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**Datasheet for the decision  
of 12 December 2017**

**Case Number:** T 1035/14 - 3.5.05

**Application Number:** 00986247.5

**Publication Number:** 1250641

**IPC:** G06F3/033

**Language of the proceedings:** EN

**Title of invention:**

User interface for providing consolidation and access

**Applicant:**

APPLE INC.

**Headword:**

Icon magnification/APPLE

**Relevant legal provisions:**

EPC Art. 123(2)

EPC 1973 R. 67

**Keyword:**

Added subject-matter - (yes)

Reimbursement of the appeal fee - (no)



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Case Number: T 1035/14 - 3.5.05

**D E C I S I O N**  
**of Technical Board of Appeal 3.5.05**  
**of 12 December 2017**

**Appellant:** APPLE INC.  
(Applicant) 1 Infinite Loop  
Cupertino, CA 95014 (US)

**Representative:** Gillard, Matthew Paul  
Withers & Rogers LLP  
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**Decision under appeal:** Decision of the Examining Division of the  
European Patent Office posted on 19 December  
2013 refusing European patent application  
No. 00986247.5 pursuant to Article 97(2) EPC.

**Composition of the Board:**

**Chair** A. Ritzka  
**Members:** K. Bengi-Akyuerek  
G. Weiss

## Summary of Facts and Submissions

I. The appeal is against the decision of the examining division to refuse the present European patent application for lack of inventive step, having regard to the disclosure of

**D1:** EP-A-0 727 730,

combined with the skilled person's common general knowledge as exemplified by

**D2:** G.W. Furnas: "Generalized Fisheye Views",  
Proceedings of Conference CHI'86, pp. 16-23,  
April 1986;

**D3:** S. Steinberg: Cover of "The New Yorker",  
p.1, March 1976;

**D4:** G.W. Furnas: "The Fisheye Calendar System",  
Internet citation, pp. 1-9, November 1991.

II. With the statement setting out the grounds of appeal, the appellant filed amended sets of claims according to a main request and two auxiliary requests. It requested that the decision of the examining division be set aside and that a patent be granted on the basis of one of those claim requests. In addition, it requested that the appeal fee be reimbursed and that oral proceedings be held as an auxiliary measure.

III. In a communication under Rule 100(2) EPC, the board gave its preliminary opinion on the appeal. In particular, it raised objections under Article 123(2) EPC for all claim requests on file and indicated that both auxiliary requests seemed to lack an inventive step (Article 56 EPC 1973), mainly having regard to

prior-art document D1 combined with D4 or D2.

IV. With a letter of reply dated 6 December 2017, the appellant indicated that it would make no further submissions on the merits of this appeal, that the request for oral proceedings was retracted and that it looked forward to receiving the board's decision on this appeal in due course.

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

"A method for displaying representations of objects in a graphical user interface or display, respectively, for a computer system, comprising the steps of:

- displaying a plurality of icons or tiles, respectively, (620, 630, 640) in a row within a region of said user interface, where each icon (620, 630, 640) represents an object in the computer system;

- displaying a movable cursor (610) via which the user can select individual ones of said icons; and

- magnifying the size of at least one of said icons (620, 630, 640) as said cursor (610) is moved into the vicinity of one of said icons;

characterized by

a further step of repositioning others of the icons (620, 630, 640) along said row to accommodate the magnified size of said magnified icon or icons."

Claim 1 of the **first auxiliary request** reads as follows (amendments to claim 1 of the main request indicated by the board):

"A method for displaying representations of objects in a graphical user interface or display, respectively, for a computer system, comprising the steps of:

- displaying a plurality of icons or tiles,

respectively, (620, 630, 640) in a row within a region of said user interface, where each icon (620, 630, 640) represents an object in the computer system;

- displaying a movable cursor (610) via which the user can select individual ones of said icons; and

- magnifying the size of at least one of said icons (620, 630, 640) as said cursor (610) is moved into the vicinity of one of said icons;

characterized in that

- said magnifying step magnifies the icon into whose vicinity the cursor was moved and also other icons proximate that icon; and

- the method further comprises a step of repositioning others of the icons (620, 630, 640) along said row to accommodate the magnified size of said magnified ~~icon~~ or icons."

Claim 1 of the **second auxiliary request** reads as follows (amendments to claim 1 of the first auxiliary request indicated by the board):

"A method for displaying representations of objects in a graphical user interface or display, respectively, for a computer system, comprising the steps of:

- displaying a plurality of icons or tiles, respectively, (620, 630, 640) in a row within a region of said user interface, where each icon (620, 630, 640) represents an object in the computer system;

- displaying a movable cursor (610) via which the user can select individual ones of said icons; and

- magnifying the size of at least one of said icons (620, 630, 640) as said cursor (610) is moved into the vicinity of one of said icons;

characterized in that

- said magnifying step magnifies the icon into whose vicinity the cursor was moved and also other

icons proximate that icon;

- said magnifying step magnifies said other icons by a factor that is inversely related to their distances from the cursor:[sic] and

- the method further comprises a step of repositioning others of the icons (620, 630, 640) along said row to accommodate the magnified size of said magnified icons."

## **Reasons for the Decision**

### 1. MAIN REQUEST

Claim 1 of the main request comprises the following limiting features, as labelled by the board:

A method for displaying representations of objects in a graphical user interface or display, respectively, for a computer system, comprising the steps of:

- A) displaying a plurality of icons in a row within a region of said user interface, where each icon represents an object in the computer system;
- B) displaying a movable cursor via which the user can select individual ones of said icons;
- C) magnifying the size of at least one of said icons as said cursor is moved into the vicinity of one of said icons;
- D) repositioning others of the icons along said row to accommodate the magnified size of said magnified icons.

#### 1.1 *Added subject-matter (Article 123(2) EPC)*

The board judges that present claim 1 adds subject-matter to the original content of the present

application, for the following reasons:

1.1.1 Feature D) was introduced for the first time with the amendments filed on 19 July 2002 in response to the International Search Report. However, the application as originally filed teaches in fact that repositioning or reordering of icons is performed only in the context of a user's "drag-and-drop" operation, rather than of merely moving over the user bar accompanied by a magnification operation. In such a "drag-and-drop" mode, the user may add items to the user bar causing it to expand in order to accommodate the items being dragged (cf. page 23, lines 3-9), and may reorder or reposition items on the user bar by dragging an item to a new position (cf. page 23, lines 19-29).

1.1.2 But no explicit support is discernible, in the original application, for repositioning icons following their magnification along said row to accommodate the magnified size of said icons. The board likewise cannot ascertain any implicit support. This is because, in order to avoid any overlaps between the icons upon magnification of some icons, the size of the remaining icons in the user bar could also be reduced according to the present application, rather than necessarily being "repositioned" (whatever its meaning). As a result, feature D) of claim 1 amounts to an inadmissible extension of the original content.

1.2 In view of the above, the main request is not allowable under Article 123(2) EPC.

## 2. FIRST AND SECOND AUXILIARY REQUESTS

Given that feature D) objected to under Article 123(2) EPC is likewise recited in claim 1 of both the first

and second auxiliary requests, the present auxiliary requests are self-evidently not allowable under Article 123(2) EPC either.

3. *Reimbursement of the appeal fee*

3.1 The appellant requested that the appeal fee be reimbursed on the grounds that the examining division committed a substantial procedural violation by using documents D2 to D4, which did not qualify as textbooks, encyclopedias or dictionaries, as evidence of the skilled person's common general knowledge.

3.2 According to Rule 67 EPC 1973 (now Rule 103(1)(a) EPC), which is applicable here, the appeal fee shall only be reimbursed in the event that the board deems the appeal to be allowable. This is not the case in the present appeal (see points 1 and 2 above). Nevertheless, the board notes as an aside that no *procedural* requirements are provided in the EPC as to the type of documents to be used as evidence of the skilled person's common general knowledge. For this reason alone, the board cannot see that any procedural violation, let alone any *substantial* one within the meaning of Rule 67 EPC 1973, occurred in the examination proceedings. The board also adds that a potential error of judgment would likewise not constitute a procedural violation according to the established jurisprudence of the Boards of Appeal.

3.3 Hence, the appellant's request for reimbursement of the appeal fee must be refused.



## Order

### For these reasons it is decided that:

1. The appeal is dismissed.
2. The request for reimbursement of the appeal fee is refused.

The Registrar:

The Chair:



K. Götz-Wein

A. Ritzka

Decision electronically authenticated