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Datasheet for the decision of 7 February 2018

Case Number: T 0897/14 - 3.5.03

Application Number: 06779937.9

Publication Number: 1915883

IPC: H04Q7/38

Language of the proceedings: EN

Title of invention:
ONLINE CHARGING MANAGEMENT SERVER

Applicant:
Roac ND Investments L.L.C

Relevant legal provisions:
EPC Art. 56

Keyword:
Inventive step - (no)

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Case Number: T 0897/14 - 3.5.03

D E C I S I O N
of Technical Board of Appeal 3.5.03
of 7 February 2018

Appellant: (Applicant)	Roac ND Investments L.L.C 2711 Centerville Road Suite 400 Wilmington, DE 19808 (US)
Representative:	Small, Gary James Carpmaels & Ransford LLP One Southampton Row London WC1B 5HA (GB)
Decision under appeal:	**Decision of the Examining Division of the European Patent Office posted on 6 November 2013 refusing European patent application No. 06779937.9 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. 06779937.9, international publication No. WO 2007/020499 A1.

II. The refusal was based on the ground that the subject-matter of the independent claims of a main request and an auxiliary request lacked inventive step (Articles 52(1) and 56 EPC).

III. With the statement of grounds of appeal, the appellant filed a set of claims, denoted as "main request" and said to correspond to the auxiliary request on which the decision under appeal had been based. Oral proceedings were conditionally requested.

IV. In a communication accompanying a summons to oral proceedings, the board gave a preliminary opinion, raising an inventive step objection (Articles 52(1) and 56 EPC) and referring to the following documents:

D1: 3GPP TS 32.240 "3rd Generation Partnership Project; Technical Specification Group Services and System Aspects; Telecommunication management; Charging management; Charging architecture and principles (Release 6)", V6.2.0 (June 2005), pages 1 to 38; and

D2: ETSI TS 132 296 "Digital cellular telecommunications system (Phase 2+); Universal Mobile Telecommunications System (UMTS); Telecommunication management; Charging management; Online Charging System (OCS): Applications and interfaces (3GPP TS 32.296 version 6.0.0 Release 6)", V6.0.0 (December 2004), pages 1 to 63.

V. With a letter dated 6 February 2018 the appellant's representative informed the board that the applicant would not be represented at the scheduled oral proceedings.

VI. Oral proceedings were held on 7 February 2018 in absence of the appellant.

The board understood the appellant to be requesting in writing that the decision under appeal be set aside and that a patent be granted on the basis of the set of claims ("main request") filed with the statement of grounds of appeal.

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

VII. Claim 1 reads as follows:

"A combined online and offline charging server comprising:
an online charging account balance management server (103) comprising:
receiving means arranged to receive an online account balance message from at least one online charging management server (101), the online account balance message based on a received account request message transmitted from a network service provider (51), said online charging account balance management server (103) being a physically separate server to the online charging management server (101); and
processing means arranged to perform an online account balance action based on the received online

account balance message; and
an offline charging account management server."

Reasons for the Decision

1. *The prior art*

D1 and D2 each belong to "a series of documents that specify charging functionality and charging management in GSM/UMTS networks" (cf. D1, page 6, and D2, page 7). D1 inter alia addresses "common principles of charging in the network" and includes an explicit reference to a set of technical specifications (TSs) to which D2 belongs (D1, page 6, penultimate paragraph ("32.29x range")). D2 in turn refers to D1 as defining "The complete document structure for these TSs" (cf. page 7, second paragraph).

In view of the above, the board judges that it would be evident to the skilled reader that these documents are interdependent and, hence, can be read as if they were part of a single document.

2. *Claim 1 - inventive step (Articles 52(1) and 56 EPC)*

2.1 The board considers it appropriate to start out from D2. Fig. 5-1 on page 12 discloses an "Account Balance Management Function" block. In the board's view, the term "function" used in D2 is, in respect of its implicit technical features, synonymous with the term "server" as used in the present application. A server within the usual meaning is a computer running programs providing services to other computers. Hence, the

skilled reader would understand that each "function" in the "Online Charging System" block in Fig. 5-1 is implemented by an appropriate program running on a suitable computer and that each function receives requests and generates responses to requests. Therefore, each function in D2 (and, correspondingly, in D1) implies the presence of a computer. Further, D2 describes the functions only at a high level of system architecture. Hence, D2 is not restricted to any particular hardware configuration for physically implementing this architecture. The "Account Balance Management Function" block is therefore understood as constituting an "online charging account balance management server" within the wording of the present application.

Similarly, the "Online Charging Functions" block in Fig. 5-1 of D2 is understood as constituting an online charging management server within the wording of the present application, which receives an online account balance message from an online charging management server (cf. D2, page 13, point 5.1, fifth last paragraph: "*The Rc reference point allows the interaction between the Online Charging Functions (SBCF, EBCF) and the Account Balance Management Function to access the subscribers account balance.*"). This message is based on a received account request message transmitted from a network service provider, see e.g. D2, page 13, point 5.2.1.1: "*The Event Based Charging Function (EBCF) performs event based charging and credit control (e.g. content charging) ... on the bearer level, based on bearer usage requests received from the network; ...*" and the last paragraph of this point: "*It communicates with the Account Balance Management Function to query and update the subscribers' account and counters status*". This last

paragraph of point 5.2.1.1 also implies that the online charging account balance management server includes processing means arranged to perform an online account balance action based on the received online account balance message.

2.2 D2 does not explicitly disclose the following features of claim 1:

(i) the online charging account balance management server is a server which is physically separate from the online charging management server; and

(ii) it is combined with an offline charging account management server into a combined online and offline charging server.

2.3 These features have the effect of providing a suitable server implementation for implementing online and offline charging account management functions. The technical problem to be solved may therefore be formulated as obtaining a technical implementation.

2.4 Fig. 5-1 of D2, in particular the separation of functions by the reference point "Rc" (see "Note 1" below Fig. 5-1), suggests arranging the online charging account balance management server, i.e. the "Account Balance Management Function", separately from the online charging management server, i.e. the "Online Charging Functions", and hence providing for physical separation. Therefore, the skilled person, starting out from D2 and faced with the above technical problem, would include the above-mentioned feature (i) in the online charging system of Fig. 5-1 of D2 without exercising inventive skill.

Further, Fig. 4.1 of D1, shows a ubiquitous charging architecture including offline and online charging functions. Although this figure does not illustrate a specific physical implementation, it would be evident to the skilled person that both functions can be integrated together, since the online and offline charging functions have to access both the network elements or services requesting charging service and the billing domain. Therefore, considering these common requirements in respect of accessibility, the skilled person faced with the above-mentioned problem would integrate offline and online charging account management functions into a single server and thus include the above-mentioned feature (ii) in the online charging system of Fig. 5-1 of D2 without exercising inventive skill.

2.5 The appellant argued in writing that that there was typically no requirement for an offline account management function to include an online account management function.

2.6 However, the board notes that claim 1 does not define any combinatory feature or effect following an integration of offline and online charging account management functions into a common server. The offline and online functions may simply be juxtaposed on a single server and may provide their services separately from and independently of each other, as if they were provided by separate servers. Combining known functions in a manner such that the effect of the combination is solely the sum of the effects obtained by each function separately does not however contribute to an inventive step.

2.7 For the above reasons, the subject-matter of claim 1 lacks inventive step (Articles 52(1) and 56 EPC). The sole request on file is therefore not allowable.

3. It follows that 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