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**Datasheet for the decision
of 25 January 2023**

Case Number: T 2153/18 - 3.5.01

Application Number: 14846739.2

Publication Number: 2916282

IPC: G06Q30/02

Language of the proceedings: EN

Title of invention:

ADVERTISEMENT METHOD FOR ELECTRONIC DEVICE AND ELECTRONIC
DEVICE THEREOF

Applicant:

Samsung Electronics Co., Ltd.

Headword:

Banner advertisements/SAMSUNG

Relevant legal provisions:

EPC Art. 56

Keyword:

Inventive step - retrieving advertisement-related information
from a server responsive to user request (no)



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Case Number: T 2153/18 - 3.5.01

D E C I S I O N
of Technical Board of Appeal 3.5.01
of 25 January 2023

Appellant: Samsung Electronics Co., Ltd.
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Decision under appeal: **Decision of the Examining Division of the
European Patent Office posted on 29 May 2018
refusing European patent application No.
14846739.2 pursuant to Article 97(2) EPC.**

Composition of the Board:

Chairman W. Chandler
Members: L. Falò
E. Mille

Summary of Facts and Submissions

- I. This case concerns the applicant's appeal against the examining division's decision to refuse European patent application EP 14 846 739.2 for lack of inventive step (Article 56 EPC) in view of D1 (US 2011/153435).
- II. In the statement setting out the grounds of appeal, the appellant requested that the decision of the examining division be set aside and that a patent be granted on the basis of the refused main or second auxiliary request, both re-filed therewith.
- III. In the communication accompanying the summons to oral proceedings, the Board informed the appellant it considered the first auxiliary request as withdrawn, since the appellant had neither filed a new first auxiliary request, nor provided any argument in support of the patentability of the one on which the decision was based. Moreover, the Board noted that the second auxiliary request corresponded to that filed on 3 May 2018 and not to the one filed on 4 April 2018, as stated by the appellant in the statement of grounds. The Board further set out its preliminary view that neither the main request nor the second auxiliary request involved an inventive step.
- IV. In a letter dated 23 March 2022, the appellant's representative informed the Board that the appellant would not attend the oral proceedings and asked for a decision on the submitted requests. Oral proceedings were subsequently cancelled.
- V. Claim 1 of the main request reads:

An operation method of an electronic device, the method comprising:

transmitting, to a web server, a request message requesting a content;

receiving, from the web server, a response message including the content and a portion of banner advertisement;

displaying the content and the portion of banner advertisement, the displaying of the portion of banner advertisement comprising user selection items;

detecting a selection by a user to one of user selection items;

transmitting, to an advertisement server, another request message requesting a scenario of banner advertisement corresponding to the selection;

receiving the scenario of banner advertisement from the advertisement server; and

displaying the scenario of banner advertisement.

VI. Claim 1 of the second auxiliary request adds to the main request the further features, in the preamble, of the method being "for banner advertisement", and, in the transmitting feature, of the scenario being controlled "by scenario information including image size information, an [sic] unique scene id, a direction user interface and links to images linked by the direction user interface".

VII. The appellant's arguments can be summarised as follows:

The invention provides an alternative way of managing data of interactive banner advertisements. D1 does not disclose or suggest enabling the user to select the content of the advertisement, but only the selection of different advertisements according to the content on a user display. Requesting the advertisement scenario

upon user selection reduces communication overhead and saves computational resources by downloading only parts of the advertisements which are of interest to the user. Requesting and acquiring the scenarios from the advertisement server, rather than from the web server, reduces communication delays.

Reasons for the Decision

Background

1. The invention concerns displaying banner advertisements on a user terminal (page 2, lines 3 to 7 and 21 to 26).

Looking at Figure 7 of the application, when a user requests content (e.g. the image of the car), a web server retrieves a banner advertisement 520 including one or more arrow icons 521, 522 ("selection items") and provides them to the terminal for display (see also page 25, lines 6 to 11 and 23 to 29, Figure 13, S1300 and S1303). If the user clicks on an arrow, the terminal transmits to an advertisement server a request for a corresponding "advertisement scenario" 720, which is then provided by the advertisement server and displayed on the terminal screen (page 20, lines 19 to 25, page 25, line 29 to page 26, line 2, page 26, lines 5 to 14, Figure 13, S1304 and S1305). The description does not define exactly what a scenario is, but it appears to include groups of related advertisements as shown in Figures 7 and 8.

Main request

2. D1 discloses an electronic terminal including display and input means (paragraph [0018]), adapted to download advertisements from a publisher server or an

advertising server while the user is reviewing the contents provided by the publisher server (paragraphs [0006], [0019], [0021], Figure 1). The advertisements are presented as "banner advertisements" or "cursor advertisements" (paragraphs [0019] and [0020], Figures 2, 5 and 6).

Contrary to the appellant's arguments, D1 also discloses the use of selectable items allowing a user to request the presentation of additional content (i.e. a "scenario") concerning a given advertisement: see in particular paragraph [0019] and Figure 2, 200, showing a web page including a banner-based advertisement ("Hydration for concentration") with selectable items for requesting a video or other types of advertisement-related information ("Rollover for video", "Learn more:"). The same features are disclosed in paragraph [0030] and Figure 6, "Information link for users".

3. The Board therefore concludes that the only differences are that D1 does not disclose requesting and receiving the "scenario of banner advertisement" *from the advertisement server responsive to user selection*.
- 3.1 In the Board's view, in the context of a client-server architecture such as the one of D1, providing data to the client responsive to user selection, i.e. on request, or pre-fetching the potentially relevant information are the two obvious design choices. The skilled person would readily contemplate the associated trade-offs in terms of bandwidth and computational requirements, on one side, and query response time, on the other.

3.2 The Board agrees with the division that retrieving the scenarios from the advertisement server, rather than from the web server, represents a business requirement which defines the entity in charge of providing the advertisement scenario and which does not bring about any technical advantage. In particular, the Board is not convinced by the appellant's argument that communication delays are reduced; since the technical characteristics of the two servers are undefined, downloading data from either one requires, *a priori*, the same amount of network resources and data transfer time.

The implementation of this non-technical requirement would be obvious to the skilled person, especially considering that the system of D1 includes a direct communication interface between the advertising server and the client (Figure 1, dashed lines between 120 and 110, and paragraph [0021]; an advertisement may be delivered from the advertising server to the client computer either directly or via the publisher server).

3.3 Apart from being undefined, the cognitive content of the information requested ("a scenario of the banner advertisement") does not have a technical character, and thus cannot play a role in the assessment of inventive step.

4. Accordingly, the Board judges that the distinguishing features of claim 1 are either non-technical or obvious in view of D1. Claim 1 is therefore not inventive (Article 56 EPC).

Second auxiliary request

5. Providing, in the context of a graphical user interface, selectable direction icons pointing to the location of stored data ("direction user interface" and relative links) is an obvious design feature and is moreover disclosed in D1 (see Figure 5, section "Music", in which two arrows allow navigation through different information pages).

The cognitive content of the linked data (in this case, images) does not have a technical character. Including image size information is an obvious way of controlling the displaying of images on the client terminal.

The unique "scene id" is an administrative feature, which does not have a technical character. Even when considered technical, it is at least obvious in view of D1, paragraph [0030] and Figure 6, 605 ("unique ID for advertiser tracking").

6. The subject matter of claim 1 of the second auxiliary request is therefore not inventive (Article 56 EPC).
7. As neither of the appellant's requests are allowable, the appeal has to be dismissed.

Order

For these reasons it is decided that:

The appeal is dismissed.

The Registrar:

The Chairman:



T. Buschek

W. Chandler

Decision electronically authenticated