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**Datasheet for the decision
of 31 August 2016**

Case Number: T 2138/12 - 3.5.03

Application Number: 06292052.5

Publication Number: 1936909

IPC: H04L29/06

Language of the proceedings: EN

Title of invention:

Supplying object code defined information to users

Applicant:

ALCATEL LUCENT

Headword:

Device for selecting information/ALCATEL LUCENT

Relevant legal provisions:

EPC Art. 56

Keyword:

Inventive step - (no)

Decisions cited:

Catchword:



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Case Number: T 2138/12 - 3.5.03

D E C I S I O N
of Technical Board of Appeal 3.5.03
of 31 August 2016

Appellant: ALCATEL LUCENT
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Decision under appeal: **Decision of the Examining Division of the European Patent Office posted on 26 April 2012 refusing European patent application No. 06292052.5 pursuant to Article 97(2) EPC.**

Composition of the Board:

Chairman F. van der Voort
Members: T. Snell
O. Loizou

Summary of Facts and Submissions

- I. This appeal is against the decision of the examining division refusing European patent application No. 06292052.5, with publication number EP 1 936 909 A.

The refusal was based on the ground of lack of inventive step starting out from document WO 00/51023 A (D1).

- II. The appellant filed an appeal against the above decision. A set of amended claims was filed together with the statement of grounds of appeal.

- III. In a communication accompanying a summons to oral proceedings, the board gave a preliminary opinion that the subject-matter of claim 1 did not involve an inventive step having regard to the disclosure of D1.

- IV. The appellant informed the board by a letter dated 11 August 2016 that it would not attend the oral proceedings. No substantive comments were made in respect of the board's communication.

- V. Oral proceedings were held on 31 August 2016 in the absence of the appellant (cf. Rule 115(2) EPC and Article 15(3) RPBA).

On the basis of the written submissions, the board understood the appellant to be requesting that the decision under appeal be set aside and that a patent be granted on the basis of the set of claims 1 to 12 filed with the statement of grounds of appeal.

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

VI. Claim 1 reads as follows:

"A device (1) for selecting information to be supplied to a destination (24), which arrangement (1) comprises an object code receiver (4a) for receiving an object code originating from an object, which object code defines first information to be supplied to the destination (24), characterized in that the device (1) further comprises a selector (9) for, in response to the object code, selecting second information to be supplied to the destination (24) in case the destination (24) is authorized to receive the second information and otherwise selecting the first information to be supplied to the destination (24), which first information is non-individualized information and which second information is individualized information, which non-individualized information and individualized information are at least partly different from each other."

Reasons for the Decision

1. *Claim 1 - inventive step (Articles 52(1) and 56 EPC)*
- 1.1 The present application concerns a device for selecting information to be supplied to a destination (e.g. a user's TV set) based on a received object code (e.g. a code read from an RFID token attached to an object), the respective information being either "non-individualised" or "individualised" (i.e. personalised).
- 1.2 The closest prior art document D1 discloses an embodiment on page 78, 2nd to 4th paragraphs, in which

an "iLink device" scans a barcode comprising an IP address and metainformation embedded in the barcode. Implicitly, the IP address in the barcode can be used to obtain information about the product from a server connected to the Internet which is not personalised, e.g. if the user has not configured personal profile information such as the preferred language (cf. page 76, last paragraph and page 78, lines 14-23). This also follows from claim 1 of D1, in accordance with which the query is only based on electronic indicia of the target item. This information can be regarded as "non-individualized information" within the meaning of claim 1.

1.3 The iLink device of D1 also stores personal profile information configured by the user, e.g. the preferred language (cf. page 78, lines 14-23 and claims 3 and 4). The IP address and metainformation from the barcode can be combined with the personal profile information to build another IP address/URL. This URL enables "unique information" to be requested from a server on the Internet which is targeted to the customer's profile, i.e. which is at least partly different to the first information (in claim 3 of D1, this is referred to as "additional information"). The additional information can be regarded as "individualized information" within the meaning of claim 1.

1.4 Consequently, using the wording of claim 1, D1 discloses a device for selecting information to be supplied to a destination, which comprises an object code receiver ("barcode reader"; cf. page 78, line 9) for receiving an object code originating from an object ("barcode"), which object code defines first information to be supplied to the destination (cf. claim 1, step (d)), wherein the device further

comprises a selector for, in response to the object code, selecting second information ("additional information"; cf. claim 3) to be supplied to the destination or selecting the first information to be supplied to the destination, which first information is non-individualized information and which second information is individualized information, which non-individualized information and individualized information are at least partly different from each other (in D1, a selection is implicitly made whether or not to send the additional information depending on whether appropriate personal profile information is available).

- 1.5 The only difference between the subject-matter of claim 1 and this embodiment of D1 is that the second, individualised, information is selected if the destination (i.e. the user's browser) is authorised to receive it, otherwise the first, non-individualised, information is selected.
- 1.6 The problem to be solved can be seen as to how provide improved profiling criteria for selecting the information to be supplied to the destination. This problem is well-known in the field of on-line information retrieval systems and therefore does not contribute to inventive step.
- 1.7 In the board's view, the skilled person would solve this problem by making the supply of individualised information, i.e. the additional information mentioned in claim 3 of D1, dependent on user authorisation for obvious reasons, such as: (i) the user is required to previously register to receive such information; (ii) the individualised information requires payment (cf. D1, page 79, first paragraph), (iii) the individualised

information is restricted, e.g. for reasons of commercial secrecy, or (iv) digital rights or copyright issues. As an example of (iv), consider the supply of an up-to-date version of a service manual of a copying machine in the user's own language, as mentioned in D1 on page 78, 4th paragraph. The availability of this version may be required to be limited to users who have previously purchased the copying machine in a particular country. Otherwise, plausibly, only an out-of-date or basic version in English would be displayed. Consequently, the board concludes that the presence of this feature does not contribute to inventive step.

1.8 The appellant did not respond to the board's objection essentially set out in the communication accompanying the summons to oral proceedings. However, it was argued in the statement of grounds that the subject-matter of claim 1 differed from the disclosure of D1 in the following respects:

(i) The "IP address and metainformation" disclosed in D1 are not to be equated with non-individualized first information. Only the "unique information" sent back in response to a URL derived by the iLink device can be equated with non-individualized first information.

(ii) D1 does not disclose individualized second information, since (cf. point (i)), only one "unique information" is transmitted, i.e. only first information.

(iii) The "unique information" in D1 does not contain personal information but general information better fitted to some personal interest, and is not only based on the object code content as in the present application.

(iv) The server in D1 does not perform selection because there is a one-to-one relation between the input to the server and either the first or second information.

(v) The personal information transmitted in D1 is not authorised by the owner of the information.

1.9 Re (i) and (ii): The board considers that it is implicit in D1 that the barcode can be converted into a URL either with or without taking into account a personal profile (e.g. depending on whether one has been configured). Consequently, there are two types of information which could be transmitted to the browser, one individualized and one not. In fact, in contradiction to arguments (i) and (ii), the appellant actually also made comments essentially in agreement with the board's interpretation, cf. page 5, line 2 ff. of the statement of grounds of appeal.

Re (iii): In the board's view, the term "individualised" embraces any information based on a personal profile, i.e. the data is not "personal", which implies ownership, but is merely "personalised". Further, claim 1 does not require that the individualised information is only based on the object code.

Re (iv): This argument is not convincing because the selection is done in the iLink device of D1, which is embraced by claim 1.

Re (v): Claim 1 does not require that information be "personal information authorized by the owner", merely that the destination has to be authorised to receive

the individualised (i.e. personalised) data. This feature does indeed render the subject-matter of claim 1 new. However, as explained above, it does not contribute to inventive step.

Consequently, the board finds the appellant's arguments unconvincing.

1.10 For the above reasons, the board concludes that the subject-matter of claim 1 does not involve an inventive step (Articles 52(1) and 56 EPC).

2. Conclusion

As the only request is not allowable, it follows that the appeal must 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