

**Internal distribution code:**

- (A) [ - ] Publication in OJ  
(B) [ - ] To Chairmen and Members  
(C) [ - ] To Chairmen  
(D) [ X ] No distribution

**Datasheet for the decision  
of 11 December 2019**

**Case Number:** T 0572/15 - 3.5.03

**Application Number:** 07752069.0

**Publication Number:** 2132646

**IPC:** H04L29/08

**Language of the proceedings:** EN

**Title of invention:**

SYSTEMS AND METHODS FOR AUTOMATICALLY LOCATING WEB-BASED  
SOCIAL NETWORK MEMBERS

**Applicant:**

Facebook, Inc.

**Headword:**

Locating web-based social network members/FACEBOOK

**Relevant legal provisions:**

EPC Art. 56

**Keyword:**

Inventive step - (no)



**Beschwerdekammern**  
**Boards of Appeal**  
**Chambres de recours**

Boards of Appeal of the  
European Patent Office  
Richard-Reitzner-Allee 8  
85540 Haar  
GERMANY  
Tel. +49 (0)89 2399-0  
Fax +49 (0)89 2399-4465

Case Number: T 0572/15 - 3.5.03

**D E C I S I O N**  
**of Technical Board of Appeal 3.5.03**  
**of 11 December 2019**

**Appellant:** Facebook, Inc.  
(Applicant) 156 University Avenue  
Palo Alto, CA 94301 (US)

**Representative:** Murgitroyd & Company  
Murgitroyd House  
165-169 Scotland Street  
Glasgow G5 8PL (GB)

**Decision under appeal:** **Decision of the Examining Division of the  
European Patent Office posted on 28 October 2014  
refusing European patent application No.  
07752069.0 pursuant to Article 97(2) EPC.**

**Composition of the Board:**

**Chairman** T. Snell  
**Members:** J. Eraso Helguera  
J. Geschwind

## Summary of Facts and Submissions

- I. An appeal was lodged by the applicant against the decision of the examining division refusing European patent application No. 07752069.0, published with publication number EP 2 132 646 A1. The refusal was based on the ground of lack of novelty of the subject-matter of claim 1 of both a main request and a first auxiliary request.
- II. In its decision, the examining division referred *inter alia* to the following prior art document:  
  
D1: US 2007/030824 A1
- III. In the statement of grounds of appeal, the appellant requested that the decision be set aside and that a patent be granted on the basis of a set of claims filed with the statement of grounds of appeal, said to be identical to those of the first auxiliary request referred to in the decision under appeal. Oral proceedings were conditionally requested.
- IV. In a communication accompanying a summons to oral proceedings, the board gave a preliminary opinion, *inter alia*, that the subject-matter of claim 1 did not involve an inventive step (Articles 52(1) and 56 EPC).
- V. Oral proceedings were held on 11 December 2019.

The appellant requested that the decision under appeal be set aside and that a patent be granted on the basis of the request filed with the statement of grounds of appeal.

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

VI. Claim 1 reads as follows:

"A method of sharing locations of members participating in an online social networking service, the method executed by a computer system and comprising:  
receiving first location information from a mobile device carried by a first member of the online social networking service, the location information representing a first geographic location of the first member;  
receiving first status information indicating a status of the first member at the first geographic location from the mobile device, the first status information being provided by the first member;  
storing the first location information and first status information in association with one another as contact content in a social service network database;  
receiving second location information from the mobile device representing a second geographic location of the first member;  
receiving second status information indicating the status of the first member at the second geographic location from the mobile device, the second status information being provided by the first member;  
updating the contact content to store the second location information and second status information in association with one another in the social network database;  
querying the contact content in the social network database; and  
sending the contact content to a second member for display;

wherein said sending of the contact content is carried out subject to privacy settings defined by the first member of the online social networking service, wherein the privacy settings limit sending of the contact content to members that have been designated by the first member."

### **Reasons for the Decision**

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

1.1 D1 discloses in para. [0162]-[0164] a method of sharing match data of members participating in an online social networking service, executed by a data center, wherein the data center receives from a first member updates to its member profile in a database, queries the database and sends match data to a second member for display, wherein said sending of the match data is carried out subject to privacy settings defined by the first member of the online social networking service, wherein the privacy settings limit sending of the contact content to members that have been designated by the first member.

1.2 Using the wording of claim 1, D1 discloses:

A method of sharing locations of members participating in an online social networking service, the method executed by a computer system (see para. [0034]: "*Data center 14 may serve as a central processing and storage node for system 10. In certain embodiments, data center 14 includes a server system 30 and a database 32.*") and comprising:

receiving first location information from a mobile device carried by a first member of the online social

networking service, the location information representing a first geographic location of the first member (see para. [0161]: "*Users at one of these locations or events may sign in at any suitable time, such as prior to or when they arrive at the location or event.*"; see para. [0026]: "*In general, a mobile device 12 may be operable to submit a user profile for its associated user to data center 14 for comparison with user profiles for users of other mobile devices 12.*");

receiving first status information indicating a status of the first member at the first geographic location from the mobile device, the first status information being provided by the first member (see para. [0162]: "*Some group members may already be registered users. These members may select either an existing user profile 24 to use at the event or complete a new user profile 24 specific to the event. Group members who are not already registered users may register or complete one or more user profiles 24.*"; see para. [0026]: "*In general, a mobile device 12 may be operable to submit a user profile for its associated user to data center 14 for comparison with user profiles for users of other mobile devices 12.*");

storing the first location information and first status information in association with one another as contact content in a social service network database (see para. [0039]: "*Data center 14 is operable to receive information from the mobile devices 12, as well as any other suitable devices, and to store the received information in database 32. For example, data center 14 is operable to receive user profiles 24 from users of mobile devices 12 and store user profiles 24 in database 32.*");

querying the contact content in the social network database (see para. [0162]: "*The user profiles 24 of the group members may be matched at data center 14.*");

and

sending the contact content to a second member for display (see para. [0163]: "*match data 26 may be sent to some or all users who are members of a particular group at a particular time or location, when two group members come within proximity of each other at the event, when group members come within proximity of each other and another group member*");

wherein said sending of the contact content is carried out subject to privacy settings defined by the first member of the online social networking service, wherein the privacy settings limit sending of the contact content to members that have been designated by the first member (see para. [0163]: "*match data may be sent to some or all users who are members of a particular group*" (emphasis added)).

1.3 The subject-matter of claim 1 differs from the method disclosed in para. [0162]-[0164] of D1 in the steps of:

receiving second location information from the mobile device representing a second geographic location of the first member;

receiving second status information indicating the status of the first member at the second geographic location from the mobile device, the second status information being provided by the first member;

updating the contact content to store the second location information and second status information in

association with one another in the social network database.

- 1.4 The technical effect provided by the distinguishing features is that, since both location information and status information are updated, the location-based matching can consider which members of the group are actually in proximity to each other, instead of being based on registration for an event at a particular location.

The objective technical problem can thus be defined as how to improve the location-based matching to better identify group members who are actually in proximity to each other at the event.

- 1.5 A solution to this problem is however disclosed in para. [0228]-[0229] of D1, which explain how the users' actual locations (e.g. GPS data) may be tracked for matching purposes and how a user's availability settings may be associated with a user's location (e.g. "a user may be relatively open to matches at a conference, on an airplane, or at a bar").

The skilled person would consider the combination of the features of para. [0162]-[0164] of D1 with the features of para. [0228]-[0229] of D1 as straightforward, account being taken that para. [0163] explicitly mentions using a user's location to determine a match for group members ("match data 26 may be sent to some or all users who are members of a particular group at a particular time or location"), and that para. [0228] explains that "triangulation, GPS data, or other location-determining technology may be used for matching", thereby arriving at the subject-



matter of claim 1 without the exercise of inventive skill (Articles 52(1) and 56 EPC).

- 1.6 In the statement of grounds of appeal, the appellant submits that claim 1 is distinguished from the prior art by virtue of the two steps of:

"...querying the contact content in the social network database (135); and

sending the contact content to a second member for display; wherein said sending of the contact content is carried out subject to privacy settings defined by the first member of the online social networking service, wherein the privacy settings limit sending of the contact content to members that have been designated by the first member".

During the oral proceedings, the appellant further argued that D1 relates to a completely different subject-matter, uses a different approach and has a different aim. The objective of D1 is to connect people that do not know each other, so that, if two users come together, there might be an occasion to meet. There are no "privacy settings" in the claimed sense, the only privacy option available to the user being deciding to become invisible. Matching data in D1 is sent to everybody, and there is no active selection or designation of friends, i.e. people the user already knows, to whom the sending of the contact content is limited. In D1, contact content is sent to people the user does not know, whereas in the application the user selects which information is sent to people already known. The skilled person would not even select D1 as an appropriate starting point given these fundamental differences, and, even starting out from D1, the

teachings of this document go in a different direction. There are so many different embodiments that the only way to read the claimed subject-matter into D1 is with the help of hindsight.

- 1.7 The board is not convinced by these arguments, and in this respect refers to the disclosure of para. [0162]-[0164] of D1 (the "Implied Proximity" embodiment). Para. [0162] of D1 explains how:

"if a group desires to organize an event using implied proximity, the group can register the event at a web site associated with data center 14... The user profiles 24 of the group members may be matched at data center 14. At one or more specified times (e.g., on the day of the event), data center 14 may communicate messages using SMS or another suitable mechanism to the group members".

In a further refinement, para. [0163] of D1 explains how:

"In certain embodiments, match data 26 may be sent to some or all users who are members of a particular group at a particular time or location, when two group members come within proximity of each other at the event".

Therefore, the "Implicit Proximity" embodiment of D1 does at least disclose a method performing location-based matching of user profile data in which the distribution of match data is restricted to the members of a group.

The claim does not set out how the definition of the privacy settings take place, nor does the term "privacy

settings" imply any particular limitation beyond what is expressly stated in the claim, i.e. "limiting the sending of the contact content to members that have been designated by the first member", without any specific detail as to how the designation of members is made. Hence, the appellant's narrow interpretation of the last feature of claim 1 is not justified by its actual wording, given that "members that have been designated by the first member" neither explicitly mentions nor implies individual selection of friends or acquaintances.

In any case, the description does not provide more details in this respect, considering that paragraph [0035] merely states that *"For example, in one embodiment, a member of a web-based social network may select privacy settings to provide their associated GPS identifier and status to only those people designated by the member as "friends" of the member"*. This passage, which is the only occurrence of the term "friend" in the application, does not specify which people should qualify as such, and, in the view of the board, it does not rule out selecting a trusted group of people sharing a common goal or interest as the "friendship" criterion, irrespective of whether these persons are already "known" to the first member or not.

Hence, the board considers that sending match data to members of a trusted group as described in D1 is also limited to sending to members that have been designated by the first member in what constitutes privacy settings, inasmuch as the user registering to an event according to paragraph [0162] at least implicitly designates the members of the group as potential recipients of his "private" match data.

As regards "querying the contact content in the social network database", D1 discloses in para. that the "data center 14 includes a server system 30 and a database 32". Hence, the matching of user profiles in D1 may require querying the database where the profiles are stored.

2. *Conclusion*

As there is no allowable request, it follows that the appeal must be dismissed.

**Order**

**For these reasons it is decided that:**

The appeal is dismissed.

The Registrar:

The Chairman:



M. H. A. Patin

T. Snell

Decision electronically authenticated