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**Datasheet for the decision  
of 12 July 2023**

**Case Number:** T 0984/20 - 3.5.01

**Application Number:** 15733026.7

**Publication Number:** 3155565

**IPC:** G06Q10/00

**Language of the proceedings:** EN

**Title of invention:**  
GEO-LOCATION BASED EVENT GALLERY

**Applicant:**  
Snap Inc.

**Headword:**  
Shared event gallery/SNAP

**Relevant legal provisions:**  
EPC Art. 56, 84  
RPBA 2020 Art. 12(6)

**Keyword:**  
Inventive step - a shared gallery accepting only content posted from a prespecified location (no - not technical)

**Decisions cited:**  
T 0641/00, J 0010/20



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Case Number: T 0984/20 - 3.5.01

**D E C I S I O N**  
**of Technical Board of Appeal 3.5.01**  
**of 12 July 2023**

**Appellant:** Snap Inc.  
(Applicant) 3000 31st Street  
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**Representative:** Kramer, Dani  
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**Decision under appeal:** Decision of the Examining Division of the  
European Patent Office posted on 18 November  
2019 refusing European patent application No.  
15733026.7 pursuant to Article 97(2) EPC.

**Composition of the Board:**

**Chairman** W. Chandler  
**Members:** W. Zubrzycki  
L. Basterreix

## **Summary of Facts and Submissions**

- I. This is an appeal against the decision of the examining division, dated 18 November 2019, to refuse European patent application No. 15733026.7 for lack of inventive step.
- II. The examining division held that the main and first auxiliary requests lacked an inventive step over the common general knowledge summarised by D2 (US2015/087263 A1) and D3 (US2013/045753 A1). They did not admit the second auxiliary request into the proceedings under Rule 137(3) EPC, arguing that it was not suitable to overcome the objection under Article 56 EPC arising for the higher-ranking requests.
- III. In the statement setting out the grounds of appeal, submitted on 15 April 2020, the appellant requested that the decision be set aside and a patent be granted on the basis of the refused requests, re-filed therewith.

The appellant stated that although the grounds of appeal were submitted outside the four-month time limit specified in Article 108 EPC, the time limit should be extended to (at least) 17 April 2020 by virtue of the "Notice from the European Patent Office dated 15 March 2020 concerning the disruptions due to the COVID-19 outbreak".

- IV. In the communication accompanying the summons to oral proceedings, the Board set out its preliminary opinion that all the requests lacked an inventive step over document D4 (US2013/0095857). Furthermore, the Board considered that the first auxiliary request lacked

clarity (Article 84 EPC).

- V. In a reply, the appellant provided arguments in favour of inventive step.
- VI. The oral proceedings took place per videoconference on 12 July 2023.
- VII. The appellant's final requests were that the decision under appeal be set aside and a patent be granted on the basis of the refused requests.
- VIII. Claim 1 of the main request reads:

*"A computer implemented method, comprising:  
defining in a server computer (104), a geo-location fence associated with an event;  
receiving at the server computer (104), geo-location data from a device (102) of a user;  
comparing the geo-location data with the geo-location fence associated with the event;  
determining that the geo-location data corresponds to a location within the geo-location fence associated with the event;  
responsive to the determining that the geo-location data corresponds to a location within the geo-location fence associated with the event, supplying user-selectable event gallery information, associated with an event gallery (800) of the event, to the device for addition (304) to a destination list (500) on the device;  
detecting selection (310) of the user-selectable event gallery information in the destination list by the user of the device; and  
responsive to the detecting of the selection of the user-selectable event gallery information by the user*

*of the device, adding (312) the user as a follower of the event, and permitting access to the event gallery, wherein the method further comprises:  
receiving (200) at the server computer a message and geo-location data for a device (102) sending the message;  
determining (202) whether the geo-location data received with the message corresponds to a location within the geo-location fence associated with the event; and  
in response to said determination, if a user selected (310) the user-selectable event gallery information from the destination list when sending the message, posting (204) the message to the event gallery."*

IX. Claim 1 of the first auxiliary request adds the following feature at the end of claim 1:

*"and wherein the user is added as a follower of the event gallery in response to the user selecting the user-selectable event gallery information from the destination list when sending the message."*

X. Claim 1 of the second auxiliary request differs from claim 1 of the main request by deleting the last three features and adding:

- the feature of *"receiving (200) at the server computer a message and geo-location data for a device (102) sending the message"* after the fifth feature
- the wording *"when sending the message"* at the end of the sixth feature
- the wording *"if the geo-location data received with the message corresponds to a location within the geo-location fence associated with the event posting (204) the message to the event gallery,"* before *"adding the*

user" in the seventh feature.

XI. The appellant argued as follows:

The examining division's assessment of inventive step relied upon a superficial analysis of technicality and disregarded his explanations and arguments.

The invention enabled strangers participating in an event to exchange content with each other via a shared gallery. For example, parents attending a school football match could use the invention to instantly share photos taken during it, even if they had never communicated before. The invention provided a user interface, called "destination list", which presented the shared gallery next to the list of the user's social network friends.

In order to assure that only relevant content was exchanged, the invention exclusively accepted content posted from users being at a particular location and time. The latter restriction was expressed by the claim term "event" which inherently denoted a time-limited occasion, as acknowledged in the application. This kind of data filtering constituted a technical process and reduced spam which was a technical effect.

By contrast, D4 disclosed a mechanism for sharing geo-located content with friends, but not with strangers. It disclosed neither a shared gallery in the claimed sense nor that the user was added as the gallery's follower based on their location and time. D4 did not examine the location from which content was posted, but rather the location at which it was captured. D4 did not mention filtering content based on its posting time at all.

Starting from D4, the claimed invention produced the technical effect of facilitating communication between co-located strangers.

The invention defined by claim 1 of the second auxiliary request provided an efficient one-click process for sending a message to strangers at the event.

### **Reasons for the Decision**

#### 1. Admissibility of the appeal

The Board adopts the approach laid down by decision J 10/20 concerning extension of time periods and considers that the statement setting out the grounds of appeal was filed in due time (see J 10/20, reasons 1.19 and 1.20). The appeal is therefore admissible.

#### 2. The invention

2.1 The invention concerns a social network application enabling users that are participating in a common event (paragraph [0003]) to post content (e.g. a photograph - Figure 4 and paragraph [20]) to a shared "event gallery" (Figure 8 and paragraph [21]).

2.2 The invention according to claim 1 of the main request essentially allows a user who is close to an event to receive an indication of the event's gallery (claim 1, fifth and sixth features), and then be added as a follower of the event and access the event gallery (seventh feature) and also to post content to the event

gallery (last feature).

- 2.3 In more detail, looking at Figure 3, a user device provides its spatial "geo-location" to a server hosting the shared event gallery, on registration 300 to follow an event. If the received position is within the event's associated "geo-location fence", the server sends back the "information associated with an event gallery" (302 - see paragraph [18]). This is added 304 to the user's "destination list" ([18] and Figure 5). By selecting the item in the destination list, the user gets access to the event gallery and may also post content to it ([16] and [19]).

When posting content, the user device provides the server with geo-location data indicating its location and the server selectively adds to the event gallery content posted from within the event's geo-location fence, disregarding other content, see [16].

- 2.4 There was some discussion concerning the claim scope (see section XI, above). Contrary to the appellant's arguments, the Board considers that the claim does not distinguish between friends and strangers based on prior communication or lack of it. Accordingly, it is not derivable from the claim that the event gallery is used by strangers and that the destination list comprises the user's friends. Nevertheless, the Board interprets the term "destination list" as a list of users to whom the user of the user device has previously sent messages.

- 2.5 In an embodiment claimed by the first auxiliary request, the user gets access to the gallery after he has posted content to it ([19]).



3. Main request, Article 56 EPC
- 3.1 The examining division found claim 1 obvious over the common general knowledge on geo-fencing (decision, points 1.1.4 and 1.1.6, last paragraph). The first four features were part of the common general knowledge. The remaining features, which the division summarily denoted as a second part of the claim, implemented the non-technical concept of "*who gets what information and under which conditions*" (point 1.1.4). The claimed implementation of this concept was obvious for the skilled person (points 1.1.5 and 1.1.6).
- 3.2 While the Board tends to consider that the decision is reasoned in the sense of Rule 111(2) EPC and that the examining division respected the appellant's right to be heard, it is still inclined to agree with the appellant that the decision may have benefited from a more thorough analysis of inventive step. Given that the non-technical concept formulated by the examining division was significantly broader than the claim, a more detailed explanation of why the second part of the claim was considered obvious in view of this concept would have been helpful.
- 3.3 In appeal, the Board decided to start from document D4 which discloses not only the first part of the claim, but also some features of its second part, thus avoiding the discussion of these features' technicality.
- 3.4 D4 discloses a server ([25]: a front end 120) which receives location data from a client device and determines whether it is within or close to one of the stored geo-location fences ([26]: using shapes approximating places' boundaries), see [27] and [33].

If so, the server sends content, e.g. photo stories, captured within the identified geo-location fences to the user device which presents this content as pins on an interactive map shown in Figure 6c, see [45]. Although the appellant argued that D4 did not disclose a gallery in the sense of claim 1, the Board judges that geo-located content, represented by the pins, corresponds to the gallery. Furthermore, clicking the pin to view the content ([45], third-last sentence) is the equivalent of permitting access to this gallery, as defined in claim 1. Adding the user as a follower does not introduce an additional feature but rather repeats the act of permitting access using different terms.

Furthermore, D4 implicitly discloses that users post geo-located photos and the server associates them with the geo-location fence at which they were taken, see [31]. This corresponds to posting messages to the gallery, as defined in claim 1. However, the Board agrees with the appellant that in D4, the decision of whether to add a picture to the gallery is based on the location at which it was taken, whereas the claimed method takes this decision based on the location from which it was posted.

3.5 The subject-matter of claim 1 differs from D4 in that:

- A) The geo-location fence and gallery are associated with an event;
- B) In addition to the shared gallery information, the user device presets a list of users to which the user sends messages, called "destination list".
- C) The user selects the shared gallery information before posting content to it.
- D) Content posted from a device is added to the gallery

if the geo-location data of the device falls within the geo-location fence associated with the gallery.

3.6 Distinguishing feature A does not produce any technical effect, as associating the geo-location fence with an event at some location, instead of the location itself, is purely a matter of labelling having no influence on the system's technical functionality. Contrary to the appellant's view, the event's time is not used in the claim for filtering content, granting access to the gallery or for any other purpose.

3.7 Concerning distinguishing feature B, displaying next to the map of Figure 6c, the list of users to which the user of the user device sent unspecified messages relates to the presentation of information as such and lacks technical character. As regards distinguishing feature C, it would have been obvious to enable the user to post content relating to a geo-fenced location shown on the map of Figure 6c while this map is selected on the screen.

3.8 As regards feature D, the Board cannot see any technical reason for limiting the area from which content may be posted.

Contrary to the appellant, this idea does not involve any technical considerations in the field of data filtering. The alleged effect of reducing spam is not credibly provided, as this would require examining posted content, rather than contributors' locations.

At any rate, the Board disagrees with the appellant that, compared to D4, the claimed invention facilitates communication between users at the same location. The claim defines at best that two different users

"communicate" by virtue of viewing and posting content to the shared gallery, but this is disclosed in D4. Limiting the posting area does not facilitate electronic communication.

In fact, given the appellant's explanations, this idea appears to aim at fostering interactions among users being at some location, such as parents attending a school football match, in the appellant's example. This is not a technical consideration, but rather an administrative or even a psychological one.

3.9 Thus, using the Comvik approach (see decision T 641/00 - *Two identities/COMVIK*), the idea to accept only content posted from within geo-location fence associated with the gallery is given to the skilled person as a requirement specification to implement. Starting from D4 and facing the problem of implementing this requirement, it would have been obvious to use the user device's geo-location data to filter content posted to a gallery shown on the selected interactive map.

3.10 Hence, claim 1 lacks an inventive step (Article 56 EPC).

4. First auxiliary request, Article 84 EPC

4.1 The Board judges that claim 1 does not comply with the requirements of Article 84 EPC. It comprises two steps of adding the user as the event follower and it is not clear whether this happens when the user selects the gallery in the destination list, as defined in the seventh step, or in response to posting a message to the selected gallery, as defined in the last step.

5. Second auxiliary request

5.1 The Board admits the auxiliary request to the proceedings under Article 12(6) RPBA.

Claim 1 of the second auxiliary request clearly defines that the user is permitted to access the event gallery and added as an event follower in response to posting a message to the gallery. These amendments overcome the clarity objection against the first auxiliary request and enable the Board to concentrate on the major issue of inventive step which is conducive to procedural economy. The Board considers that this circumstance justifies the admittance.

5.2 Nevertheless, the Board judges that claim 1 of the second auxiliary request does not add anything inventive (Article 56 EPC). In the Board's view the condition that the user has to post content to the gallery in order to get access to it is a further non-technical administrative requirement which cannot support inventive step. The implementation of this requirement is not actually claimed and, contrary to the appellant's argument, it is not derivable from the claim that sending the message involves only one click and is thus particularly efficient.

6. Since none of the appellant's requests are allowable, it follows that the appeal must 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