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Datasheet for the decision
of 10 January 2017

Case Number:	T 1198/14 - 3.5.06
Application Number:	08150273.4
Publication Number:	1947587
IPC:	G06F21/00
Language of the proceedings:	EN

Title of invention:
Rights object acquisition method of mobile terminal in digital
right management system

Applicant:
Samsung Electronics Co., Ltd.

Headword:
Rights object acquisition/SAMSUNG

Relevant legal provisions:
EPC Art. 56

Keyword:
Inventive step - (no)

Decisions cited:

Catchword:

Case Number: **T 1198/14 - 3.5.06**

D E C I S I O N
of Technical Board of Appeal 3.5.06
of 10 January 2017

Appellant: Samsung Electronics Co., Ltd.
(Applicant)   129, Samsung-ro
                                   Yeongtong-gu
                                   Suwon-si, Gyeonggi-do, 443-742 (KR)

Representative: Grünecker Patent- und Rechtsanwälte
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Decision under appeal: **Decision of the Examining Division of the**
                                  European Patent Office posted on 2 January 2014
                                  refusing European patent application No.
                                  08150273.4 pursuant to Article 97(2) EPC.

Composition of the Board:

Chairman   W. Sekretaruk
Members: M. Müller
                    A. Teale

Summary of Facts and Submissions

I.   The appeal lies against the decision of the examining
        division, dispatched with reasons on 2 January 2014, to
        refuse European patent application No. 08 150 273.4 for
        lack of inventive step over the document

        D1: US 2006/0053079 A1.

II.   A notice of appeal was filed on 12 March 2014, the
        appeal fee being paid on the same day. A statement of
        grounds of appeal was received on 12 May 2014. The
        appellant requested that the decision be set aside and
        that a patent be granted on the basis of claims
        according to a main or one of two auxiliary requests as
        filed with the grounds of appeal, in combination with
        the description and drawing sheets on file.

III.   In an annex to a summons to oral proceedings, the
        board, pursuant to Article 114(1) EPC, introduced
        documents relating to a standard which is mentioned in
        the description and which had been referred to during
        examination, in particular

        D3: Open Mobile Alliance, "DRM Specification V2.0.
        Draft Version 2.0", 20 April 2004.

        It informed the appellant of its preliminary opinion
        that the subject-matter of claim 1 lacked inventive
        step over D3, Article 56 EPC, and also raised
        objections under Articles 84 and 123(2) EPC.

IV.   In response to the summons, with a letter dated
        9 December 2016, the appellant filed amended
        claims 1-28 according to a main and a first auxiliary

request, and claims 1-27 according to a second auxiliary request.

Claim 1 of the main request reads as follows:

"A rights object acquisition method performed by a mobile terminal (200) in a digital right management, DRM, system, in response to a group rights acquisition command corresponding to multiple DRM contents, the method comprising

generating and transmitting (S407, S910), a rights object acquisition protocol, ROAP, trigger request to a rights issuer, RI, server (250), wherein the mobile terminal (200) acquires multiple rights objects, ROs, using a uniform resource locator of the RI server, BatchRIURL, wherein at least one BatchRIURL is included in a header of a DRM content format, DCF, structure, wherein the RI server is for issuing multiple ROs in a composite manner;

receiving a ROAP trigger corresponding to the multiple DRM contents from the RI server in response to the ROAP trigger request, wherein the ROAP trigger is generated and sent from the RI server;

generating and transmitting (S415, S930) an RO request referencing at least one DRM content to the RI server (250) after receiving the ROAP trigger;

receiving an RO response containing at least one RO corresponding to the at least one DRM content from the RI server (250); and

acquiring (S419) the at least one RO for the at least one DRM content from the RO response."

Claim 1 of the first auxiliary request differs from claim 1 of the main request in that the first "receiving" step now reads as follows (the insertion being underlined):

"...
receiving a ROAP trigger containing a plurality of RO identifiers, roIDs assigned to the ROs corresponding to the multiple DRM contents from the RI server in response to the ROAP trigger request, wherein the ROAP trigger is generated and sent from the RI server;
...",

and in that the occurrences of "RO request" and "RO response" in the last three steps have been replaced by "RO request message" and "RO response message", respectively.

Claim 1 of the second auxiliary request reads as follows:

"A rights object acquisition method performed by a mobile terminal (200) in a digital right management, DRM, system, in response to a group rights acquisition command corresponding to multiple DRM contents, the method comprising

generating and transmitting (S407, S910), a rights object acquisition protocol, ROAP, trigger request including a plurality of content identifiers, CIDs, assigned to the multiple DRM contents to a rights issuer, RI, server (250), wherein the RI server for acquiring ROs is selected by the mobile terminal using a common uniform resource locator of the RI server, BatchRIURL, (1310) indicating an address of the RI server which is included in a header of a DRM content

format, DCF, structure, wherein the RI server is for
issuing multiple ROs in a composite manner and wherein
transmitting an ROAP trigger request comprises:

transmitting the ROAP trigger request to the RI
server (250) using a RI server address attached to
at least one of the multiple DRM contents;

if the RI server has no multiple RO transmission
capability, receiving from the RI server a
redirection message including a new RI server URL;
and

transmitting the ROAP trigger request to a new RI
server with reference to the new RI server URL;

receiving a ROAP trigger containing a plurality of RO
identifiers, rolDs, assigned to the ROs corresponding
to the multiple DRM contents from the RI server in
response to the ROAP trigger request, wherein the ROAP
trigger is generated and sent from the RI server;

generating and transmitting (S415, S930) an RO request
message containing the rolDs assigned to the ROs and
referencing at least one DRM content selected by a user
to the RI server after receiving the ROAP trigger;

receiving an RO response message containing at least
one RO corresponding to the at least one DRM content
from the RI server (250); and

acquiring (S419) the at least one RO for the at least
one DRM content from the RO response message."

All three sets of claims also contain a second
independent method claim setting out a method

performed by a digital rights management, DRM,
system ..."

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

Reasons for the Decision

The invention

1.   The application relates, in the context of digital
        rights management DRM, to a protocol for obtaining
        "rights objects" RO for desired digital content.

1.1   More specifically, the application refers to the OMA
        DRM, "an open DRM standard invented by the Open Mobile
        Alliance", in particular in its version 2.0 (see
        page 2, line 12, to page 5, line 1, and figure 1b). It
        is stated that in the OMA DRM "each content is
        individually protected by one RO", and that the "RO
        acquisition process [...] is laborious and time-
        consuming", in particular when acquiring "multiple RO
        objects", e.g. in order to extend their validity (page
        4, last paragraph).

1.2   In view of this, the invention proposes a "more user
        convenient method that provides effective protection of
        content" (see sentence bridging pages 4 and 5).

1.3   The OMA DRM specifies a rights object access protocol
        ROAP, a modification of which according to the
        invention is illustrated in figures 4 to 10 (see also
        page 14, line 12, to page 18, line 17). A mobile
        terminal sends a "ROAP trigger request" message which

lists the IDs of content items selected by the user
(page 14, lines 16-20). The RI returns a "ROAP trigger"
message, listing the IDs of the corresponding available
ROs (hence also referred to as "roIDs"), including
inter alia their respective costs (page 15,
lines 4-13). The mobile terminal presents this list to
the user (page 15, lines 15-17) to obtain his/her
consent (see figures 4 to 8, nos. S413, S527, S613,
S731, and S817 respectively). If the user does not
approve the purchase at this point, the content
selection and the ROAP trigger exchange may be
repeated. If the purchase is approved, however, the
mobile device requests and receives the desired ROs by
issuing a suitable "RO request" message to and
receiving a corresponding "RO response" message from
the RI.

1.4   The RI server is identified by its URL, referred to as
        "BatchRIURL", which is packaged with the content in a
        file in a suitable "DRM content format" DCF (see
        figure 13). Several such URLs can be contained in one
        DCF and hence packaged with one piece of content
        (page 29, line 25, to page 30, line 1). Two pieces of
        content can be "acquired in a composite manner" if they
        share the same "BatchRIURL" (see page 30, lines 2-7).

1.5   Not all RI servers may have the "multiple RO
        transmission capability" proposed by the invention. If
        the selected content refers to an RI server which does
        not, this server will respond to an ROAP trigger
        request by returning to the mobile device a
        "redirection message" comprising the URL of an RI
        server which does. The mobile device will then
        automatically send a new ROAP trigger request to the

latter RI server, without even informing the user (see
page 35, 2nd paragraph, and figure 12).

The prior art

2.   According to D3, users browse through a content portal
        and select content (see e.g. page 134, first bullet
        point, and page 135, item 1). The DCF files associated
        with the selected content identify the pertinent rights
        issuer (see page 24, section 5.2.2, paragraph 4).

2.1   On request by the user, the thus-identified rights
        issuer sends a ROAP trigger to the user's device to
        initiate the "ROAP protocol exchange" (see sections
        5.1.6, 5.2 and 5.2.1; but also page 134, last two
        bullet points, page 135, items 3 and 4, and page 138,
        figure 22). The ROAP trigger contains one or more so-
        called roIDs (see page 23, line 10 in the code, and
        paragraph 3 in the text), based on which the user's
        device requests the desired ROs from the RI with an RO
        request message (which must contain all received roIDs,
        loc. cit., and section 5.4.3.1.1, item RO Info) and
        eventually receives them via an RO response message.

2.2   Before the RO request message is sent, it is determined
        whether the device is registered with the RI and hence
        whether a valid "RI context" exists. If not, user
        consent must be acquired, typically by performing
        registration and establishing a valid RI context at
        that point (see section 5.1.1, paragraphs 1 and 2,
        sections 5.1.2 and 5.1.6, section 5.2.1, page 23, last
        paragraph, section 5.2.2, page 135, sentence before the
        first bullet point, and page 136, sentence before
        point 5).

3.   D1 discloses an online shop for digital content. The
        customer can tick items (e.g. digital music files, see
        figures 3a and 3b, and paragraph 64) in a list of media
        files available for purchase and move them into an
        online "shopping cart" (see e.g. figure 3a and
        paragraph 58). Also entire music albums can be selected
        (see figure 3b, item 345, and paragraph 66).
        Subsequently, the license corresponding to the selected
        media files is transmitted to a central server and to
        the customer's computer (see paragraph 62; e.g. right
        column, lines 6-12). D1 also discloses that a retailer
        server may redirect a first-time customer "to the
        central server [...] to obtain user registration
        information" or a registered user for login at "a web
        page associated with the central server" (see
        paragraph 59, lines 1-12), and that users may be
        "redirected" to a web page so that they can build their
        own web store there (paragraph 67, lines 1-4).

Clarity, Article 84 EPC, and
added subject-matter, A123(2) EPC

4.   In the summons to oral proceedings, the board raised a
        number of objections under Articles 84 and 123(2) EPC.
        Some of these were addressed by the amendments filed
        with the letter of 9 December 2016. During oral
        proceedings, the issues of clarity and added matter
        were left open in favour of the discussion on inventive
        step.

Inventive step, Article 56 EPC

5.   The appellant argued that "neither the scenario nor the
        respective solution" according to D1 was "comparable to
        the claimed invention", because the invention related

only to the download of rights objects rather than
media files, and because D1 did not "refer to
requesting multiple rights objects" (see grounds of
appeal, page 3, paragraph 2, esp. lines 6-8 and last
sentence).

5.1   The board notes that none of the requests excludes the
        download of the media files. In fact, the user is only
        interested in the rights objects as a means to gain
        access to the content, irrespective of whether the
        rights objects are obtained earlier, later or at the
        same time as the content (see also D3, section 4,
        paragraph 3).

5.2   The board also notes that D1 discloses the selection of
        multiple content files and thus seems to also imply the
        download of multiple "media file licenses" (see e.g.
        D1, paragraph 62).

5.3   The board accepts, however, that the interaction
        between customer and online shop according to D1 is
        different from the claimed message exchange. In D1 the
        customer selects the desired content - and, implicitly,
        the desired media licenses - by interacting with an
        online shop at a server. In contrast, the invention
        requires that the user specify the desired content in a
        message (ROAP trigger request), to receive rights
        object identifiers in response (ROAP trigger), and only
        then to select, request and eventually receive a
        desired rights object (RO request, RO response) at the
        user's end.

5.4   The board agrees with the examining division that D1 is
        a suitable starting point for assessing inventive step
        of the present invention, but is also of the opinion
        that the claimed invention is more easily compared to

the OMA DRM standard referred to in the application itself. The board thus decided to start its assessment of inventive step from document D3. In oral proceedings, the appellant expressed its agreement with that choice.

6.   According to D3, a ROAP trigger may be generated in response to the user selecting content and an exchange of an RO request and an RO response message may follow (see section 5.1.6), possibly conditional on user consent being given at that point (see point 2.2 above).

6.1   Therefore, the central difference between the claimed invention and D3 - and indeed the only difference for the main and first auxiliary requests - is that it proposes a *ROAP trigger request* message that may comprise multiple content identifiers whilst the prior art only allowed the user to request individual pieces of content one by one.

6.2   The description states that "the RO acquisition process [...] when acquiring multiple ROs [...] is laborious and time-consuming", and the claimed method is meant to be faster and more convenient (see page 4, last paragraph, to page 5, line 1).

6.3   The board takes the view that, if it was perceived as "laborious" that separate message exchanges were required when multiple rights objects (for multiple pieces of content) were desired, it would be obvious for the skilled person to consider providing a "ROAP trigger request" message in the protocol according to D3 which could refer jointly to several desired pieces of content.

7.   During oral proceedings, the appellant argued that the invention was particularly advantageous in scenarios such as the following one.

7.1   A user might select several pieces of content (100, say) and, on receipt of the corresponding list of roIDs, and especially in view of the price information contained therein, make an informed decision as to whether he/she wants to proceed with the purchase or instead to select a smaller number (10, say) of content items. According to the invention, this scenario would require a mere two ROAP trigger requests and ROAP trigger messages and two decisions by the user as to whether to approve the purchase, whereas in the prior art D3 it would require 110 ROAP trigger requests and ROAP trigger messages and the same number of purchase approval decisions by the user.

7.2   The board agrees that the invention saves a substantial number of messages and user decisions in such a scenario. However, the board takes the view that this is an immediate consequence of the proposed batch processing and, effectively, precisely the desired improvement in convenience and efficiency of the known method for which batch processing is, in the board's conviction, an obvious solution.

7.3   In summary, the board comes to the conclusion that claim 1 of the main and first auxiliary requests lacks inventive step over D3, Article 56 EPC.

8.   Claim 1 of the second auxiliary request contains the additional feature that an RI server without the "multiple RO transmission capability" sends a

redirection message with a new RI server URL to the
mobile terminal.

8.1   In this regard, the appellant argued that the invention
        made it possible, during a transitional phase, that a
        mobile device operating according to the new protocol
        could obtain content associated with an RI server
        operating according to the old protocol.

8.2   The board agrees that the problem of servers which were
        not (yet) equipped to serve a newly introduced type of
        request would have arisen and had to be addressed. The
        board notes, in passing, that the invention does not
        allow the use of "old" servers without change. Rather,
        they have to be modified so as to produce the
        redirection message, if required.

8.3   At any rate, it would be obvious to enable "old"
        servers to interact with "new" mobile device. The
        rights issuer would, for commercial reasons, not want
        to lose a purchase and therefore want to suitably adapt
        the server software to "new" mobile devices in use.

8.4   If it was impossible or undesirable to upgrade any old
        server on the spot, it would have been obvious that any
        new ROAP trigger request had to be delegated to an
        already upgraded server. Simply returning the URL of
        such an upgraded server to the requesting mobile device
        and having it send a new ROAP trigger request to that
        server is, in the board's view, an obvious solution for
        the skilled person, in particular, being the smallest
        possible change for the old server.

8.5   The board therefore concludes that the subject-matter
        of claim 1 of the second auxiliary request also lacks
        inventive step over D3, Article 56 EPC.

Order

For these reasons it is decided that:

The appeal is dismissed.

The Registrar: The Chairman:

B. Atienza Vivancos   W. Sekretaruk

Decision electronically authenticated