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Datasheet for the decision of 22 October 2020

Case Number: T 0669/18 - 3.5.07

Application Number: 11182757.2

Publication Number: 2573686

IPC: G06F17/30

Language of the proceedings: EN

Title of invention:
Presentation of multimedia objects at user devices

Applicant:
Vodafone Holding GmbH

Headword:
Multimedia object presentation/VODAFONE

Relevant legal provisions:
EPC Art. 56

Keyword:
Inventive step - (yes)

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Boards of Appeal

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Case Number: T 0669/18 - 3.5.07

D E C I S I O N
of Technical Board of Appeal 3.5.07
of 22 October 2020

Appellant: (Applicant)	Vodafone Holding GmbH Mannesmannufer 2 40213 Düsseldorf (DE)
Representative:	Jostarndt Patentanwalts-AG Philipsstrasse 8 52068 Aachen (DE)
Decision under appeal:	**Decision of the Examining Division of the European Patent Office posted on 12 October 2017 refusing European patent application No. 11182757.2 pursuant to Article 97(2) EPC**

Composition of the Board:

Chair	P. San-Bento Furtado
Members:	R. de Man
	C. Almberg

Summary of Facts and Submissions

I. The applicant (appellant) appealed against the decision of the Examining Division refusing European patent application No. 11182757.2.

II. The Examining Division decided that the subject-matter of claim 1 of the main request and auxiliary requests 1 to 7 lacked inventive step over the following document:

D3: EP 1 701 508 A1, 13 September 2006.

III. In its statement of grounds of appeal, the appellant maintained the requests considered in the decision under appeal.

IV. In a communication accompanying a summons to oral proceedings, the Board, *inter alia*, expressed the preliminary opinion that claim 1 of the main request was not clear and that its subject-matter lacked inventive step over document D3.

V. During the oral proceedings, which took place on 22 October 2020, the appellant amended its main request and withdrew the auxiliary requests. At the end of the oral proceedings, the Chair announced the Board's decision.

VI. The appellant requested that the decision under appeal be set aside and that a patent be granted on the basis of the claims of the (sole) main request filed in the oral proceedings before the Board.

VII. Claim 1 of the main request reads as follows:

"A method for presenting a multimedia object embedded into a web page at a user device, the web page being provided by a content server (105) in a first network, the multimedia object having a predetermined format, wherein a detection function is executed in the user device, the detection function determining that the web page includes the multimedia object of the predetermined format, and based upon the determination a multimedia player function is invoked in the user device, the multimedia player function being adapted to render the multimedia object by converting the multimedia object into a second format, the second format being a standard format that can be rendered by a web browser of the user device, wherein enabling the user device (101) connected to a second network (102) to render the multimedia object involves functions of a proxy server (106) located in the second network (104) through which the user device (102) accesses the first network (103), where a request for the web page is evaluated by the proxy server to determine the device type, whereby the request includes an identification uniquely assigned to the user device (101), the proxy server reads the identification and looks up the device type in a look-up table comprising an allocation between the device type and the unique identification of user devices registered in the proxy server, and modifies the web page if the user device is of a predetermined type to include a command to invoke a program including the detection function, when the web page is received and processed in the web browser of the user device."

Claims 2 to 10 are directly or indirectly dependent on claim 1.

Claim 11 reads as follows:

"A computer program including software code for executing a method according to one of the preceding claims, when the computer program is run on at least one processor."

Claim 12 reads as follows:

"A system for presenting a multimedia object embedded into a web page at a user device, the web page being provided by a content server (105) in a first network, the system comprising a user device connected to a second network and a proxy server located in the second network, the multimedia object having a predetermined format, wherein a detection function is executed in the user device, the detection function being adapted to determine that the web page includes the multimedia object of the predetermined format, and the system being adapted to provide in the user device a multimedia player function based upon the determination, the multimedia player function being adapted to render the multimedia object by converting the multimedia object into a second format, the second format being a standard format that can be rendered by a web browser of the user device, wherein enabling the user device (101) to render the multimedia object involves functions of a proxy server (106) located in the second network (104) through which the user device (102) accesses the first network (103), where a request for the web page is evaluated by the proxy server to determine the device type, whereby the request includes an identification uniquely assigned to the user device (101), the proxy server reads the identification and looks up the device type in a look-up table comprising

an allocation between the device type and the unique identification of user devices registered in the proxy server, and modifies the web page if the user device is of a predetermined type to include a command to invoke a program including the detection function, when the web page is received and processed in the web browser of the user device."

Claims 13 is dependent on claim 12.

Reasons for the Decision

1. The appeal complies with the provisions referred to in Rule 101 EPC and is therefore admissible.

2. *The application*

The application relates to rendering a multimedia object of a given format embedded in a web page at a user device. Such multimedia objects may require special rendering software, which usually has to be pre-installed (page 1, lines 7 to 27, of the application as filed).

3. *Added subject-matter - Article 123(2) EPC*

3.1 Claim 1 of the main request is based on the combination of original claims 1, 4 to 6 and 10, with a number of further amendments as discussed below.

3.2 The "document" in which the multimedia object is embedded is a web page provided by a content server in a first network (page 6, lines 16 to 18; page 7, lines 12 and 13).

3.3 Enabling the user device to render the multimedia object involves functions of a proxy server located in the second network through which the user device accesses the first network (page 9, lines 10 to 13).

3.4 A web page request includes an identification uniquely assigned to the user device. The proxy server evaluates the web page request to determine the device type by reading the identification and looking up the device type in a look-up table. The look-up table comprises an allocation between device types and unique identifications of user devices registered in the proxy server (page 11, lines 8 to 14).

3.5 The command included in the web page invokes a program including the detection function "when the web page is received and processed in the web browser of the user device" (page 11, lines 22 to 25).

3.6 Hence, the subject-matter of independent method claim 1 and corresponding independent system claim 12 does not extend beyond the content of the application as filed (Article 123(2) EPC).

4. *Clarity - Article 84 EPC*

The clarity objections raised by the Board in its communication no longer apply to the amended wording of the independent claims. The Board therefore sees no reason to object to the clarity of independent claims 1 and 12 (nor of independent claim 11).

5. *The invention as defined by claim 1*

5.1 Claim 1 relates to a method for presenting a multimedia object embedded in a web page at a user device.

5.2 The web page is provided by a content server in a first network. The user device is connected via a second network to a proxy server, through which it accesses the first network.

5.3 When the proxy server receives a request for a web page from the user device, it determines the user device's device type. It does this by looking up a unique identification included in the request in a look-up table. The look-up table contains a mapping between device types and unique identifications of user devices registered in the proxy server.

5.4 If the user device is of a predetermined type, the proxy server modifies the requested web page to include a command. When the web browser of the user device processes the received web page, this command causes it to invoke a program that includes a "detection function".

5.5 The detection function determines that the document includes the multimedia object and invokes a multimedia player function that renders the multimedia object by converting it into a second format, which is a standard format that can be rendered by the web browser.

6. *Inventive step - Article 56 EPC*

6.1 Document D3 discloses a user device in the form of network client 12 that is connected to the Internet via a proxy server in the form of HTTP remote proxy 36 (see Figures 1 and 3; paragraph [0014]). The communications link 14 between the network client and the HTTP remote proxy may be a (second) network (paragraph [0011]). The

HTTP remote proxy includes transcoding functionality (paragraphs [0013] and [0014]).

6.2 When the HTTP remote proxy receives a request from a web page from the network client, it determines the client's device type by distinguishing between "enabled" and "non-enabled" clients (paragraphs [0040] and [0041]).

6.3 If the network client is of the (predetermined) "non-enabled" type, a parser 22 of the HTTP remote proxy determines that the web page includes a multimedia object of a predetermined type and invokes a transcode service provider 24 that converts the multimedia object into a second format (paragraphs [0042] and [0043]).

In addition, the HTTP remote proxy modifies the requested web page to include a command (paragraph [0044]). When the web browser of the client device processes the received web page, this command causes it to display a user interface that allows the user to manipulate the transcoding capabilities of the HTTP remote proxy (paragraph [0045]).

The user interface may also include a hypertext link 44 which the user may follow to download specialised client software supporting transcoding functionality and thus render the network client "enabled" (paragraph [0045]).

6.4 A network client of the "enabled" type contains specialised software to perform transcoding functions on the client side. This software may comprise an HTTP local proxy 48, a client-side parser 50 and transcode service providers 52 (paragraph [0049]; Figure 5).

6.5 The Board agrees with the Examining Division that a "non-enabled client" of document D3 is a "device of a predetermined type".

According to the invention, the proxy server allows such a device to render a multimedia object contained in a web page by modifying the web page to include a command that, when the web page is processed by the user device's web browser, invokes a program including a detection function. This function detects the embedded multimedia object and invokes a multimedia player function that converts the object into a standard format that can be rendered by the web browser.

According to document D3, the proxy server itself converts/transcodes the multimedia object into a format that can be rendered by the web browser of the non-enabled device. In addition, the proxy server modifies the web page to include a command for displaying a user interface which, *inter alia*, may include a hypertext link for downloading transcoding software to the user device (which then turns the device into an enabled device).

6.6 The Examining Division found that the subject-matter of then claim 1 differed from the disclosure of document D3 in that (1) "the detection function and the multimedia player function are executed at the user device" and (2) "the look-up table stores device information using a device type".

However, the identification of distinguishing feature (1) overlooks that document D3 also fails to disclose that the proxy server modifies the web page to include a command that causes the web browser to execute the

detection function. While document D3 discloses both modifying the web page to include a command (to display a user interface) and executing a detection function and a multimedia player function at the proxy server, this does not mean that modifying the method of document D3 to execute the detection and multimedia player functions at the user device necessarily brings along with it that the command included in the web page by the proxy server is replaced with a command to cause the web browser to execute the detection function. In fact, the enabled clients of document D3 carry out the detection and multimedia player functionality without a corresponding command having been included in the web page by the proxy server.

The Board also does not fully agree with the Examining Division's identification of distinguishing feature (2), but the Board's assessment of inventive step does not hinge on that difference.

6.7 The Examining Division argued that distinguishing feature (1) solved the problem of reducing the burden placed on the server and avoiding the installation of player software at the user device. Faced with this problem, it was a matter of routine design to include in the additional instructions already provided to a non-enabled network client the detection function and the content adaptation function performed at the proxy server.

The Board is not convinced by this argument, as it does not accept that the skilled person, as a matter of routine design, would consider modifying a web page to include a command to invoke functionality currently performed at the server. There is no evidence on file

that such measures formed part of the common general knowledge of the skilled person.

6.8 The Board also has some doubts regarding the Examining Division's formulation of the technical problem, as claim 1 does not rule out that player software is in some sense installed.

Nevertheless, when the technical problem is formulated as that of reducing the burden placed on the server or, less ambitiously, as that of providing an alternative mechanism to allow a non-enabled network client to render the multimedia object, the Board finds that the subject-matter of claim 1 is not rendered obvious by document D3, for the following reasons.

6.9 Faced with either of these problem formulations, the skilled person would have considered moving the detection and transcoding of embedded multimedia objects from the proxy server to the client device. Indeed, document D3 already discloses carrying out this functionality in "enabled" network clients (paragraph [0049]), which therefore place less of a burden on the server than the non-enabled clients.

Document D3 further discloses that a non-enabled client can be turned into an enabled client by letting the HTTP remote proxy include instructions in the web page returned to the network client that allow the network client to download the specialised client software required by an enabled network client (paragraph [0045]).

However, these instructions included in the web page do not directly cause the web browser to "invoke a program including the detection function". Instead, they

provide a user interface that, *inter alia*, allows the user to download a program including a detection function and multimedia player/content adaptation function by means of a hypertext link. Even if the skilled person would have further automated this download process by replacing the instructions that provide the user interface with instructions that directly download the specialised software to the client, this would have resulted only in the client device becoming an enabled client device for the purpose of the next web page request, not in the client device detecting and converting/transcoding the multimedia objects in the current web page. In other words, the skilled person would not have arrived at the subject-matter of claim 1.

6.10 Hence, document D3 does not render the subject-matter of independent claim 1 and the corresponding independent claims 11 and 12 obvious.

7. *Remittal*

7.1 In view of the above, the Board has no objections against independent claims 1, 11 and 12 and concludes that the decision under appeal is to be set aside. However, the dependent claims and the description and drawings may still need adaptation. In particular, several of the dependent claims may have to be amended or deleted. Since this is a matter that is more appropriately dealt with by the Examining Division than by the Board in the framework of a judicial review of the contested decision (Article 12(2) RPBA 2020), a remittal is justified (Article 11 RPBA 2020).

7.2 Hence, the case is to be remitted to the Examining Division for further prosecution on the basis of the

main request filed during the oral proceedings before the Board.

Order

For these reasons it is decided that:

1. The decision under appeal is set aside.

2. The case is remitted to the department of first instance for further prosecution.

The Registrar: The Chair:

S. Lichtenvort P. San-Bento Furtado

Decision electronically authenticated