Internal distribution code:

(A) [-] Publication in OJ
(B) [-] To Chairmen and Members
(C) [-] To Chairmen
(D) [X] No distribution

Datasheet for the decision of 13 November 2018

Case Number: T 2271/12 - 3.5.05

Application Number: 08164917.0

Publication Number: 2012220

IPC: G06F3/033, G06F9/44

Language of the proceedings: EN

Title of invention:
User interfaces and methods for manipulating and viewing digital documents

Applicant:
Samsung Electronics Co., Ltd.

Headword:
Smooth continuous movement/SAMSUNG

Relevant legal provisions:
EPC Art. 76(1), 56

Keyword:
Divisional application - added subject-matter (yes)
Inventive step - auxiliary request (no)

Decisions cited:
T 2489/11

Catchword:

Europäisches Patentamt
European Patent Office
Office européen des brevets

Beschwerdekammern

Boards of Appeal

Chambres de recours

Boards of Appeal of the
European Patent Office
Richard-Reitzner-Allee 8
85540 Haar
GERMANY
Tel. +49 (0)89 2399-0
Fax +49 (0)89 2399-4465

Case Number: T 2271/12 - 3.5.05

D E C I S I O N
of Technical Board of Appeal 3.5.05
of 13 November 2018

Appellant: (Applicant)	Samsung Electronics Co., Ltd. 129, Samsung-ro Yeongtong-gu Suwon-si, Gyeonggi-do, 443-742 (KR)
Representative:	Grünecker Patent- und Rechtsanwälte PartG mbB Leopoldstraße 4 80802 München (DE)
Decision under appeal:	**Decision of the Examining Division of the European Patent Office posted on 8 May 2012 refusing European patent application No. 08164917.0 pursuant to Article 97(2) EPC.**

Composition of the Board:

Chair	A. Ritzka
Members:	E. Konak
	D. Prietzel-Funk

Summary of Facts and Submissions

I. The appeal is against the decision of the examining division to refuse the application for lack of an inventive step (Article 56 EPC) with regard to the following document:

D1: US 5 327 161.

II. With its statement setting out the grounds of appeal, the appellant filed claims 1 to 7 of a first and a second auxiliary request. The appellant requested that the decision be set aside and a patent be granted based on the main request filed on 22 February 2012 before the examining division, the first or the second auxiliary request filed with the statement setting out the grounds of appeal, or auxiliary requests 3b, 4b, 6b and 7b filed on 22 February 2012 before the examining division. It requested oral proceedings as a further auxiliary measure.

III. In its preliminary opinion given in a communication dated 7 September 2018, the board expressed doubts with respect to the admissibility of the auxiliary requests and raised objections under Articles 76(1), 84 and 56 EPC.

IV. In reply to the summons to oral proceedings the appellant filed on 12 October 2018 claims 1 to 3 of a new auxiliary request to replace all the auxiliary requests on file.

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

"A computer device having a system for simulating tactile control over a document, comprising:
a processor, memory, and a display screen comprising a touch sensitive display screen;
system code stored within the memory and adapted to be executed by the processor, said system code for providing a digital representation of a document including data content and a page structure representative of a page layout of the document;
a rendering engine for rendering at least a portion of the page layout of the digital representation on the display screen;
a screen monitor for monitoring the touch sensitive display screen to detect movements across a surface of the touch sensitive display screen;
an interface process for processing detected movements to detect movements representative of commands to alter the rendered page structure of the digital representation, said commands including a command associated with a command stroke that may be employed by a user for dragging a digital representation of a document within a viewing area of the display screen, and
a navigation module responsive to the interface process for changing the rendered portion of the page layout, wherein altering the rendered portion of the page layout allows a user to navigate through the digital representation of the document;
characterized by:
a page velocity detector for determining a page velocity associated with movement across a surface of the touch sensitive display screen whereby, in response to said command stroke for dragging a digital representation of a document, the page velocity is employed in redrawing the digital representation of the document in a series of pictures that portray the

document as moving on the display screen such that a user may drag the digital representation of the document and then release the digital representation of the document;
wherein the digital representation of the document continues to move in a direction established by the page velocity detector until either the user indicates that the digital representation of the document is to stop moving, or the page velocity reaches zero velocity;
wherein the page velocity decreases by a page inertia enabling smooth continuous movement of the digital representation of the document."

VI. Claim 1 of the auxiliary request reads as follows (with additions underlined and deletions ~~struck through~~):

"A computer, device having a system for simulating tactile control over a document, comprising:
a processor, memory, and a display screen comprising a touch sensitive display screen;
system code stored within the memory and adapted to be executed by the processor, said system code for providing a digital representation of a document including data content and a page structure representative of a page layout of the document;
a rendering engine for rendering at least a portion of the page layout of the digital representation on the display screen;
a screen monitor for monitoring the touch sensitive display screen to detect movements across a surface of the touch sensitive display screen;
an interface process for processing detected movements to detect movements representative of ~~commands to alter the rendered page structure of the digital representation, said commands including a command~~

~~associated with~~ a command stroke ~~that may be~~ employed by a user for dragging a digital representation of a document within a viewing area of the display screen, and

~~a navigation module responsive to the interface process for changing the rendered portion of the page layout, wherein altering the rendered portion of the page layout allows a user to navigate through the digital representation of the document;~~

~~characterized by:~~

a page velocity detector for determining a page velocity associated with movement across a surface of the touch sensitive display screen ~~whereby, in response to said command stroke for dragging a digital representation of a document, the page velocity is employed in redrawing the digital representation of the document in a series of pictures that portray the document as moving on the display screen such that a user may drag the digital representation of the document and then release the digital representation of the document~~, wherein the determined velocity is used for panning different pages of the document across the screen at a rate determined by the page velocity set when the user drags one of the pages of the document across the screen;

wherein the digital representation of the document continues to move in a direction established by the page velocity detector until ~~either the user indicates that the digital representation of the document is to stop moving, or~~ the page velocity reaches zero velocity; and

wherein the page velocity decreases by a page inertia enabling smooth continuous movement of the digital representation of the document."

Reasons for the Decision

1. Main request

1.1 The present application is a divisional application of an earlier European patent application.

1.2 Claim 1 of the main request recites "commands to **alter the rendered page structure** of the digital representation", wherein the digital representation includes "data content and a page structure representative of a page layout of a document". The command in question is a command to scroll or pan a document across a display (see page 27 of the description). Scrolling, as is well-known, does not alter the structure or layout of the scrolled document, but merely moves the user's view across an image of the document that is not wholly visible. Therefore, the subject-matter of claim 1 of the main request extends beyond the content of the earlier application filed, contrary to the requirements of Article 76(1) EPC.

1.3 The appellant argued at the oral proceedings that the disputed feature alters what is "rendered" and scrolling a document indeed alters the image rendered on the display by moving it across the display, so the disputed feature should not be considered to extend beyond the content of the earlier application filed. This argument cannot convince the board, as altering the image rendered on the display in the context of a scrolling operation does not alter its "page structure" or "page layout", as claim 1 literally recites, but rather moves it across the display.

2. Auxiliary request

2.1 At the oral proceedings the appellant questioned the suitability of D1 as a starting point to assess the inventive step involved in the invention, as D1 does not mention documents at all, let alone any page movement of documents with multiple pages. The appellant argued that a touch screen device, known at the priority date of the application, on which the user can view a document and manually enters commands to move between its pages, would be a more realistic starting point. The board finds it expedient to base its assessment of inventive step on this starting point or closest prior art proposed by the appellant.

2.2 Claim 1 of the auxiliary request refers in particular to a "panning" operation. The board had expressed in its preliminary opinion in the communication of 7 September 2018 its concerns with regard to the lack of a clear-cut distinction between the terms "scrolling" and "panning" in the relevant art, referring also to T 2489/11 by the same board in a different composition. At the oral proceedings, the appellant explained that the word "panning" was used in the sentence of the description on which the amendment was based, i.e. page 27, lines 18 to 21. The use of the same term in the claim language was only out of prudence not to add subject-matter. The contribution of the invention to the art, however, did not lie in the specific kind of page movement, be it scrolling, panning or flipping, but in allowing the user to navigate through a document with multiple pages with fewer user operations than in the prior art. The invention solved this problem by continuing the page movement in the direction established by the user's stroke, with the page velocity starting at the detected

velocity of the movement and decreasing by a page inertia until it reaches zero, so as to enable a smooth continuous movement of the pages.

2.3 It is established case law of the boards of appeal that the mere automation of steps which were previously performed manually cannot be considered inventive. In the closest prior art suggested by the appellant, the user would flip through pages of a document manually, i.e. by touching the touch screen on each page in order to move to the next page. As a user cannot continue flipping forever, the user would stop flipping at some point in time. The movements of the user's finger would necessarily have a particular initial velocity and a final velocity of zero at the time when the user would stop flipping. The automation of this manual operation would require the flipping to be continued automatically at the velocity established by the manual flipping and to be stopped at a certain point, just as manual flipping would have stopped. The appellant argued that the invention is not a mere automation, but rather reduces the number of required user input. This is, however, exactly what automation involves, i.e. the replacement of manual process steps, including input, by automated steps, thus reducing the number of required manual steps.

2.4 Beyond these steps of mere automation, the claimed invention requires the velocity to decrease by a page inertia, the effect of which is expressed in the claim language as a smooth continuous movement of the pages. The board finds this effect to be a mere aesthetic effect which does not contribute to the technical character of the invention.

2.5 Therefore, the subject-matter of claim 1 of the auxiliary request does not involve an inventive step (Article 56 EPC).

Order

For these reasons it is decided that:

The appeal is dismissed.

The Registrar: The Chair:

K. Götz-Wein A. Ritzka

Decision electronically authenticated