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**Datasheet for the decision  
of 22 December 2016**

**Case Number:** T 0477/13 - 3.5.03

**Application Number:** 06008287.2

**Publication Number:** 1718050

**IPC:** H04M3/493

**Language of the proceedings:** EN

**Title of invention:**

Mobile communication terminal for providing geographical information and method thereof

**Applicant:**

LG Electronics Inc.

**Headword:**

Geographical information/LG

**Relevant legal provisions:**

EPC Art. 56, 123(2)

**Keyword:**

Inventive step (main request) - no  
Amendments - added subject-matter (auxiliary requests) - yes



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Case Number: T 0477/13 - 3.5.03

**D E C I S I O N**  
**of Technical Board of Appeal 3.5.03**  
**of 22 December 2016**

**Appellant:** LG Electronics Inc.  
(Applicant) 20, Yoido-Dong  
Yongdungpo-Gu  
Seoul (KR)

**Representative:** Ter Meer Steinmeister & Partner  
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**Decision under appeal:** Decision of the Examining Division of the  
European Patent Office posted on 5 October 2012  
refusing European patent application No.  
06008287.2 pursuant to Article 97(2) EPC.

**Composition of the Board:**

**Chairman** F. van der Voort  
**Members:** B. Noll  
P. Guntz

## **Summary of Facts and Submissions**

I. This appeal is against the decision of the examining division refusing European patent application No. 06008287.2 (publication No. EP 1 718 050 A). The refusal was based on the grounds that the claimed subject-matter according to a main request and a second auxiliary request lacked an inventive step (Article 56 EPC) and that the subject-matter of claims 1 and 4 of a first auxiliary request extended beyond the content of the application as filed (Article 123(2) EPC).

II. With the statement of grounds of appeal, the appellant filed sets of claims of a main request and auxiliary requests I and II. Oral proceedings were conditionally requested.

III. In a communication accompanying a summons to oral proceedings, the board gave a preliminary opinion, inter alia as regards inventive step for the subject-matter of claim 1 of each request (Articles 52(1) and 56 EPC) and as regards the compliance of auxiliary requests I and II with Article 123(2) EPC. The following document was referred to in the communication:

D2: US 6,115,611 A.

IV. Oral proceedings were held on 22 December 2016.

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

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

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

"A method for providing geographical map information to a mobile communication terminal (200), the method comprising:

- receiving (S320), from a server (300), geographical map information based on location information indicating where the mobile terminal (200) is located;
  - displaying (S330) the received geographical map information and a button or menu option allowing a user to request additional information linked to the received geographical map information in addition to the displayed geographical map information, the additional information linked to the received geographical map information by an anchor tag;
  - determining (S340) whether or not an additional information download has *[sic]* requested by a user; and
  - downloading (S360) the additional information from the remote server (300) in response to the additional information download request,
- wherein the additional information is a photo file or a video file which visually indicates the displayed geographical map information."

Claim 1 of auxiliary request I differs from claim 1 of the main request in that, in the third paragraph, the wording "button or" has been deleted and in that, in the fifth paragraph, after "downloading (S360)" the wording "one item of" has been added.

Claim 1 of auxiliary request II differs from claim 1 of auxiliary request I in that, in the third paragraph,

the wording "a photo file or a video as" has been inserted between "allowing a user to request" and "additional information", in the third paragraph "the additional information linked to" has been replaced by "the photo file or the video is linked to", in the fifth paragraph "one item of the additional information" has been replaced by "the photo file or the video", and in that in the sixth paragraph "the additional information is a photo file or a video file which" has been replaced by the wording "the photo file or the video file".

### **Reasons for the Decision**

1. *Claim 1 of the main request - inventive step (Article 56 EPC)*

1.1 The application relates to a method of providing location-specific information services to a user of a mobile communication terminal when located at a particular geographical location. The location of the terminal is determined and transmitted to a server. In response, geographical map information is sent from the server to the mobile communication terminal and displayed. Further, at the user's request, the user is also provided with location-dependent additional information.

1.2 D2 is in the same technical field (see the abstract) and discloses a method of providing geographical map information to a mobile communication terminal, the method including receiving from a server geographical information based on received location information indicating where the mobile terminal is located (cf. column 34, line 42, to column 35, line 26, and Fig. 12, steps S1, S4 and S9) and displaying the received

geographical map information (column 35, lines 26 to 30, and Fig. 12, step S10). D2 further discloses the steps of determining whether or not an additional information download has been requested by the user (column 35, lines 31 to 40, and Fig. 12, step S11) and downloading the additional information in response to the additional information download request (column 35, lines 51 to 60, and Fig. 12, steps S13, S14 and S17). The request for additional information is initiated by the user selecting ("clicking") a point on the displayed map (cf. column 35, lines 31 to 38). The additional information is coded as an HTML document (cf. Fig. 15 and the resulting image displayed as shown in Fig. 14). In more detail, D2 discloses that the retrieval of the additional image information is implemented by using "a function of ISMAP described in a specification of a standard HTML" (column 35, lines 41 and 42). From this, the skilled reader would understand that the additional information requested by the user is to be linked to a URL address which is created e.g. by adding the coordinates of the point in the image clicked on by the user to a URL address specified in the HTML element associated with, or "anchored" to, the active region. The URL address thus generated would therefore be understood by the skilled person as an "anchor tag" within the terminology of claim 1. Further, the additional information includes image information by means of a reference to an image file in GIF format (cf. column 35, lines 51 to 60, and Fig. 15; the file named "SHOP GIF" in the tenth line of the listed code refers to a file containing the picture shown in Fig. 14). Hence, the file in GIF format is a photo file.

- 1.3 The method of claim 1 differs from the method of D2 by the step of additionally displaying a button (or,

alternatively, a menu option) allowing a user to request the additional information and in that the additional information visually indicates the displayed geographical map information.

Regarding the first distinguishing feature, i.e. displaying a button allowing a user to request the additional information, this feature may be regarded as providing an alternative to the user having to click on a point on the map as disclosed in D2 in order to request the additional information.

The second distinguishing feature merely concerns the visual information content which is presented to the user at his request and, hence, does not constitute a technical feature which could contribute to an inventive step.

Starting out from D2, the technical problem to be solved may thus be formulated as providing an alternative for the user to request the additional information.

- 1.4 It was part of the common general knowledge at the priority date that an extra visual indication, here displaying a button, could be provided whenever this was considered useful, for example in order to remind the user of the availability of a known function, here the option of requesting additional information. Further, it is noted that the claim embraces a method in which the user, in order to request the additional information, has to click on the displayed button. However, clicking on a displayed button, instead of a point on the map or on any other visual indication on the map, is merely a matter of visual design of the map

information, which does not require the exercise of inventive skill.

- 1.5 If follows that neither of the above-mentioned distinguishing features can contribute to an inventive step.
- 1.6 The appellant argued that an "anchor tag" within the meaning of the application is to be understood as a direct, static link which would be present in the map information only if additional information was actually available for the map information. The user would thereby be enabled to request additional information only if an anchor tag was included in the map information. Meanwhile, in D2 the link had to be composed by adding coordinates of the point clicked on by the user to the link associated with the map information, and subsequently the composed link was unconditionally sent to the server. Consequently, examination of whether or not additional information was available at the server would be carried out only after the request had been sent to and received by the server. Hence, the anchor tag used in the claimed method was beneficial in situations in which the radio transmission conditions were poor. Accordingly, the appellant formulated the objective technical problem to be solved by the claimed method as enabling the user to request additional information even under poor radio transmission conditions.
- 1.7 In the board's view, however, this interpretation of the "anchor tag" is not supported by the application as filed. The term "anchor tag" is used in the application solely as specifying a link between the requested map information and the additional information (cf. paragraphs [0006] and [0020] ("the requested



geographical information and the additional information are linked together via an anchor tag") and claims 6, 11, 15 and 20 (reference is made to the application as published)). Hence, there is no basis in the application for an anchor tag which would be selectively or conditionally added to the received map information, namely only if additional information was actually available at the server. For the same reason, there is no basis in the application for a method in which the user would not be able to select additional information if an anchor tag were not (yet) included in the map information. The appellant's argument is therefore speculative. Consequently, the board sees no reason to interpret the "anchor tag" referred to in claim 1 as being different in structure from the link described in D2. Consequently, the board accepts neither the appellant's argument nor its formulation of the technical problem, this formulation being based on an unsupported interpretation of the term "anchor tag".

- 1.8 For the above reasons, the subject-matter of claim 1 does not involve an inventive step (Articles 52(1) and 56 EPC). The main request is therefore not allowable.
  
- 2. *Claim 1 of auxiliary request I - added subject-matter (Article 123(2) EPC)*
  
- 2.1 The feature of downloading one item of the additional information introduces subject-matter which is not clearly and unambiguously derivable from the application as filed.
  
- 2.2 The appellant argued that a basis for this feature was provided by paragraph [0020] of the description ("the additional information may be a photo file or a video file") and claim 2 as filed ("a reception unit

configured to download the additional information from a server based on a user's selection"), arguing that the possibility of selection by the user implied that the user could select a single item from multiple elements available in the additional information.

2.3 The board does not agree. The information in paragraph [0020] according to which the additional information is a photo file or a video file would be understood by the skilled reader as specifying the kind of additional information. Further, the feature in claim 2 as filed implies only that the user decides whether or not additional information is to be downloaded (see also claim 12 as filed ("determining whether or not a user wants to download the additional information")). A further possibility of selecting singular items from a group of items is therefore not directly and unambiguously disclosed.

2.4 It follows that claim 1 does not meet the requirement of Article 123(2) EPC. Auxiliary request I is therefore not allowable.

3. *Claim 1 of auxiliary request II - added subject-matter (Article 123(2) EPC)*

3.1 The feature "a menu option allowing a user to request a photo file or a video as additional information" is not clearly and unambiguously derivable from the application as filed.

3.2 The appellant argued that paragraph [0020] disclosed that the additional information was a photo file or a video file and that the user could make a selection of the additional information.

3.3 In the board's view, however, paragraph [0020] of the description merely specifies the possible content of the additional information. It does not therefore disclose that the user who requests a download of additional information additionally has a selection option as to which portion(s) of the additional information he would like to download.

3.4 Claim 1 therefore does not meet the requirement of Article 123(2) EPC. Hence, auxiliary request II is not allowable.

4. There being no allowable request, the appeal is to be dismissed.

## Order

### **For these reasons it is decided that:**

The appeal is dismissed.

The Registrar:

The Chairman:



L. Malécot-Grob

F. van der Voort

Decision electronically authenticated