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**Datasheet for the decision
of 8 November 2018**

Case Number: T 0518/13 - 3.5.07

Application Number: 04815841.4

Publication Number: 1700240

IPC: G06F17/30

Language of the proceedings: EN

Title of invention:

Systems and methods for direct navigation to specific portion
of target document

Applicant:

Google LLC

Headword:

Direct navigation to specific document portion/GOOGLE

Relevant legal provisions:

EPC Art. 56

Keyword:

Inventive step - (over closest prior art used by the first
instance: yes)

Remittal to the department of first instance - (yes after
amendment)



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Case Number: T 0518/13 - 3.5.07

D E C I S I O N
of Technical Board of Appeal 3.5.07
of 8 November 2018

Appellant: Google LLC
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Decision under appeal: Decision of the Examining Division of the
European Patent Office posted on 27 September
2012 refusing European patent application
No. 04815841.4 pursuant to Article 97(2) EPC

Composition of the Board:

Chairman R. Moufang
Members: M. Jaedicke
P. San-Bento Furtado

Summary of Facts and Submissions

I. The applicant (appellant) appealed against the decision of the Examining Division refusing European patent application No. 04815841.4, filed as international application PCT/US2004/043845 and published as WO 2005/066846 A2. The application claims a priority date of 31 December 2003.

II. The Examining Division decided that the subject-matter of claims 1 and 12 of the main request, claim 8 of the first auxiliary request and claim 1 of the second auxiliary request lacked inventive step over the prior art disclosed in the following document:

D4: Leuski, A. et al.: "iNeaATS: Interactive Multi-Document Summarization", ACL '03 Proceedings of the 41st Annual Meeting on Association for Computational Linguistics - Volume 2, Pages 125 to 128, Sapporo, Japan, 7 to 12 July 2003, Association for Computational Linguistics, Stroudsburg, PA, USA, ISBN:0-111-456789, doi: 10.3115/1075178.1075197.

Moreover, the Examining Division decided that independent claims 1 and 12 of the main request were inconsistent. Thus, the subject-matter for which protection was sought was not clearly defined.

III. The further prior-art documents cited by the Examining Division in the written proceedings were:

D1: International Business Machines Corporation: "Positioning the browser at the answer sentence in a document", Research Disclosure, Kenneth

Mason Publications, Hampshire, GB, vol. 431, no. 193, March 2000, ISSN: 0374-4353

- D2: Dieberger A., Russell D. M.: "Context Lenses - Document Visualization and Navigation Tools for Rapid Access to Detail", Proceedings of the 8th International Conference on Human-Computer Interaction (INTERACT'01), 9 to 13 July 2001, Tokyo, Japan, published on 13 July 2001, IOS Press Amsterdam, Netherlands, ISBN: 1-58603-188-0, pages 545 to 552
- D3: US 2003/122873 A1, published on 3 July 2003
- D5: Lawrence S., Giles, C. L.: "Context and Page Analysis for Improved Web Search", IEEE Internet Computing, New York, NY, US, 31 August 1998, pages 38 to 46, ISSN 1089 - 7801, doi: 10.1109/4236.707689
- D6: Manning S.: "Google Toolbar", internet disclosure, published on 20 June 2002, Pages 1 and 2, retrieved on 21 January 2011 using URL: www.digitalsurvivors.com/archives/000424.php.

IV. In its statement of grounds of appeal, the appellant requested that the decision be set aside and that a patent be granted on the basis of the main request or the auxiliary request submitted with the grounds of appeal. The claims of the submitted main request corresponded, in essence, to those of the first auxiliary request decided upon by the Examining Division.

V. In a communication under Article 15(1) RPBA accompanying the summons to oral proceedings, the Board expressed, *inter alia*, its provisional opinion that there might be a need to discuss whether independent claims 1 and 8 of the then main request were clear and supported by the description. As to inventive step, the

Board indicated that the subject-matter of claim 8 of that request seemed to lack inventive step over document D4. Moreover, in respect of claim 1 of the main request, the Board referred to its further comments concerning claim 1 of the then first auxiliary request, which seemed to be narrower. Claim 1 of the first auxiliary request seemed to lack inventive step over document D5 in view of the common general knowledge of the skilled person.

- VI. By letter of 5 October 2018, the appellant submitted a main request and first and second auxiliary requests, replacing all prior requests. Moreover, it argued that there was no evidence on file that the use of an artificial anchor to search and scroll to a sentence formed part of the skilled person's common general knowledge.
- VII. In a further communication dated 24 October 2018, the Board cited the following documents in reply to the appellant's arguments concerning the lack of evidence:
- D7: Powell, T. A. et al.: "HTML Programmer's Reference", excerpt: "Appendix A: URL Primer", pages 355 to 377, 1998
- D8: Davies, H. C.: "Referential Integrity of Links in Open Hypermedia Systems", HyperText 98: The 9th ACM Conference on Hypertext and Hypermedia, USA, 24 June 1998
- D9: US 5,999,941, published on 7 December 1999.
- VIII. Oral proceedings were held as scheduled. At the beginning of the oral proceedings, the appellant requested that the contested decision be set aside and that the case be remitted to the Examining Division on the basis of the newly filed requests. In favour of its

request for remittal the appellant argued that it had not had enough time to study the three prior-art documents submitted by the Board in advance of the oral proceedings, and that the decision under appeal had not really dealt with the subject-matter now on file. So it should be given an opportunity to argue its case before the Examining Division. Further arguments of the appellant are discussed in detail below. At the end of the oral proceedings, the chairman pronounced the Board's decision.

IX. The appellant's final request was that the decision under appeal be set aside and that the case be remitted to the department of first instance for further prosecution on the basis of the main request or one of the first and second auxiliary requests, all three requests as submitted by letter of 5 October 2018.

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

"A method for providing search results to client web browsers, comprising:

generating, in a search engine, search results in response to a received search query from a client device, each search result being associated with a corresponding search result document link to a corresponding search result document, and each search result including a snippet related to the query and that is extracted from the corresponding search result document and displayed on a client device as part of the search result in response to receipt by the client device;

for at least one search result, generating, in the search engine, an instruction corresponding to the search result, the instruction being to a document browser to display, when the search result is selected

by the user, the search result document on the client device and to navigate directly to an intra-document portion that is related to the search query and that includes at least a portion of the snippet within the search result document, wherein the instruction is an intra-document link containing an artificial anchor undefined in the search result document, the anchor containing text to be searched by the client device for the purpose of navigating directly to the intra-document portion within the search result document, and including the instruction in the search result; and providing, from the search engine, the search results including the instruction to the client device."

Claims 2 to 7 are dependent on claim 1.

Claim 8 reads as follows:

"A computer program product embodied on a computer-readable medium, the computer program product including instructions, which when executed by a computer system, are operable to cause the computer system to perform the method of any one of claims 1 to 7."

In view of the outcome of the appeal, the text of the auxiliary requests need not be given.

Reasons for the Decision

1. The appeal complies with the provisions referred to in Rule 101 EPC and is therefore admissible.

The invention

2. The application relates to systems and methods for direct navigation to and/or highlighting a specific portion of a target document retrieved from the internet, such as a query-relevant portion of the document.

When the user clicks on a hyperlink on the search results page for an internet search, the client browser navigates directly to the intra-document portion which was presented as a so-called snippet together with the hyperlink on the search results page (description as published, page 2, paragraph 1). This direct navigation is caused by an instruction such as an intra-document link containing an artificial intra-document anchor, i.e. an anchor that is undefined in the search result document (page 3, lines 21 to 22), or a hidden tag or attribute of a tag in a search results page. Such an artificial anchor may, for example, comprise a predefined text string as a prefix or suffix, such as "__g_", and a text string occurring in the snippet to be shown to the user (Figure 5; page 8, lines 11 to 21). When a web browser recognises the artificial anchor, it tries to locate the artificial anchor text (apart from the prefix or suffix) and navigates to the located text (Figure 6; page 8, lines 11 to 21). On the server side, the search engine appends the artificial anchor to the link for a search result (see Figures 7 and 8).

Main request - amendments, clarity and support

3. The Board considers that claim 1 is based on original claims 1, 2, 4, 5 and 33 and the original description (page 5 as published, last paragraph; page 7, lines 26

to 29; page 8, lines 11 to 26; page 11, lines 3 to 25).

4. In its communication accompanying the summons, the Board doubted that claim 1 of the then main request was supported by the description, as it did not refer to a web browser. As claim 1 has been amended to refer to providing search results to a client web browser, this objection is no longer valid.

Moreover, the Board objected that claim 1 of the then main request referred to an artificial anchor that was undefined in the search result document, but "pointed to" an intra-document portion within the searched document. The Board considers that this objection has been overcome by the appellant's amendments to claim 1, as the present claim does not use the expression "pointed to".

Main request - inventive step

5. *Document D4 as closest prior art*

- 5.1 The Examining Division used document D4 as the starting point for its assessment of inventive step. In section 3 and Figure 1, D4 discloses the iNeATS system, which is an interactive document summarisation system. The iNeATS control panel displays the summarisation parameters on the left side of the screen shown in Figure 1 (D4, section 3). In this control panel the user can among other things select query topics. These query topics correspond to key concepts mentioned in a document collection (D4, section 2, second paragraph). The summary panel of the iNeATS user interface presents the summaries in the middle of the screen. The document panel shows the text of a particular document on the right side of the screen. The document and the summary

are linked: each sentence in the summary is a hyperlink to the document - if the user clicks on a sentence, iNeATS brings the source document into the document panel and scrolls the window to make the sentence visible.

5.2 The appellant argued that document D4 was not a suitable starting point for assessing inventive step of the method of claim 1. Claim 1 concerned a method in a distributed client/server system where a search engine provided search results with snippets to a client web browser, whereas D4 concerned an integrated system which performed the search and the presentation. Hence, D4 was not a realistic starting point for a development leading to the invention.

5.3 The Board accepts that document D4 is not a suitable starting point for the method of claim 1 of the present main request, which is directed to a method for providing search results to a client web browser. In addition, document D4 is silent about the implementation of navigating to an intra-document portion of a document. Already in its communication accompanying the summons, the Board assessed inventive step of the subject-matter of the then auxiliary request only on the basis of document D5, as document D4 did not disclose a web search engine providing a results page with snippets.

6. *Document D5 as closest prior art*

6.1 Document D5 discloses the NECI metasearch engine for web searches (Figure 1, page 39, right-hand column, second paragraph). Users can submit their web search queries using the search form depicted in Figure 2 (page 40, left-hand column, paragraphs 2 and 3). The

result page for a query for "digital watermark" is shown in Figure 3 (page 40, left-hand column, paragraph 5, to page 40, right-hand column, paragraph 2). It lists a number of search results comprising a clickable link to the source document and a snippet. Figure 6 shows a sample source document from the digital watermark search (page 43, right-hand column, second paragraph, to page 44, left-hand column, first paragraph), displayed after clicking on the respective link in the search results page. The links at the top of the page enable jumping to the first occurrence of the query terms (e.g. the term "digital watermark") in the document. Each query term within the document then links to the next occurrence of this query term.

As the NECI search engine is a metasearch engine, it obtains its results by forwarding the user's query to a number of other web search engines. The documents matching the query are then downloaded and analysed by the NECI metasearch engine in real time (see D5, page 45, left-hand column, third paragraph). Consequently, the NECI metasearch engine is able to modify the downloaded pages and insert links which take users to the first or next occurrence of a query term (D5, Figure 6).

6.2 In its reply to the Board's summons, the appellant argued that since the system of D5 downloaded all documents, a straightforward solution to the problem of enabling navigation to the snippet was to simply add a conventional named anchor to a document listed in the search results page. The claimed solution was not needed in a situation where conventional named anchors could be used.

- 6.3 In view of the appellant's arguments, the Board has doubts that document D5 is sufficient to deny inventive step, especially without the newly introduced documents D7 and D8. D5 does not disclose any link that allows direct navigation from the search results page returned from the search engine to an intra-document portion containing a snippet or a query term. However, it does disclose the use of links within the displayed documents enabling direct navigation to the query terms. Hence, the Board shares the appellant's view that a straightforward solution to providing direct navigation to a selectable snippet would be to associate with a snippet, in the search results page, a link to a conventional named anchor defined in the document to be displayed at the location of the snippet.
- 6.4 As document D5 does not discuss the implementation of links to intra-document portions, it does not give the skilled person any pointer towards an implementation that is different from conventional named anchors. Moreover, none of the further documents cited in the proceedings before the department of first instance, D1 to D4 and D6, provides a pointer towards the claimed solution.
- 6.5 Document D7 is a textbook describing common general knowledge about URLs. However, it does not disclose the claimed artificial anchors. On page 365, last paragraph, to page 366, first paragraph, it discloses the concept of named links, which corresponds to the conventional named anchors described in the application. On page 366 it also discloses queries as parameters in a URL for server-side CGI programs. However, the claimed solution is different from these

well-known URL formulas.

6.6 Hence, it would need to be discussed whether D5 could be combined with D8, for example, in order to arrive at the invention.

6.7 There is some merit in the appellant's argument, against document D5 as closest prior art, that the metasearch engine of D5 downloads the documents to be displayed. Hence, the Board doubts that document D5 is actually the best starting point for assessing inventive step. Rather, a conventional web search engine providing snippets in a search result page to the client web browser, as acknowledged in the description of related art in the application itself (pages 1 and 2 as published), may be a more promising starting point. This was already suggested by the appellant itself in the proceedings before the Examining Division (see the appellant's letter dated 14 July 2008, page 1, last paragraph), but this line of argument starting from the acknowledged prior art has not been dealt with in detail in the proceedings so far.

Conclusion and remittal

7. For the present main request, inventive step cannot be denied on the basis of D4, which was used by the Examining Division to assess inventive step. However, there is a need for detailed discussion of inventive step over the appellant's own prior art. Moreover, the Board introduced documents D7 to D9, which may be relevant for this discussion, only shortly before the oral proceedings. In view of these circumstances and in order to give the appellant an opportunity to argue its case before the Examining Division, the Board considers

it appropriate to allow the appellant's request that the case be remitted to the department of first instance for further prosecution on the basis of the present requests (Article 111(1) EPC).

Order

For these reasons it is decided that:

1. The decision under appeal is set aside.
2. The case is remitted to the department of first instance for further prosecution on the basis of the main request and the first and second auxiliary requests.

The Registrar:

The Chairman:



I. Aperribay

R. Moufang

Decision electronically authenticated