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**Datasheet for the decision
of 13 December 2019**

Case Number: T 2383/16 - 3.5.05

Application Number: 13194556.0

Publication Number: 2755119

IPC: G06F3/0481, G06F3/0486,
G06F17/21

Language of the proceedings: EN

Title of invention:

Method for moving interface object and apparatus for supporting movement of interface object

Applicant:

Huawei Device Co., Ltd.

Headword:

Method for moving interface object / Huawei

Relevant legal provisions:

EPC Art. 54

Keyword:

Novelty - main request (no) - auxiliary request (no)

Decisions cited:

Catchword:



Beschwerdekammern
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Case Number: T 2383/16 - 3.5.05

D E C I S I O N
of Technical Board of Appeal 3.5.05
of 13 December 2019

Appellant:
(Applicant)

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Representative:

Isarpatent
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Decision under appeal:

**Decision of the Examining Division of the
European Patent Office posted on 31 May 2016
refusing European patent application No.
13194556.0 pursuant to Article 97(2) EPC.**

Composition of the Board:

Chair A. Ritzka
Members: N. H. Uhlmann
F. Blumer

Summary of Facts and Submissions

- I. The appeal lies from the decision of the examining division to refuse European patent application No. 13194556.0 because the sole request did not meet the requirements of Article 56 EPC.
- II. The examining division made reference to the following documents:

D1 CN 102 866 832;
D1+ US 2013/0057587, this publication corresponds to D1 and is used as a translation into English of D1;
D2 CH 703 723;
D3 EP 2 328 072;
D4 US 2012/274579.
- III. In its notice of appeal the appellant requested that the board either remit the matter to the examining division for revision of its decision or set aside the decision dated 31 May 2016 to refuse the application. Moreover, refund of the appeal fee was requested.
- IV. In its statement setting out the grounds of appeal the appellant submitted arguments.
- V. The board arranged for oral proceedings to be held.
- VI. In the summons, the board set out its provisional view of the case. It considered, *inter alia*, that the sole request did not meet the requirements of Articles 84 and 54(1) and (2) EPC. It was not inclined to order a reimbursement of the appeal fee.
- VII. By letter dated 11 November 2019, the appellant filed an auxiliary request and informed the board that "the applicant and its representative do not intend to attend the oral proceedings".

- VIII. Oral proceedings were held on 13 December 2019. As announced, no one attended on behalf of the appellant.
- IX. The appellant requested in writing that the decision under appeal be set aside and that a patent be granted on the basis of the main request (claims 1 to 6) as filed by letter dated 1 October 2014 or, alternatively, on the basis of the auxiliary request (claims 1 to 6) as filed by letter dated 11 November 2019.
- X. Claim 1 of the main request reads as follows:
- "A method for moving an interface object, comprising:
- receiving (S110, S210) an instruction for moving a first interface object on an interface from a first area to a second area;
- updating (S111, S211), according to the received instruction, a display position of the first interface object on the interface to the second area;
- characterized by further comprising:
- obtaining (S212) a second interface object according to a preset rule, taking a historical display position of the second interface object as the display position of the second interface object when the historical display position is an available display area; and searching for, in an entire interface range on the interface except the second area, a display position for the second interface object when the historical display position of the second interface object is an occupied display area, wherein the second interface object is an interface object on the interface except the first interface object and the display position is a remaining available display area on the interface;

updating (S113, S213) a display position of the second interface object according to the display position found through searching; and

displaying (S114, S214) all interface objects on the interface according to display positions of all the interface objects."

XI. Claim 1 of the auxiliary request reads as follows:

"A method for moving an interface object, comprising:

receiving (S110, S210) an instruction for moving a first interface object on an interface from a first area to a second area;

updating (S111, S211), according to the received instruction, a display position of the first interface object on the interface to the second area;

obtaining (S212) a second interface object according to a preset rule, and searching for, in an entire interface range on the interface except the second area, a display position for the second interface object, wherein the second interface object is an interface object on the interface except the first interface object;

updating (S113, S213) a display position of the second interface object according to the display position found through searching; and

displaying (S114, S214) all interface objects on the interface according to display positions of all the interface objects;

wherein obtaining (S212) a second interface object and searching for a display position comprises:

taking a historical display position of the second interface object as the display position of the second interface object when the historical display position is an available display area; and

searching for, in the entire interface range on the interface except the second area, the display position for the second interface object when the historical display position of the second interface object is an occupied display area, wherein the display position is a remaining available display area on the interface; and

wherein the preset rule is used to appoint an order of obtaining multiple second interface objects."

Reasons for the Decision

1. The application in this case pertains to a method for moving interface objects, e.g. icons, on an interface, e.g. a touch screen.
The problem addressed is to support the user when they move interface objects, in particular when a bigger object is moved towards the position of a smaller object.
The solution as claimed comprises a step for searching for a position for a second interface object, in which a historical display position is taken into consideration.
2. Document D1 and the family member D1+ disclose a device with a touch screen. Tiles are displayed on the screen and can be arranged by the user. The device is adapted to automatically rearrange tiles.

Main request

3. Admissibility

The main request was filed in the course of the examination proceedings, on 1 October 2014. It was later replaced by a request dated 7 May 2015, but the only difference between independent claim 1 of these two requests is the structure of the two-part form and independent claim 4 is identical. Hence, the board admits this request.

4. Patentability

4.1 The board holds that the subject-matter of claim 1 is not novel (Article 54(1) and (2) EPC) for the following reasons.

4.2 The appellant agreed that document D1 disclosed all the features of claim 1 except the following part of the characterising portion (statement of grounds, page 2, third to fifth paragraphs of section II; letter dated 11 November 2019, third paragraph on page 4):

"taking a historical display position of the second interface object as the display position of the second interface object when the historical display position is an available display area; and

searching for, in an entire interface range on the interface except the second area, a display position for the second interface object when the historical display position of the second interface object is an occupied display area."

4.3 The board takes the view that document D1 discloses these features as well.

In the following, as throughout the proceedings before the examining division, reference will be made to the US patent application publication D1+.

- 4.4 The term "historical display position" of an interface object in claim 1 does not have a well-established meaning in the relevant art.
The description (page 13, lines 17 to 19, page 23, lines 25 to 27, page 29, lines 7 to 9) contains an example in which the historical display position is the display position of the second interface object at the moment in time before the first interface object is moved. Specifically, as depicted in Figure 6(a1), the historical display position is the "display area starting from a second row and a third column, having a height extending by two rows and a width extending by two columns to right" (page 13, lines 17 to 19). The board will base its patentability assessment on this understanding.
- 4.5 The historical display position of the second interface element (tile 1010), i.e. the position at the moment in time before the first interface object (tile 1006) is moved, is the area 1008 (D1+, Figure 10, paragraph 51). Subsequently, the first interface object is moved to the position 1008 (paragraph 51). Hence, the historical display position of the second interface element "is an occupied display area" (ibid.). In document D1+, the user interface elements (tiles) are reflowed in this situation (paragraphs 53 to 55): the tile 1010 is moved to a new position depicted in Figure 11. The board considers that this reflowing implies searching for, and finding, a display position for the tile 1010.
- 4.6 The board observes that the historical display position of the tile in the top left-hand corner (Figures 10 to 12) "is an available display area". This position (top

left-hand corner) is taken as the display position, because in fact the tile keeps its position.

- 4.7 The appellant argued that document D1+ disclosed the insertion of a further tile, and not the moving of a tile from a first to a second position.

The board does not agree because Figure 9 clearly teaches that a previously presented tile is selected and is to be placed at a new location. Step 202 in Figure 2 comprises a similar disclosure. Paragraph 46 specifically refers to a "tile being moved".

- 4.8 The appellant argued further that in document D1+ only the tiles below a "newly inserted tile", but not the tiles above, were considered to be rearranged.

This argument is not persuasive. Claim 1 does not require **all** tiles to be rearranged, or obtained according to a preset rule (line 6 of claim 1).

- 4.9 Lastly, the appellant argued that document D1+ did not disclose that the search for a display position **only** took place when the historical display position was an occupied display area and otherwise the historical display position was taken as the display position.

The board is not convinced. As set out above in sections 4.5 and 4.6, exactly the same steps take place in the method disclosed in document D1+. In particular, in D1+ only the tiles with an occupied historical display position (the tiles 1010, "Slam-Jam!" and "123" in Figures 10 and 11) are rearranged; all other tiles keep their positions.

- 4.10 For these reasons, document D1 discloses the allegedly distinguishing features of claim 1. Thus, the subject-matter of claim 1 is not novel.

Auxiliary request

5. Patentability
- 5.1 Claim 1 of the auxiliary request further specifies that "the preset rule is used to appoint an order of obtaining multiple second interface objects".
- 5.2 Document D1+ discloses the use of rules as part of the reflowing. One rule is "top-to bottom and then left-to-right" (paragraph 48). Paragraph 54 describes the specific application of this rule: "In the ongoing example, the array is ordered by column, top-to-bottom, and then row, left-to-right. For this order, manager 126 moves the current tile and any tiles subordinate to the current tile down their respective columns unless no lower location exists in their respective columns and, if no lower location exists in their respective columns, moves the tile over from its respective columns to a column arranged to the right of its respective column." This means that the tiles to be reflowed are obtained in the given order. Document D1+ discloses that other rules may be used too (paragraph 48). Furthermore, claim 1 does not specify the rule in any detail.
- 5.3 The appellant's argument that in D1+ "all tiles below the new tile are moved down as a whole" is not convincing. For example, the tile "Images" in Figure 11 is moved to the right, while the tile "Art" is moved down and the tile "Admin+" is moved to the left, as depicted in Figures 11 and 12. The arrows 1102 and 1202 merely illustrate the general direction of reflowing, i.e. down and right, but not the specific movements of tiles.
- 5.4 Hence, document D1+ discloses the feature added to claim 1 of the auxiliary request.

5.5 Consequently, the subject-matter of claim 1 is not novel (Article 54(1) and (2) EPC).

6. Reimbursement of the appeal fee

As the appeal is not allowable, the conditions of Rule 103(1)(a) EPC for a reimbursement of the appeal fee are not fulfilled. Furthermore, the appellant did not provide any arguments why the appeal fee should be reimbursed. Moreover, the board is not aware of any procedural violation under Rule 103(1)(a) EPC. Hence, the board does not order the appeal fee to be reimbursed.

Order

For these reasons it is decided that:

The appeal is dismissed.

The appeal fee is not reimbursed.

The Registrar:

The Chair:



K. Götz-Wein

A. Ritzka

Decision electronically authenticated