtained location information" has been added at the end.

VIII. Claim 1 of the second auxiliary request differs from claim 1 of the main request in that

at the end of the claim the step of "receiving a selection of a data file and transmitting a data item to obtain a service" has been added.

Reasons for the Decision

1. *Main request - novelty (Articles 52(1) and 54 EPC)*

1.1 D5 discloses a system for transmitting location information between user terminals and network resources and for using the location data (cf. the abstract). More specifically, D5 discloses a mobile terminal which is able to establish its and, hence, the user's location (page 41, lines 17 to 19). The terminal offers a locations menu which includes a list of user-allotted names for locations stored in location records. In a preferred embodiment, the locations are ordered by proximity to the location of the terminal (page 41, lines 19 to 23, Fig. 27(A)).

1.2 D1, using the language of claim 1, thus discloses a method comprising:
generating a data file (the list of locations displayed in the locations menu) comprising at least one data item (a listed location) from data relating to a user (the names of the locations are allotted by the user);
associating a presentation format with the data file (the presentation format is determined by the

capabilities of the terminal display and is associated with the list of locations for displaying the list); obtaining information including at least location information (ordering the locations by proximity to the terminal's location requires the knowledge of the user's location and therefore implies that location information is obtained); determining a context of a user (user's proximity to the different locations) from the information obtained and displaying, in response to the obtaining of information, the at least one data item (the locations in the locations menu) on a display of a user device in accordance with the presentation format wherein the data item displayed is relevant to the determined context (due to the ordering by proximity, the selection of locations which is displayed by the terminal when accessing the location menu depends on their proximity, i.e. the user's context).

1.3 The arguments put forward by the appellant during the oral proceedings and in the statement of grounds of appeal may be summarised as follows:

(i) In D5, the data items listed in the locations menu were user allotted but did not relate to the user. The locations in D5 described locations chosen by the user, but did not characterise the user. The appellant gave as an example a phone provided by a company to one of its employees that could comprise locations of the company's offices which, in the appellant's view, did not relate to the user.

(ii) In claim 1, the determination of the context was a different step from that of obtaining location information. By way of example, the context of a user

could be work if the user's determined location was his workplace. D5 disclosed only that the location was determined, but not that a context was determined from the location. The appellant argued that the user's proximity to the different locations was not a context.

(iii) Since, in the appellant's view, in D5 no context was determined from the location information, D5 did not disclose that the data item displayed was relevant to the determined context.

(iv) Claim 1 comprised the feature that the data items were displayed in response to obtaining the location information. In the statement of grounds of appeal, it was argued that in D5 the locations menu was displayed in response to selecting the item, i.e. the locations menu, from the main menu. D5 thus only disclosed that a list of user-named locations could be included in a menu which a user could navigate through.

1.4 The board is not convinced by these arguments for the following reasons:

re (i): The expression "data relating to a user" is understood as data which has a relationship to a user, without any limitation as to what kind of relationship that is. In D5, the names of the locations in the locations menu are allotted by the user, which puts them in a relationship to him, even if the location allotted is somebody else's location. With respect to the example given by the appellant, the board notes that the term "user-allotted" refers to the user of the mobile terminal. If a company allots location names in a phone used by an employee, they are not allotted by the user. Besides, by being an employee of this

company, the user is related to the company's sites listed in the mobile terminal.

re (ii): Ordering the locations in the locations menu in D5 by proximity requires calculating the distance from the user's location to the respective location, which is a separate step from that of obtaining the user's location.

re (iii): In the board's view, the user's proximity to the different entries in the locations menu can be considered as his context. In D5, the entries in the locations menu are displayed in order of proximity and, hence, are relevant to the user's context.

re (iv): D5 does not only disclose that a list of locations may be included in a menu. It further discloses a preferred embodiment (page 41, lines 21 to 23) in which the locations are ordered by proximity. Since in this embodiment the proximities are calculated from the user's location, the display of the locations menu is based on the user's location and thus occurs in response to obtaining the location information.

1.5 For the above reasons, the board concludes that the subject-matter of claim 1 of the main request is not new (Articles 52(1) and 54 EPC).

2. *First auxiliary request - novelty (Articles 52(1) and 54 EPC)*

2.1 Claim 1 of the first auxiliary request differs from claim 1 of the main request in that

- in the second line the wording "generating a data file" has been replaced by "generating a plurality of data files" and in that

- the wording "and the data items are displayed in an order based on the obtained location information" has been added at the end.

2.2 D5 discloses that a main menu comprises not only the locations menu but also further menus such as phonebook, settings and messages (page 41, lines 19 to 21), and thus that multiple data files are generated.

Since the entries of the locations menu are ordered by proximity, which is calculated based on the location of the mobile terminal, D5 discloses that the data items (entries in the location menu) are displayed in an order based on the obtained location information.

2.3 The appellant argued that D5 disclosed only that the entries in the location menu were displayed in an order based on the obtained location information, but not the entries of the other menus. The board, however, notes that the wording "a plurality of data files (102) comprising at least one data item (106, 108) from data relating to a user" is not limited to a plurality of data files, each of which comprises at least one data item displayed in an order based on the location information. It also covers only one data file, namely the locations menu, comprising at least one data item which is displayed in an order based on the location information, as in D5.

2.4 The board therefore concludes that the subject-matter of claim 1 of the first auxiliary request is not new (Articles 52(1) and 54 EPC).

3. *Second auxiliary request - novelty (Articles 52(1) and 54 EPC)*

3.1 Claim 1 of the second auxiliary request differs from claim 1 of the main request in that

- at the end of the claim the step of "receiving a selection of a data file and transmitting a data item to obtain a service" has been added.

3.2 The method of D5 includes in relation to a location listed in the locations menu a "Get Local Info" function in order to obtain information services in the context of the current user's location (page 42, lines 8 to 11, Fig. 27(B)). For this purpose, the user terminal generates a service request message containing the location, this message being directed to an SMS service entity which provides local information by return SMS (page 42, lines 11 to 17). Hence, D5 discloses that for a selection from a data file, namely the selected location of the list displayed in the locations menu, the "Get Local Info" function is used, which implies that the selected location is received by the function. Further, D5 discloses that a data item, namely the location, is transmitted, by means of the service request message, to obtain a service, namely local information.

3.3 The appellant argued that in D5 there was no selection from a file, whereas in the method of claim 1 the user for example selected a particular bookshop card out of a displayed deck of cards and only some of the information on the card was transmitted as a data item. The board notes however that in the method of D5 too,

only the location of the selected locations record is transmitted.

3.4 The board therefore concludes that the subject-matter of claim 1 of the second auxiliary request is not new (Articles 52(1) and 54 EPC).

4. *Conclusion*

As there is no allowable request, it follows that the appeal is to be dismissed.

Order

For these reasons it is decided that:

The appeal is dismissed.

The Registrar:

The Chairman:



G. Rauh

F. van der Voort

Decision electronically authenticated