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**Datasheet for the decision
of 8 May 2019**

Case Number: T 2261/14 - 3.5.05

Application Number: 10172832.7

Publication Number: 2249530

IPC: H04L12/58

Language of the proceedings: EN

Title of invention:

Handheld electronic device and associated method providing time data in a messaging environment

Applicant:

BlackBerry Limited

Headword:

Selective time stamp display/BLACKBERRY

Relevant legal provisions:

RPBA Art. 13(1)
EPC Art. 56

Keyword:

Late-filed main request - admitted (yes)
Inventive step - (yes)

Decisions cited:

Catchword:



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Case Number: T 2261/14 - 3.5.05

D E C I S I O N
of Technical Board of Appeal 3.5.05
of 8 May 2019

Appellant: BlackBerry Limited
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Representative: Hanna Moore + Curley
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Decision under appeal: Decision of the Examining Division of the
European Patent Office posted on 7 July 2014
refusing European patent application No.
10172832.7 pursuant to Article 97(2) EPC.

Composition of the Board:

Chair A. Ritzka
Members: P. Cretaine
D. Prietzel-Funk

Summary of Facts and Submissions

- I. This appeal is against the decision of the examining division, posted on 7 July 2014, refusing European patent application No. 10172832.7. The main and the first to fourth auxiliary requests were refused for lack of inventive step (Article 56 EPC) having regard to the disclosure of

D1: US 2003/104841.
- II. Notice of appeal was received on 28 August 2014 and the appeal fee was paid on the same day. The statement setting out the grounds of appeal was received on 7 November 2014. The appellant requested that the decision under appeal be set aside and that a patent be granted based on a main request or first to sixth auxiliary requests submitted with the statement setting out the grounds of appeal. Oral proceedings were requested in case the board did not allow the main request.
- III. A summons to oral proceedings was issued on 21 February 2019. In a communication pursuant to Article 15(1) RPBA annexed to the summons, the board gave its preliminary opinion that document D3 (WO 02/21413) represented the closest prior art and that the claim requests did not meet the requirements of Article 56 EPC having regard to the disclosure of D3.
- IV. By letter dated 8 April 2019, the appellant submitted a new main request and new first to fifth auxiliary requests to replace the requests on file.

V. Oral proceedings were held on 8 May 2019, during which the appellant withdrew the first to fifth auxiliary requests. The appellant requested that the decision under appeal be set aside and that a patent be granted on the basis of the main request as filed with the letter dated 8 April 2019. The decision of the board was announced at the end of the oral proceedings.

VI. Claim 1 according to the main request reads as follows:

"A method of selectively displaying time stamps for messaging communications on a first electronic device (4), the first electronic device (4) operable to be in electronic communication with a second electronic device (104), the method comprising, the first electronic device:
displaying an electronic conversation comprising a plurality of indications (68), each indication (68) being representative of at least a portion of a corresponding messaging communication between the first electronic device (4) and the second electronic device (104), wherein a first indication of the plurality of indications is displayed without an indication of a time at which the corresponding messaging communication was transmitted;
determining a first time at which a first messaging communication, corresponding to the first indication displayed without an indication of time, occurred between the first electronic device and the second electronic device;
detecting a predetermined input to insert an indication of the first time in association with the first indication; and
responsive to detecting the predetermined input, displaying a first time stamp (98) representative of

the first time in association with the first indication."

The main request comprises further independent claims directed to a corresponding computer program product (claim 14) and a corresponding apparatus (claim 15).

Reasons for the Decision

1. Admissibility of the appeal

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

2. Admission of the main request:

The appellant argued that the main request was filed in response to the communication of the board, because the inventive-step objection raised in the communication was based on D3 as the closest prior art, instead of D1 used by the examining division. The amendments to the claims were limited to the introduction in independent claim 1 that the method steps were performed by the first electronic device. Taking into account these circumstances, the board, in exercising its discretion under Article 13(1) RPBA, decided to admit the main request into the proceedings.

3. Article 123(2) EPC

The board agrees with the appellant that the amendment to claim 1 is supported by the application documents as originally filed. It is clearly described on page 3, line 3, to page 4, line 11, on page 5, lines 12 to 19, and on page 8, lines 21 to 26, that the first

electronic device ("handheld electronic device 4") comprises an output apparatus which displays a first messaging communication, a processor apparatus which determines the time at which the first messaging communication occurred, and also an input apparatus which receives an input from the user for causing the display of a time-stamp representative of this time.

Therefore, the main request meets the requirements of Article 123(2) EPC.

4. Inventive step

4.1 The decision under appeal has identified the first and the fourth steps of claim 1 as being non-technical features. Even if it might be questioned whether the step of displaying an electronic conversation represents merely the presentation of information within the meaning of Article 52(2)(d) EPC, this feature is disclosed by both prior art documents D1 and D3. Thus, the question of its technicality is of no relevance for the assessment of inventive step in the present case. Furthermore, the fourth step of claim 1 ("responsive to detecting..., displaying a first time stamp") relates to a change in what is displayed upon action from the user on the electronic device, i.e. a man-machine interaction. Therefore, it cannot be considered a feature related to the mere presentation of information. The board further agrees with the appellant that a time stamp linked to a message sent by an electronic device represents information related to the internal state of the electronic device, namely the time when the electronic device sent the message. Therefore, displaying a time stamp per se does not relate solely to the presentation of information within the meaning of Article 52(2)(d) EPC. Rather, it

represents a technical feature.

4.2 Prior art

D1 relates to a method for displaying several received e-mail messages and their time-stamps on a mobile device, using different display modes, e.g. a different brightness, depending on the relative age of each message and if it has been read (see Figure 6). The main difference between the subject-matter of claim 1 and the disclosure of D1 is that in claim 1 the time stamp associated with a message is displayed only upon input from the user, whereas D1 teaches always displaying the time-stamp information. Based on this distinguishing feature, the objective technical problem can be formulated, as proposed by the appellant, as how to save display space and increase user flexibility with respect to adding/removing displayed information. D1 is not concerned with the problem of display space and teaches the skilled person away from the presently claimed subject matter since it is precisely directed to enhance the time-stamp information, not to suppress it. Time stamp display is required in D1 for every displayed message in all situations. Furthermore, in D1, only the display of the messages and their associated time-stamps is activated by the user of the device, not the display mode of these messages. Therefore, the subject-matter of claim 1 involves an inventive step having regard to the disclosure of D1.

D3 discloses a complex messaging system for organising the content of electronic messages, based on e-mails or instant messaging for instance, exchanged within a group of users. All messages within a group of users are aggregated and stored on the messaging server and are displayed to the users upon request to the server.

The display of a thread of messages is performed using GUIs, as illustrated in Figures 22B and 22D which relate to two different embodiments. Figure 22B shows a GUI with a comment building bloc for gathering responses sent by the members of a group upon receiving a first message from a member. The responses are then all displayed on the GUI with a time stamp. In the embodiment shown in Figure 22D, only the time stamp associated with the first message is displayed. In both embodiments, the time stamps associated with the responses are generated by the server itself and all of them are either displayed (embodiment of Figure 22B) or not displayed (embodiment of Figure 22D), independently of any user input in that respect. One of the main differences between the subject-matter of claim 1 and the disclosure of D3 is thus that a time stamp is generated by the device itself and its display is commanded by a user input on the device. Based on this distinguishing feature, the objective technical problem can be formulated, as proposed by the appellant, as how to save display space and increase user flexibility with respect to adding/removing displayed information.

Starting from D3, the skilled person would have chosen the embodiment of Figure 22D to save display space. However, since the system of D3 focuses on time-stamp generation and time-stamp display command being both centralised in the messaging server, the skilled person would not have contemplated attributing these functionalities to a user device for each individual message. Therefore the subject-matter of claim 1 involves an inventive step having regard to the disclosure of D3.

Moreover, the far-fetched combination of D1 and D3 would not have led the skilled person to the subject-

matter of claim 1 since neither of these documents hints at providing the user of the device with the possibility of deciding on the display of time stamps.

For these reasons, the board decides that claim 1 and the corresponding independent apparatus claims 14 and 15 meet the requirements of Article 56 EPC. Claims 2 to 13 are dependent claims and, as such, also meet the requirements of Article 56 EPC.

Order

For these reasons it is decided that:

1. The decision under appeal is set aside.
2. The case is remitted to the examining division with the order to grant a patent based on claims 1 to 15 of the main request submitted with the letter dated 8 April 2019 and the description and drawings to be adapted.

The Registrar:

The Chair:



B. ter Heijden

A. Ritzka

Decision electronically authenticated