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Datasheet for the decision of 17 May 2018

Case Number: T 2133/13 - 3.5.05

Application Number: 08800887.5

Publication Number: 2154835

IPC: H04L12/18

Language of the proceedings: EN

Title of invention:
METHOD, DEVICE AND SYSTEM FOR CONTROLLING PUSH MESSAGE

Applicant:
Huawei Technologies Co., Ltd.

Headword:
Push message filtering/HUAWEI

Relevant legal provisions:
EPC Art. 56

Keyword:
Inventive step - (no)

Decisions cited:

Catchword:

Europäisches Patentamt
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Beschwerdekammern

Boards of Appeal

Chambres de recours

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Case Number: T 2133/13 - 3.5.05

D E C I S I O N
of Technical Board of Appeal 3.5.05
of 17 May 2018

Appellant: (Applicant)	Huawei Technologies Co., Ltd. Huawei Administration Building Bantian Longgang District Shenzhen, Guangdong 518129 (CN)
Representative:	Kreuz, Georg Maria Huawei Technologies Duesseldorf GmbH Riesstrasse 8 80992 München (DE)
Decision under appeal:	**Decision of the Examining Division of the European Patent Office posted on 25 March 2013 refusing European patent application No. 08800887.5 pursuant to Article 97(2) EPC**

Composition of the Board:

Chair	A. Ritzka
Members:	P. Cretaine
	F. Blumer

Summary of Facts and Submissions

I. This appeal is against the decision of the examining division, posted on 25 March 2013, refusing European patent application No. 08800887.5 on the grounds of lack of clarity (Article 84 EPC) and lack of novelty (Article 54 EPC) having regard to the disclosure of

D1: US 6 047 327 or

D2: WO 02/069585.

II. Notice of appeal was received on 23 May 2013, and the appeal fee was paid on the same day. The statement setting out the grounds of appeal was received on 25 July 2013. The appellant requested that the decision be set aside and that a patent be granted on the basis of claims 1 to 15 filed with the statement setting out the grounds of appeal. Oral proceedings were requested as an auxiliary measure.

III. A summons to oral proceedings was issued on 22 February 2018. In an annex to this summons, the board gave its preliminary opinion that the set of claims did not meet the requirements of Article 56 EPC having regard to the disclosure of **D2** as closest prior art in combination with the disclosure of **D1**. The board further stated that an inventive step objection could also be raised on the basis of a combination of **D1** with

D3: US 6 311 058, cited in the international search report.

IV. In a letter of reply dated 17 April 2018, the appellant provided further arguments with respect to inventive step having regard to the subject-matter of the claims.

V. Oral proceedings were held on 17 May 2018. The appellant requested that the decision under appeal be set aside and that a patent be granted on the basis of claims 1 to 15 as filed with the statement setting out the grounds of appeal. The board's decision was announced at the end of the oral proceedings.

VI. Independent claim 1 according to the sole request reads as follows:

"A method for controlling a push message, comprising: comparing (801) of the push message with a matching condition in a preset push message control policy, and processing (802) of the push message according to a processing mode corresponding to the matching condition that is satisfied by the push message; characterized in that
the matching condition in the push message control policy comprises: a service control condition adapted to indicate a service identifier, ID, corresponding to a type of push message that a terminal is allowed, not allowed, or currently not allowed to receive, wherein the type of push message comprises an e-mail service; and
wherein the push message control policy is set and stored by a push receiving agent in a terminal, and the comparing of the push message with the matching condition in the push message control policy is performed by the push receiving agent, before the comparing of the push message with the matching condition in the push message control policy, the method further comprises: receiving, by the push

receiving agent, the push message sent by a push sending agent;
when the matching condition satisfied by the push message is a matching condition of a push content that the terminal is allowed to receive, the processing of the push message comprises: sending, by the push receiving agent, the push message to an application module in the terminal;
when the matching condition satisfied by the push message is a matching condition of a push content that the terminal is not allowed to receive, the processing of the push message comprises: dropping, by the push receiving agent, the push message or forwarding the push message to other terminals;
when the matching condition satisfied by the push message is a matching condition of a push content that the terminal is currently not allowed to receive, the processing of the push message comprises: temporarily storing, by the push receiving agent, the push message;
or, the push message control policy is set by a push receiving agent in a terminal and sent to a push sending agent in a server for storage, and the comparing of the push message with the matching condition in the push message control policy is performed by the push sending agent, before the comparing of the push message with the matching condition in the push message control policy, the method further comprises: receiving (1201), by the push sending agent, the push message sent by a push message initiator, PI;
when the matching condition satisfied by the push message is a matching condition of a push content that the terminal is allowed to receive, the processing of the push message comprises: sending (1203), by the push sending agent, the push message to the push receiving agent in the terminal;

when the matching condition satisfied by the push message is a matching condition of a push content that the terminal is not allowed to receive, the processing of the push message comprises: dropping, by the push sending agent, the push message or forwarding the push message to other terminals; and
when the matching condition satisfied by the push message is a matching condition of a push content that the terminal is currently not allowed to receive, the processing of the push message comprises: temporarily storing, by the push sending agent, the push message."

The request comprises further independent claims corresponding substantially to claim 1 in terms of apparatuses:
- claim 7 is directed to a push sending agent in a server, performing push message filtering based on a control policy stored in the server,
- claim 9 is directed to a push sending agent in a server, performing push message filtering based on a control policy read from a terminal,
- claim 11 is directed to a terminal with a push receiving agent performing push message filtering,
- claim 13 is directed to a system with push message filtering at a server based on a control policy of a terminal stored at the server,
- claim 14 is directed to a system with push message filtering at a terminal,
- claim 15 is directed to a system with push message filtering at a server based on a control policy sent by a terminal to the server.

Reasons for the Decision

1. Admissibility of the appeal

The appeal complies with Articles 106 to 108 EPC (cf. point II above) and is therefore admissible.

2. Inventive step - Article 56 EPC

2.1 Prior art

D1 discloses a server-client scheme wherein a server receives broadcast data ("Infocast") from a content provider, in the form of audio/video data, mail data, etc. The server creates Infobites based on the Infocast content, e.g. title, summary information, keywords, etc. (see Table 1), and sends them to clients/users, which may further request more data of the Infocast from the server. D1 mentions that the Infobites are filtered before being sent to a particular user, based upon the user's profile, the user's location and the time of day. Alternatively the filtering may be performed at the client (see column 10, lines 40 to 49).

D2 discloses a scheme for pushing data corresponding to different content types (see Table 1) to a mobile terminal. A filter at the terminal (706 in Figure 7, 218 in Figure 9) is used to discard unwanted content from a message queue. Filtering may be adapted over time. Different content types have different filter profiles (see page 16, lines 6 to 14, and Table 3). Content filtering is based on the content type of the push message, on keywords included in the push message, and on the sender of the push message.

D1 and **D2** thus disclose methods for controlling the reception of a push message by a terminal, comprising comparing the content of the push message with a

matching condition. In **D2**, the comparing step is performed at the terminal itself, whereas in **D1** the comparing step may be performed either at the push message sending device or at the terminal as defined in claim 1 ("or" feature in line 29). However, filtering in **D2** is based on the content type of the push message, i.e. the type of service provided by the message to the user (e.g. SMS), whereas in **D1** it is based on the user's profile and keywords in the message, without consideration of the message type. For this reason, the board considers that **D2** represents the prior art closest to the subject-matter of claim 1.

2.2 Claim 1 comprises two alternatives differing with respect to the location at which the pushed message is compared to the matching condition. This step of comparing may be performed either by the push receiving agent in the terminal (first alternative) or by the push sending agent in the server (second alternative).

2.3 The differences between the subject-matter of claim 1 according to the first alternative and the disclosure of D2 are that:

(a) depending on the result of the comparison with the matching conditions, the processing of the push message may comprise temporarily storing or forwarding the push message to other terminals, and that

(b) the type of push message that a terminal is allowed, not allowed or currently not allowed to receive comprises an email service.

The appellant argued that a further feature was not disclosed in D2, namely that the matching condition comprises a service control condition adapted to

indicate a service identifier, ID, corresponding to a type of push message that a terminal is allowed, not allowed or currently not allowed to receive. In that respect, the appellant maintained that the content type, as shown in table 1 of D2, defined the format, e.g. text, audio, video and so on, of the pushed message, and not the service type, e.g. an email service or a multimedia message service, of the push message as defined in claim 1. The board though is not convinced by this argument, since some of the content types shown in Table 1 of D2 do correspond to types of service provided to the terminal, see for instance the content type "SMS text message", which defines a push message provided by a Short Message Service to the terminal. Further, the fact that a service is identified in table 1 of D2 implies that a service identifier is used.

Features (a) and (b) are juxtaposed features in the sense that their combination in claim 1 does not provide any synergistic effect, which means that their potential contributions to inventive step can be assessed separately.

Feature (a) represents a common measure for a skilled person devising a communication system, with no inventive merit in itself. The board also notes that this has not been challenged by the appellant.

The technical effect of feature (b) is that a particular type of service, namely an email service, may be filtered. The appellant argued that D2 provided only for the filtering of low-volume services such as the SMS service identified in table 1 of D2, whereas the alleged invention provided the advantage of filtering for the high-volume email service, thereby

saving resources at the terminal. The board however notes that D2 already discloses filtering for at least one high-volume service, namely the Wireless Bitmaps "WBMP" service listed in Table 1, which transports image data (see page 10, lines 19 to 21). This service, although restricted to black and white pixel images, can certainly be considered a high-volume service compared to the SMS service.

Therefore the board holds that the objective technical problem based on the above-identified technical effect of feature (b) has to be formulated as looking for an alternative to the list of filtered services disclosed in table 1 of D2.

Since D2 already discloses the reception by the mobile terminal of pushed vObjects such as Virtual Cards sent by or attached to email (see page 10, lines 26 to 31, and page 11, lines 8 to 10), the skilled person would obviously consider extending the list of pushed services which can be filtered by adding the email service to it.

For these reasons the board judges that the subject-matter of claim 1 according to the first alternative does not involve an inventive step, having regard to the disclosure of D2 (Article 56 EPC).

2.4 The second alternative in claim 1 differs from the first alternative in substance only in that the filtering of the push message is performed at the server. Performing filtering of pushed messages at a server is however already disclosed in D1 (see point 2.1). Since it is a constant endeavour in the field of mobile communications networks, to which D2 belongs, to reduce the computing load at the terminals, the skilled

person would implement this feature of D1 in the system of D2 without the exercise of inventive skills.
For these reasons, the board judges that the subject-matter of claim 1 according to the second alternative does not involve an inventive step, having regard to the disclosure of D2 in combination with D1 (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