

**Internal distribution code:**

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

**Datasheet for the decision  
of 14 May 2019**

**Case Number:** T 1662/15 - 3.5.03

**Application Number:** 06023160.2

**Publication Number:** 1786126

**IPC:** H04H7/00

**Language of the proceedings:** EN

**Title of invention:**

Method and system for delivering notification events/messages and service guide source data for generation of service guide in a mobile broadcast system

**Applicant:**

Samsung Electronics Co., Ltd.

**Headword:**

Delivering notification events/SAMSUNG

**Relevant legal provisions:**

EPC Art. 84, 123(2)

**Keyword:**

Claims - clarity (no)  
Amendments - extension beyond the content of the application as filed (yes)



**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 1662/15 - 3.5.03

**D E C I S I O N**  
**of Technical Board of Appeal 3.5.03**  
**of 14 May 2019**

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

**Representative:** Grünecker Patent- und Rechtsanwälte  
PartG mbB  
Leopoldstraße 4  
80802 München (DE)

**Decision under appeal:** **Decision of the Examining Division of the  
European Patent Office posted on 18 March 2015  
refusing European patent application No.  
06023160.2 pursuant to Article 97(2) EPC.**

**Composition of the Board:**

**Chairman** F. van der Voort  
**Members:** J. Eraso Helguera  
R. Winkelhofer

## **Summary of Facts and Submissions**

- I. This appeal was lodged by the applicant against the decision of the examining division refusing European patent application No. 06023160.2 with publication number EP 1 786 126 A2. The refusal was based on the ground that claim 1 lacked clarity (Article 84 EPC).
- II. In the statement of grounds of appeal, the appellant requested that the decision under appeal be set aside and that a patent be granted on the basis of the claims filed with the statement of grounds of appeal. Oral proceedings were conditionally requested.
- III. In a communication accompanying a summons to oral proceedings, the board gave its opinion that claim 1 appeared to lack clarity and that the subject-matter of claim 1 appeared to extend beyond the content of the application as originally filed.
- IV. The appellant then withdrew the request for oral proceedings.
- V. Claim 1 reads as follows:

"A method for delivering a notification event for generation of a notification message for information provisioning to a subscriber receiving a broadcast service in a mobile broadcast system including an Open Mobile Alliance Browser and Content Mobile Broadcast, OMA BCAST system, said mobile broadcast system further including a first apparatus (1001) for handling subscriber information management of the broadcast service and generation of the notification message and a second apparatus (1002) for handling delivery of the

notification message over a broadcast channel or an interaction channel, the method comprising:

sending, by the second apparatus (1002), a notification event message (1003) for requesting generation of the notification message to the first apparatus (1001) according to at least one notification event; and

if, by the first apparatus (1001), a notification message is immediately generated according to a notification event, a result is sent to the second apparatus (1002) along with an HTTP response (1004),

otherwise, if time is required for generating the notification message, a session between the first apparatus (1001) and the second apparatus (1002) is closed by the first apparatus and a result message is then sent from the first apparatus (1001) to the second apparatus (1002) through HTTP post message,

wherein the result comprises a data field to indicate whether that the notification message is delivered or the notification message delivery is failed and retransmission is requested."

## **Reasons for the Decision**

### *1. Claim 1 - clarity*

1.1 Claim 1 does not meet the requirements of Article 84 EPC. In particular, the feature:

*"a session between the first apparatus (1001) and the second apparatus (1002) is closed by the first apparatus"*

is unclear, since in the context of the claim it is unclear how the term "session" is to be construed and how such session can be closed *"by the first apparatus"*.

- 1.2 The appellant argues (see point 2 of the statement of grounds of appeal) that *"from HTTP it is know[n] that a session is defined as the combination of a request message and a response message."*

Further, in point 6 of the statement of grounds of appeal, it argues:

*"Moreover, it is clear from the definition of claim 1 that the session is closed if time is required for generating the notification message, such that no HTTP response message is transmitted, but an HTTP post message."*

*Closing a session is generally understood by the person skilled in the art. Moreover, in context with the present invention, a skilled person may well understand closing a session to mean terminating an information interchange between the first and second apparatus."*

- 1.3 The board is not convinced by these arguments. On the one hand, in point 2 of the statement of grounds of appeal, the appellant indicates that a session is defined as the combination of a request message and a response message, whilst, on the other hand, in point 6, the appellant, referring to claim 1, submits that

the session is closed "*if time is required for generating the notification message, such that no HTTP response message is transmitted, but an HTTP post message*" (underlining by the board). However, an HTTP post message is a particular type of request message rather than a response message. Further, if it were assumed that the session is closed by other (undisclosed) means before issuing the HTTP post message, the session would be closed without an (HTTP) response message being sent.

1.4 Further, the subject-matter of claim 1 does not imply any particular limitation with respect to the underlying protocols used to transfer the HTTP messages, so that no further assumptions can be made as to what a "session" is meant to entail and how it is "closed by the first apparatus", especially without transmitting an HTTP response message.

1.5 Since no unequivocal, generally accepted meaning of these terms as used in the context of claim 1 exists, the above-mentioned feature renders the subject-matter, for which protection is sought, unclear.

2. *Claim 1 - added subject-matter*

2.1 The subject-matter of claim 1 extends beyond the content of the application as originally filed, contrary to the requirements of Article 123(2) EPC, for the following reasons:

2.2 In point 3 of the statement of grounds of appeal, the appellant explains the following with regard to claim 1 (underlining by the board):

*"Instead, a definition is provided for sending a notification event message for requesting generation of the notification message by the second apparatus to the first apparatus according to at least one notification event. Depending on the situation that a notification message can immediately be generated according to a notification event, or that time is required for generating the notification message, either a result is transferred to the second apparatus along with an HTTP response or a session between the first and second apparatus is closed and a result message is transferred through HTTP post message to the second apparatus.*

*However, no notification is transferred from the second apparatus to the first apparatus informing the first apparatus that the requested data cannot be delivered after the session has been closed."*

2.3 The board notes however that claim 1 includes the following feature (underlining by the board):

*"wherein the result comprises a data field to indicate whether that the notification message is delivered or the notification message delivery is failed and retransmission is requested".*

Figure 10 and pages 48 and 49 of the application as filed disclose a result message being sent by a first apparatus in response to a notification event message sent by a second apparatus. However, Table 14, which shows the details of such result message, refers to (bold by the board) "Notification Message **Generation** is failed" rather than to "notification message **delivery** is failed", as presently claimed.

2.4 Hence, the present combination of features of claim 1 has no basis in the application as filed.

## Order

### For these reasons it is decided that:

The appeal is dismissed.

The Registrar:

The Chairman:



C. Rodríguez Rodríguez

F. van der Voort

Decision electronically authenticated