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Datasheet for the decision of 11 October 2022

Case Number: T 1108/20 - 3.5.05

Application Number: 13832597.2

Publication Number: 2891046

IPC: G06F3/048, H04N21/478, G06Q30/06

Language of the proceedings: EN

Title of invention:
METHOD AND STRUCTURE FOR SIMPLIFIED CODING OF DISPLAY PAGES FOR OPERATING A CLOSED CIRCUIT E-COMMERCE

Applicant:
Elbex Video Ltd.

Headword:
Closed-circuit e-commerce entity for services and products/ Elbex Video

Relevant legal provisions:
EPC Art. 56

Keyword:
Inventive step - after amendment

Decisions cited:
T 0011/82

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Case Number: T 1108/20 - 3.5.05

D E C I S I O N
of Technical Board of Appeal 3.5.05
of 11 October 2022

Appellant: (Applicant)	Elbex Video Ltd. 1-11 Nishi Gotanda 8-chome Shinagawa-ku Tokyo 141-0031 (JP)
Representative:	Schumacher & Willsau Patentanwaltsgesellschaft mbH Nymphenburger Straße 42 80335 München (DE)
Decision under appeal:	**Decision of the Examining Division of the European Patent Office posted on 27 February 2020 refusing European patent application No. 13832597.2 pursuant to Article 97(2) EPC.**

Composition of the Board:

Chair	A. Ritzka
Members:	P. Tabery
	E. Mille

Summary of Facts and Submissions

I. The appeal is directed against the examining division's decision to refuse the European patent application.

II. The examining division decided that the application did not meet the requirements of Article 56 EPC.

III. The documents referred to by the examining division included:

D2 US 2007/265935 A1

IV. In its statement of grounds of appeal, the appellant requested that a patent be granted on the basis of the claims as published, which also underlay the decision under appeal. Oral proceedings were requested in the event of this request not being found to be allowable.

V. The board issued a summons to oral proceedings. It also set out its preliminary opinion on the case (Article 15(1) RPBA 2020).

The board was of the opinion that the subject-matter of **claim 1** was inventive, as opposed to that of **claim 16**, which it considered obvious (Article 56 EPC).

VI. In a reply dated 5 September 2022, the appellant provided an amended set of claims.

VII. In a brief communication, the board provided its preliminary opinion that the amendments to claim 16 did not overcome the board's objection pursuant to Article 56 EPC.

VIII. In a reply dated 7 September 2022, the appellant provided another amended set of claims. It also requested "*to contact the undersigned representative, should further amendments of the application documents (for example a revision of the description) been* [sic]

deemed necessary by the board which could be made in the written procedure".

IX. By a notification dated 15 September 2022 the board informed the appellant that the oral proceedings had been cancelled.

X. **Claim 1** reads as follows:

A method for connecting and operating a closed circuit e-commerce entity comprising at least one shopping terminal, at least one provider and at least one entity center, said entity center controls and manages said closed circuit operation with at least one central server supervising the communications including updates and transactions between a provider server and a building server via a network;

said shopping terminal including a touch screen, a CPU and a second memory is connected with said building server via an interface including a CPU and a first memory and via internal communication lines of said building for interfacing templated protocols covering products, itemized services, display pages, uploads and downloads between said building server and said shopping terminal via said interface including the communication of service scheduling and completed orders between said building server and said provider server via said network;

said templated protocols including at least one of a management programs [sic] providing for a template organized touch portion of a display selected from a group comprising select pages, blocks, variation blocks, icons, dialog boxes and combinations thereof onto said touch screen for enabling the selection by touch of at least one of services and products including a delivery and payment terms stored in files of said first memory and selectively updated into said

second memory in compliance with one of a dweller selected choice and a basic embedded program, said method comprising the steps of:

a. updating said second memory for maintaining said select pages, blocks and icons updated with products and services;

b. recalling said select pages to complete an order for one of a scheduled service and shopping of at least one product including the delivery and payment;

c. propagating at least one protocol comprising a completed order to said interface via said internal communication lines and an interfaced data of said completed order to said building server;

d. communicating said completed order data between said building server and said provider server via said network supervised by said central server.

XI. **Claim 16** reads as follows:

A use of a bidirectional communication protocol structure in the method of one of the preceding claims, said protocol composed of at least six individual Byte codes comprising a header, a sub-header, a category link, an item, a process and a trailer, said header identifies the received signal source selected from a group comprising an optical signal, an IR signal, an RF signal and electrical signal, the sub-header code identifies the nature of the command, the category link code identifies a category, a provider and one of a group and a class, the item code identifies one of a service and a product including variations pertaining to said item linked to the identified said category, said provider and to one of a group and a class, the process identifies one of a delivery details and service visit schedule including one of a payment

method and a service cost, and the checksum trailer concludes said protocol.

Reasons for the Decision

1. The present application concerns a closed circuit e-commerce entity having a shopping terminal which is connected to a building server via internal communication lines.

2. Novelty (Article 54(1) EPC) - **claim 1**

2.1 Mostly following the examining division's analysis provided in the decision under appeal, the board considers that document **D2** discloses the following features of **claim 1** (the references in parentheses relate to that document; strike-through is used to mark features it does not disclose, while alternative features disclosed in it are underlined):

A method for connecting and operating a ~~closed circuit~~ e-commerce entity comprising
at least one shopping terminal *("client/local kiosk 30"*, see fig. 1*; "kiosk 80"*, see fig. 3*)*,
at least one provider *("chain of quick-service restaurants"*, see [0071]*)*
and at least one entity center, *("chain operator 20"*, see fig. 1*)*
said entity center controls and manages said ~~closed circuit~~ operation *("...for the chain operator 20 to have the administrative tool loaded on a remote computer. For this, the remote computer can access the configuration information (menu screens, items, and other settings) at the local server 16, then allow the operator to make changes, and then update the local server 16 with the new configuration information."*, see

[0075])
with at least one central server *("remote computer"*, see [0075]*)* supervising the communications (see [0075]) including updates and transactions between a provider server *("Central Server 22"*, see fig. 1*)* and a building server *("server 16"*, see fig. 1*)* via a network *("Internet 18", "local area network 40"*, see fig. 1*)*;

said shopping terminal *("kiosk"*, see [0077]*)* including a touch screen, a CPU and a second memory *("touch screen", "central processing unit", "hard drive 58, solid state memory 60,"*, see [0077]*)*
is connected with said building server via an interface including ~~a CPU and~~ a first memory and via internal communication lines *("local area network 40"*, see fig. 1*)* of said building (implied by *"store 1", "store 2"*, see fig. 1)
for interfacing templated protocols covering products, ~~itemized services~~, display pages, uploads and downloads between said building server and said shopping terminal via said interface *("the server updates each client connected to it with the corresponding saved changes when each client is idle."*, see [0115]; *'uploads' disclosed by: "...receive orders from the client kiosks 30"*, see [0072]*)*
including ~~the communication of service scheduling and~~ completed orders between said building server and said provider server via said network;
("the customer orders can be stored at the central server 22", see [0089]*)*

said templated protocols including at least one of a management programs [sic] *("administrative tool"* to *"access the configuration information (menu screens, items, and other settings) at the local server 16, then allow the operator to make changes, and then update the local server 16 with the new configuration*

information.", see [0075])
providing for a template organized touch portion of a display selected from a group comprising select pages *("menu screens", see [0075])*,
blocks *("items", see [0075])*,
variation blocks *("size", see fig. 5)*,
icons (see fig. 4-9),
dialog boxes (see fig. 5)
and combinations thereof onto said touch screen for enabling the selection by touch of ~~at least one of services and~~ products (implied)
including a delivery *("where to pick up their orders", see [0114])*
and payment terms *("telling customers where they should pay", see [0114])*
stored in files ~~of said first memory~~ and selectively *("when each client is idle", see [0115])*
updated into said second memory in compliance with ~~one of a dweller selected choice and~~ a basic embedded program, *("the server updates each client connected to it with the corresponding saved changes when each client is idle.", see [0115])*

said method comprising the steps of:

a. updating said second memory for maintaining said select pages, blocks and icons updated with products and services;
("the server updates each client connected to it with the corresponding saved changes when each client is idle.", see [0115])

b. recalling said select pages to complete an order for ~~one of a scheduled service and~~ shopping of at least one product
("The kiosk displays a top menu of categories determined by the administrator", then "If the customer is satisfied with the item he may select to continue

with his current order", see [0089]*)*
including the delivery
("where to pick up their orders", see [0114]*)*
and payment
("telling customers where they should pay", see [0114]*)*

c. propagating at least one protocol comprising a completed order to said interface via said internal communication lines and an interfaced data of said completed order to said building server;
("[kiosk] 16 is used ... as the local server", wherein *"[the] server software interfaces with the client application ... to receive orders from the client kiosks 30"*, see [0072]*)*

d. communicating said completed order data between said building server and said provider server via said network ~~supervised by said central server~~.
("the customer orders can be stored at the central server 22", see [0089]*)*

2.2 In the decision under appeal, the examining division concluded that document **D2** disclosed all the features of claim 1 except for the "*e-commerce entity*" being a "*closed circuit e-commerce entity*".

2.3 In the statement of grounds of appeal, the appellant also referred to the arguments provided by letter dated 13 October 2016. The board notes that the document numbering has changed in the course of the examination proceedings. Thus document **D1** referred to in said letter is identical to document **D2** in the decision under appeal. In the following, the board will consistently refer to said document as document **D2**.

The appellant argued that the invention differed from what was disclosed in document **D2** in that the interface changed the protocol from the usual protocol like TCP/IP to a templated protocol. Furthermore, it was

necessary to use specific hardware and/or software to be able to use the templated protocols of the invention. It was also emphasised that shopping was performed via a programmed content updated into the terminal memory, while operating explicitly off-line (see said letter, page 7). Then the appellant argued that a basic embedded program was not disclosed, or suggested implicitly or explicitly in [0081] or in fig. 4-9). Finally, the appellant submitted that document **D2** did not disclose the claimed interface between the internal communication lines and the building server.

2.4 The board holds that the term "*templated protocol*" used in claim 1 does not possess a well-recognised meaning in the art. The board notes that how the "*templated protocol*" is specified in claim 1, line 22 to following page, line 3 does not appear to relate to a protocol *per se*. Rather, it relates to managing a display menu for selecting services or products. The board thus interprets the term "*templated protocol*" as relating to a display menu for selecting services or products.

As to the argument relating to the "*basic embedded program*", the board notes that the context of this program in claim 1 reads as follows: "*services or programs ... selectively updated into said second memory in compliance with ... a basic program*". Since this is the only limitation of the "*basic embedded program*", it may be interpreted broadly as any software functionality which relates to the "*services or programs [being] selectively updated into said second memory*". As the board holds that this functionality is disclosed in document **D2**, see the analysis above, the board considers that the claimed "*basic embedded program*" is also known from document **D2**.

On the other hand, the board concurs with the appellant that document **D2** does not disclose the claimed

interface in the passages cited by the examining division. However, the board notes that a generic interface is implied by the fact that the "*client/local kiosk 30*" is connected to the "*local area network 40*". Although a generic interface is commonly known to possess a memory, it neither comprises a CPU nor a memory *storing files*.

2.5 Hence the board holds that the differences between the subject-matter of **claim 1** and that of document **D2** reside in that:

(i) the e-commerce entity is a "*closed circuit e-commerce entity*"

(ii) the interface possesses a "*CPU*"

(iii) the interface possesses a memory for storing files comprising the "*template organized touch portion*"

(iv) the e-commerce entity allows for ordering not only products, but also "*itemized services*"

(v) the "*communicating said completed order data*" is "*supervised by said central server*".

2.6 The subject-matter of **claim 1** is therefore novel over the disclosure of document **D2**.

3. Inventive step (Article 56 EPC) - **claim 1**

3.1 In the decision under appeal, the examining division held that distinguishing feature (i) was a non-technical feature which did not solve a technical problem, only the non-technical problem of restricting access to a certain group of people. Since document **D2** disclosed login accounts in paragraph [0096], the skilled person would have arrived at this

distinguishing feature without employing any inventive skill.

3.2 The appellant submitted that the examining division's interpretation of the term *closed circuit* was not correct. Furthermore, it was very clear that in accordance with the invention it was necessary to use specific hardware and/or software to be able to use the templated protocols of the invention.

3.3 In view of the appellant's arguments, the board considers that the "*CPU*" mentioned in distinguishing feature (ii) can only be interpreted as relating to an additional CPU, i.e. in addition to the regular CPU that each server - including the server disclosed in document **D2** - possesses. The same applies analogously to the "*memory*" mentioned in distinguishing feature (iii). In line with the description (lower half of page 55 and upper half of page 56), the board holds that distinguishing features (ii) and (iii) relate to the technical effect of supporting a large number of kiosks without overwhelming the server. The objective technical problem is how to support a large number of kiosks without overwhelming the server. This problem is solved by distinguishing features (ii) and (iii), since adding a CPU and a memory for processing kiosk requests at the interface reduces the load on the server CPU. However, neither this problem nor its solution are disclosed or hinted at in the prior art at hand.

3.4 Therefore the board concludes that the subject-matter of claim 1 involves an inventive step.

4. Independent claim 16

The board holds that the use of a bidirectional communication protocol structure claimed in independent claim 16 is inventive, because it relates to its use in

the method according to claim 1. Since the same considerations as for claim 1 again apply, the subject-matter of claim 16 is inventive as well.

5. Consequently the appeal is allowable.

6. Description and drawings

The board notes that the decision under appeal was based on the description and drawings as published.

In the present case, the board holds that the prior art already cited in the description as published is reasonably close to the invention, so the public is enabled "*to understand the invention and any advantageous effects it may have, from the description, at any time*" (see T 11/82, OJ 1983, 479).

The board notes that the set of claims filed on 7 September 2022 basically corresponds to the claims originally published and that the description as published supports these claims. Hence there is no need to adapt the description to the present claims in order to meet the requirements of Article 84 EPC in the present case.

Order

For these reasons it is decided that:

The decision under appeal is set aside.

The case is remitted to the examining division with the order to grant a patent on the basis of claims 1 to 24 as filed on 7 September 2022 and the description and drawings as published.

The Registrar: The Chair:

K. Götz-Wein A. Ritzka

Decision electronically authenticated