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Datasheet for the decision of 6 December 2024

Case Number: T 0891/23 - 3.5.07

Application Number: 18901175.2

Publication Number: 3742280

IPC: G06F40/171, G06F3/14

Language of the proceedings: EN

Title of invention:
Display annotation method, device, apparatus, and storage medium

Applicants:
Guangzhou Shiyuan Electronics Co., Ltd.
Guangzhou Shizhen Information Technology Co., Ltd.

Relevant legal provisions:
EPC Art. 56, 123(2)
RPBA 2020 Art. 12(6)

Keyword:
Amendments - added subject-matter - main request and auxiliary requests I, II, IIc, VI to VIII (yes)
Amendment to case - auxiliary request IIa and IIb admitted (no)
Inventive step - auxiliary requests III to V (no)

Decisions cited:

G 0002/10, G 0001/19, T 0935/97, T 1173/97, T 0154/04, T 1143/06, T 1235/07, T 1802/13, T 2276/13, T 0336/14, T 0543/18

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Case Number: T 0891/23 - 3.5.07

D E C I S I O N
of Technical Board of Appeal 3.5.07
of 6 December 2024

Appellant: (Applicant 1)	Guangzhou Shiyuan Electronics Co., Ltd. No.6, 4th Yunpu Road Huangpu District Guangzhou, Guangdong 510530 (CN)
Appellant: (Applicant 2)	Guangzhou Shizhen Information Technology Co., Ltd. No.192 Kezhu Road Economic and Technological Development Zone Guangzhou, Guangdong 510663 (CN)
Representative:	Grünecker Patent- und Rechtsanwälte PartG mbB Leopoldstraße 4 80802 München (DE)
Decision under appeal:	**Decision of the Examining Division of the European Patent Office posted on 8 December 2022 refusing European patent application No. 18901175.2 pursuant to Article 97(2) EPC**

Composition of the Board:

Chair	J. Geschwind
Members:	M. Jaedicke
	P. San-Bento Furtado

Summary of Facts and Submissions

I. The appellants (applicants) appealed against the examining division's decision refusing European patent application No. 18901175.2.

II. The documents cited in the contested decision included:
D4 US 2015/0248390 A1, published on 3 September 2015

III. The examining division decided, among other things, that the subject-matter of the independent claims of the main request and of auxiliary requests I, II and III to VIII lacked novelty and that the subject-matter of the independent claims of auxiliary request IIc did not comply with Article 56 EPC. Moreover, it did not admit auxiliary requests IIa and IIb.

IV. In their statement of grounds of appeal, the appellants requested that the contested decision be set aside and that a patent be granted on the basis of the main request or any of auxiliary requests I, II, IIa, IIb, IIc and III to VIII. All requests were as considered in the contested decision and resubmitted with the statement of grounds of appeal.

V. In a communication the board expressed, among other things, its provisional opinion that auxiliary requests IIa and IIb were not admissible. The board had doubts that claim 1 of the main request met the requirements of Article 123(2) EPC. Moreover, the subject-matter of claim 1 of all the requests lacked inventive step in view of document D4.

VI. Oral proceedings were held as scheduled and the appellants were heard on the relevant issues. At the

end of the oral proceedings, the Chair announced the board's decision. The appellants' final requests were as found in the statement of grounds of appeal (see point IV. above).

VII. Claim 1 of the main request reads as follows (itemisation of the features has been added by the board):

"A An annotation displaying method, comprising:
B displaying screen sharing data;
C displaying an annotation track, wherein the annotation track is generated based on an annotation signal or a touch operation;
D controlling the annotation track to change synchronously with a change of corresponding screen sharing data on a display interface;
E wherein displaying the screen sharing data comprises:
E1 receiving, by the annotation displaying device from a screen sharing client, a screen sharing request; and
E2 displaying, on the annotation displaying device, a first content of screen sharing;
F wherein displaying the annotation track comprises:
F1 receiving, by the annotation displaying device, a first annotation signal, wherein the first annotation signal is used to annotate the first content of screen sharing; and
F2 displaying, on the annotation displaying device, a first annotation track, wherein the first annotation track is generated according to the first annotation signal;
G wherein after displaying the first annotation track, the method further comprises:

G1 receiving, by the annotation displaying device, a page forward request, wherein the page forward request is used to control the first content of screen sharing to be turned forward; and

G2 displaying, on the annotation displaying device, a second content of screen sharing after turning the page;

H wherein controlling the annotation track to change synchronously with the change of the corresponding screen sharing data on the display interface comprises:

H1 receiving, by the annotation displaying device, a page backward request, wherein the page backward request is used to control the second content of screen sharing to be turned backward; and

H2 displaying, on the annotation displaying device, the first content of screen sharing and the first annotation track on the display interface;

I wherein after displaying the first content of screen sharing and the first annotation track, the annotation displaying method further comprises

I1 obtaining a controlling instruction of a variation on the first content of screen sharing;

I2 determining, according to the controlling instruction of the variation and a screen mapping relation, a track changing rule for displaying the first annotation track wherein the screen mapping relation is determined according [to] a resolution of a corresponding screen of the screen sharing client and a resolution of the annotation displaying device;

I3 updating the first content of screen sharing, and synchronously updating the first annotation track according to the track changing rule."

VIII. Claim 1 of auxiliary request I differs from claim 1 of the main request in that it replaces, in feature I1, "a controlling instruction of a variation on" with "a controlling instruction of an animation element within" and, in feature I2, "the controlling instruction of the variation" with "the controlling instruction of the animation element".

IX. Claim 1 of auxiliary request II differs from claim 1 of the main request in that it adds the following text to the end of feature I1:
", wherein the variation includes one or more of
- moving of content within the first content of screen sharing,
- removing content from the first content of screen sharing".

X. Claim 1 of auxiliary request IIa differs from claim 1 of the main request in that it amends feature I1 to read "obtaining a controlling instruction of a change of the display content of the first content of screen sharing without a page turning;" and replaces, in feature I2, the text "the controlling instruction of the variation" with the text "the controlling instruction of the change of the display content".

XI. Claim 1 of auxiliary request IIb differs from claim 1 of the main request in that the text "for providing annotation track on paginated content" has been added after the text "annotation displaying method" in feature A and in that feature I1 has been amended as follows: "obtaining, in addition to the page forward request and the page backward request, a controlling instruction of a variation on the first content of screen sharing;".

XII. Claim 1 of auxiliary request IIc differs from claim 1 of the main request in that it adds the following text to the end of feature I2:

"and the determining of the track changing rule includes

determining, in the first content of screen sharing, a target window to which the controlling instruction is targeted and a change controlling operation for the target window;

determining an annotation position of the first annotation track;

determining the track changing rule for the first annotation track when the change controlling operation is performed on the target window, if the target window includes the annotation position;"

XIII. Claim 1 of auxiliary request III reads as follows (itemisation of the features has been added by the board):

"A' An annotation displaying method, comprising:

B' displaying screen sharing data;

C' displaying an annotation track, wherein the annotation track is generated based on an annotation signal or a touch operation;

D' controlling the annotation track to change synchronously with a change of corresponding screen sharing data on a display interface;

E' wherein displaying the screen sharing data comprises:

E1' receiving a screen sharing request; and

E2' displaying a first content of screen sharing;

F' wherein displaying the annotation track comprises:

F1' receiving a first annotation signal, wherein the first annotation signal is used to annotate the first content of screen sharing; and

F2' displaying a first annotation track, wherein the first annotation track is generated according to the first annotation signal;

G' wherein after displaying the first annotation track, the method further comprises:

G1' receiving a page forward request, wherein the page forward request is used to control the first content of screen sharing to be turned forward; and

G2' displaying a second content of screen sharing after turning the page;

H' wherein controlling the annotation track to change synchronously with the change of the corresponding screen sharing data on the display interface comprises:

H1' receiving a page backward request, wherein the page backward request is used to control the second content of screen sharing to be turned backward; and

H2' displaying the first content of screen sharing and the first annotation track on the display interface;

J' wherein after displaying the first annotation track, the method further comprises:

J1' determining a position of a pixel for displaying the first annotation track; and

J2' recognizing, in the first content of screen sharing, image data displayed corresponding to the position of the pixel;

J3' wherein displaying the first content of screen sharing and the first annotation track comprises:

J4' displaying the first content of screen sharing and tracking the image data during the displaying; and

J5' synchronously displaying the first annotation track according to a tracking result, so that a

relative position between the first annotation track and the image data is fixed;

I' wherein after displaying the first content of screen sharing and the first annotation track, the annotation displaying method further comprises;

I1' obtaining a controlling instruction of a variation on the first content of screen sharing;

I2' determining, according to the controlling instruction of the variation, a track changing rule for displaying the first annotation track;

I3' updating the first content of screen sharing, and synchronously updating the first annotation track according to the track changing rule."

XIV. Claim 1 of auxiliary request IV differs from claim 1 of auxiliary request III in that it comprises the amendments made to auxiliary request I.

XV. Claim 1 of auxiliary request V differs from claim 1 of auxiliary request III in that it comprises the amendments made to auxiliary request II.

XVI. Claim 1 of auxiliary request VI differs from claim 1 of the main request in that it adds the features J' to J5' between features H2 and I and additionally inserts the text ", on the annotation displaying device," after the word "displaying" in features J4' and J5'.

XVII. Claim 1 of auxiliary request VII differs from claim 1 of auxiliary request VI in that it comprises the amendments made to auxiliary request I.

XVIII. Claim 1 of auxiliary request VIII differs from claim 1 of auxiliary request VI in that it comprises the amendments made to auxiliary request II.

Reasons for the Decision

1. The application relates to displaying annotations in the context of screen sharing on interactive smart panels in conference scenarios, for example. The annotations may be received from a user by means of touch operations in the form of an annotation track, for example. The content shown on the interactive smart panel may be substantially the same as the display content of the shared screen except for the screen resolution.

Main request

2. *Added subject-matter*

2.1 In its communication the board informed the appellants that it had doubts that claim 1 of the main request met the requirements of Article 123(2) EPC. This concerned features I1 to I3 of claim 1 in particular (see point VII. above for the itemisation of claim 1).

2.2 The appellants submitted that the basis for features I1 to I3 of claim 1 was claim 11 as originally filed in combination with paragraphs [0219] to [0222], [0311] to [0313] and [0322] of the description as filed.

2.3 The board recalls that according to the well-known "gold standard", allowable amendments to an application can "only be made within the limits of what a skilled person would derive directly and unambiguously, using common general knowledge, and seen objectively and relative to the date of filing, from the whole of" the description, claims and drawings as filed (see decision G 2/10, point 4.3 of the Reasons and the further

decisions cited in Case Law of the Boards of Appeal of the EPO, 10th edition 2022, II.E.1.3.1).

2.4 At the oral proceedings, the board informed the appellants that it had doubts that the passages of the application as filed which were cited by the appellants provided a basis for feature I2. Feature I2 specifies determining, according to the controlling instruction of the variation and a screen mapping relation, a track changing rule for displaying the first annotation track. Moreover, according to feature I2, the screen mapping relation is determined according to a resolution of a corresponding screen of the screen sharing client and a resolution of the annotation displaying device.

2.4.1 The board considers that claim 11 as originally filed discloses features I1 and I3 of claim 1 and parts of feature I2, but does not disclose anything about using a screen mapping relation in the context of determining a track changing rule as specified in feature I2. Consequently, claim 11 as filed cannot provide a sufficient basis for feature I2. Therefore, in the following, the board examines whether claim 11 as originally filed together with the further cited passages of the application as filed provides a basis for feature I2.

2.4.2 In the board's opinion, the cited paragraphs [0311] to [0313] of the description as filed concern a step of determining a "position altering path" of the annotation track; however, a "position altering path" is not specified in claim 1, let alone in feature I2.

The appellants argued that paragraph [0313] provided a basis for feature I2 since it related to a "changing

rule for the corresponding data in the associated display screen", but this argument does not convince the board. The "changing rule" in the cited paragraph is not necessarily a "track changing rule", nor does paragraph [0313] disclose determining the "changing rule" according to a controlling instruction of a variation and a screen mapping relation. Instead, it discloses that the "position altering path" is determined according to the screen mapping relationship.

Paragraph [0322] discloses synchronously updating the annotation track according to the position altering path. This paragraph cannot provide a basis for feature I2 since it does not disclose anything about a screen mapping or a track changing rule.

2.4.3 In the following, the board examines whether the cited paragraphs [0219] to [0222] of the description as filed could provide a basis for feature I2.

Paragraph [0219] merely discloses determining, according to the change controlling instruction, a track changing rule for displaying the first annotation track. Consequently, this paragraph cannot provide a basis for the aspects of feature I2 relating to "screen mapping".

The appellants argued that the skilled person would combine paragraph [0219] with the general teaching of using a screen mapping relation as disclosed in paragraph [0083] of the description as filed, for example. It would have been clear to the skilled person reading the application as filed that the track changing rule could be determined with or without a screen mapping relation.

The board considers that an embodiment which determines a track changing rule according to a screen mapping relation is disclosed in paragraph [0220] of the application as filed with a particular implementation. This implementation includes determining a target window of the text element in the first content of screen sharing and the corresponding change controlling operation for the animation element on the interactive smart panel side in order to obtain the track changing rule.

Consequently, the embodiment disclosed in paragraph [0220] combines the screen mapping relation, a target window and a change controlling operation for an animation element in a specific manner to determine the track changing rule. The board does not consider that, having read the disclosure of this embodiment in paragraph [0220], the skilled person would directly and unambiguously derive, from a combination of different parts of the disclosure in the application as filed, a more general teaching of determining a track changing rule according to a screen mapping relation as claimed.

Paragraph [0221] discloses determining a target window to which the change controlling instruction is targeted and a change controlling operation for the target window. Consequently, this paragraph cannot provide any basis regarding the screen mapping relation in feature I2.

2.4.4 In summary, the board considers that paragraph [0220] of the description as filed is the only passage cited by the appellants which discloses a step of determining, according to the controlling instruction of a variation and a screen mapping relation, a track

changing rule for displaying an annotation track; however, the embodiment disclosed in paragraph [0220] combines the determination of the track changing rule not only with a screen mapping relation but also with an animation element and a target window. Since claim 1 of the main request does not specify the combination of features of this specific embodiment, it is not directly and unambiguously derivable from the application as filed.

2.5 It follows that claim 1 of the main request infringes Article 123(2) EPC.

Auxiliary requests I, II, IIc and VI to VIII

3. *Added subject-matter*

3.1 Claim 1 of auxiliary requests I, II, IIc and VI to VIII is derived from claim 1 of the main request (see points VIII., IX., XII. and XVI. to XVIII. above). Auxiliary requests I and VII replace the term "variation" with the term "animation element" and auxiliary request IIc adds features concerning the target window to claim 1; however, none of auxiliary requests I, II, IIc and VI to VIII specifies the combination of features disclosed in paragraph [0220] of the application as filed for determining a track changing rule according to the controlling instruction and a screen mapping relation. In particular, none of the aforementioned auxiliary requests combines the features determining a track changing rule according to the controlling instruction for an animation element and a screen mapping relation with the determination of a target window.

3.2 In the oral proceedings, the appellants did not contest that the board's rationale for the added subject-matter

objection against the main request also applied to auxiliary requests I, II, IIc and VI to VIII.

3.3 It follows that claim 1 of each of the auxiliary requests I, II, IIc and VI to VIII infringes Article 123(2) EPC.

Auxiliary requests IIa and IIb

4. *Admissibility*

4.1 Article 12(6) RPBA stipulates that the board shall not admit requests, facts, objections or evidence which were not admitted in the proceedings leading to the decision under appeal, unless the decision not to admit them suffered from an error in the use of discretion or unless the circumstances of the appeal case justify their admittance.

4.2 Auxiliary requests IIa to IIc were filed the day before the oral proceedings took place in the first-instance proceedings and were thus filed late. The examining division admitted auxiliary request IIc, which overcame the examining division's novelty objection; however, the examining division decided not to admit auxiliary requests IIa and IIb under Rule 137(3) EPC since these auxiliary requests did not overcome the novelty objection. In particular, paragraph [0023] of document D4 disclosed a scrolling operation, i.e. a variation, which was not page turning, and paragraphs [0023] and [0070] of D4 disclosed paginated content such as a PowerPoint presentation.

4.3 In their statement of grounds of appeal, the appellants argued that claim 1 of auxiliary requests IIa and IIb further clarified the difference from the disclosure of

document D4, but did not specifically argue why the examining division should have admitted auxiliary requests IIa and IIb. In reply to the board's communication, they argued that auxiliary requests IIa and IIb should have been admitted into the first-instance proceedings since these requests specified that the "controlling instruction" was in addition to the page forward/backward request or scrolling and therefore overcame the examining division's novelty objection.

4.4 The board considers that the examining division did not exercise its discretion to admit late-filed requests under Rule 137(3) EPC in the wrong manner or according to the wrong criteria. Instead, it correctly examined whether the late-filed auxiliary requests *prima facie* overcame the lack of novelty. Consequently, in the circumstances of the current case, there was no error in the use of discretion. Moreover, the board does not see any circumstances of the appeal case in hand which would justify the admittance of auxiliary request IIa or IIb.

4.5 Since the criteria set out in Article 12(6) RPBA for admitting claim requests are not met for auxiliary requests IIa and IIb, these requests are not admitted into the appeal proceedings.

Auxiliary request III

5. *Inventive step*

5.1 The examining division decided that claim 1 of auxiliary request III lacked novelty over document D4.

5.2 The appellants argued that document D4 did not disclose features I1' to I3' of claim 1 (see the statement of grounds of appeal, page 15).

According to the appellants, document D4 disclosed synchronising annotations when changing a content view which disclosed changes of the content such as a view change, e.g. by scrolling, zooming or page turning; however, D4 did not disclose any changes on the content, i.e. variations of elements within a content, for example, animation elements for a text box within the content. In particular, the scrolling instruction in paragraph [0023] of D4 related to changes of the content that was shown, but not to changes on the shown content (such as the zooming of a slice of a pie chart shown in Figure 22 of the application). Consequently, feature I1' was novel.

Moreover, the appellants argued that document D4 did not disclose determining a track changing rule according to changes on the content. Since feature I3' used the track changing rule determined according to feature I2', neither of features I2' or I3' was disclosed in document D4.

5.3 In the following, the board reviews the disclosure in document D4.

5.3.1 The interactive whiteboard (IWB) system disclosed in D4 includes an image provider, a display and stroke capture device, a stroke matcher and an additional display or capture device (see D4, Figure 1 and paragraphs [0045] to [0048]). The image provider (e.g. a PC) is a source of one or more images that are sent for display on a screen of the IWB.

Paragraph [0023] of D4 discloses that a user draws (using a pen or touch input; see paragraphs [0067] and [0077]) on a screen such as a PC screen or whiteboard and annotates a shared background image of a presentation, text document or the like and then scrolls to a different page or part of the image. The strokes that were drawn on the screen become associated with the part of the image on which they were originally written. When changing the image that is displayed, the strokes on the screen drawn by the user disappear completely. When scrolling around the image, the strokes are moved on the display to the part of the image where they were originally drawn. If the user scrolls to a different image, then the strokes disappear, and upon returning to the original image the strokes reappear in their correct location (i.e., over the location on the original page upon which they were made). These features disclosed in document D4 correspond to features A' to E2' and I1', with the controlling instruction being a scrolling instruction, for example.

Regarding feature I1', the board agrees with the examining division that a scrolled display of content falls under the claim wording "a variation on the first content of screen sharing". In any case, even if feature I1' were considered as being novel over document D4, it would be obvious since controlling instructions for various changes relating to displayed content were well known on the relevant date.

5.3.2 Paragraph [0070] of D4 discloses that each stroke is associated with a stroke context. This context includes descriptors of feature points in the image, the coordinates of the stroke relative to those feature points, perhaps the portion of the background image

"underneath" the drawn stroke, the time the stroke is drawn and, if shared from a PC, the name of the document or window for the frontmost application. Paragraph [0073] of D4 discloses a stroke matcher with a common computer vision pipeline including key point detection, feature extraction and matching. These techniques are designed for screen sharing markup sessions associated with a whiteboard.

According to paragraphs [0094], [0095] and [0008] of D4, users of whiteboard systems often want to keep track of the images upon which they have added markups, i.e. they want to keep their strokes with the old content even if the content changes; however, in the prior-art systems discussed in document D4, the old strokes remain on the display when the content changes. In that case, if an IWB user wants to save the page with the image and strokes together, a user who is controlling the content that is being displayed by the whiteboard has to return to the page on which the strokes were drawn.

In order to avoid this, the IWB disclosed in document D4 captures the markup and creates pages automatically based on groups of strokes. Furthermore, upon creation, the IWB system adds strokes to previously prepared pages with the same content. The IWB system comprises a user interface that allows a user to switch between screens that display the current content to those that have previously generated pages of content to which strokes were added. When the user changes that content, the old strokes disappear and the IWB user can immediately add strokes. If the image changes to a previously annotated page, the related strokes drawn by the IWB user reappear (D4, paragraph [0095]). These

features disclosed in D4 correspond to features F' to H2' of claim 1.

5.4 Furthermore, the examining division correctly argued that features J' to J5' of claim 1 are disclosed in paragraphs [0070] to [0073], [0023] and [0095] of document D4 (see the disclosure of the "stroke matcher" in paragraphs [0070] to [0073]) and this was not contested by the appellants.

5.5 In view of the above, the board concludes that document D1 discloses features A' to I1' and J' to J5'.

5.6 The board agrees with the appellants that features I2' and I3' are not disclosed in document D4. In particular, paragraph [0103] of document D4 does not disclose the determination of a "track changing rule". Instead, the cited paragraph appears to relate to the adaptation of a stroke context already stored in the memory into new image data as disclosed in paragraph [0072] of document D4. Consequently, features I2' and I3' distinguish the subject-matter of claim 1 from the disclosure of document D4.

5.7 The appellants argued that, starting from document D4, the aim of the invention could be considered to be improving the synchronisation of content and annotation tracks. This was achieved by updating the annotation track according to a track changing rule, which was determined according to a controlling instruction of a variation on the content of screen sharing (see statement of grounds of appeal, section 7 on pages 15 to 17).

At the oral proceedings, the appellants submitted that the claimed method improved the ergonomics in the

user's real-time interactive task during screen sharing: the annotations were synchronised not only with backward change and resolution change, but also if only an element of the current content shown (e.g. an element of the current page) was changed. Accordingly, a user did not have to re-draw the annotation tracks when making changes to the viewed content. In other words, the invention enabled the user to update the content in an efficient manner. The invention was similar to using an improved pen for inputting information. The technical problem to be solved was that of enabling efficient and interactive input.

The cited documents merely synchronised the annotations based on changes of the content that was currently viewed. In contrast, the claimed invention synchronised the annotations based on changes within the content that was currently viewed.

None of the cited documents hinted at improving the claimed synchronisation of annotations based on variations within the content. Therefore, a skilled person confronted with the technical problem and starting from any of the cited documents would not arrive at the claimed method, which was consequently inventive.

5.8 The board does not recognise the alleged effect of improved ergonomics (or more efficient input) in the user interaction during screen sharing as a "further" technical effect (see decisions T 1173/97 and T 0935/97; see also decision G 1/19, point 79, which requires a computer-implemented invention to be "technical" beyond the use of a general-purpose computer).

5.9 According to the established case law, the content to be presented ("what" is presented) and the form of presentation ("how" the content is presented) are both considered to be non-technical, unless they contribute in specific cases to the solution to a technical problem (see for example decisions T 1143/06, points 5 to 5.4 of the Reasons; T 1235/07, points 11 and 12 of the Reasons; T 1802/13, point 2.1.5 of the Reasons; T 2276/13, point 3.6.1 of the Reasons; T 543/18, point 5.4.2 of the Reasons).

5.9.1 Regarding the case in hand, the board is not convinced that the synchronised presentation of content and annotations solves a technical problem. Instead, it is a mere presentation of information according to non-technical user requirements; the content to be presented (i.e. the shared content and the related annotation track) is presented in a specific form (the shared content and the related annotation track are updated synchronously according to a rule). Furthermore, the claimed method does not credibly assist a user in performing a technical task by means of a continued and/or guided human-machine interaction process since no technical task performed by the user is derivable from the wording of claim 1 (see e.g. T 336/14, point 1.2.4 of the Reasons).

5.9.2 Since the distinguishing features I2' and I3' do not contribute to a technical effect, these features are not taken into account in the assessment of inventive step (see decision T 154/04, point 5 of the Reasons, point F).

5.9.3 In any case, it was also obvious to update shared content on a display and related annotations synchronously in response to a controlling instruction

for a "variation" of shared content. The claimed synchronised updating in response to a "variation" controlling instruction was a straightforward generalisation of the synchronisation between content and related annotations disclosed in document D4 regarding page forward/backward or scrolling display control instructions to instructions concerning animations within a page of content, for example. Using a rule was an obvious implementation option in this context.

6. In view of the above, the board considers that the subject-matter of claim 1 of auxiliary request III lacks inventive step (Article 56 EPC) over document D4.

Auxiliary request IV

7. Claim 1 of auxiliary request IV essentially differs from claim 1 of auxiliary request III in that it limits features I1 and I2 to a controlling instruction of "an animation element within" the first content of screen sharing (see points XIV. and VIII. above).

8. *Inventive step*

8.1 The appellants argued that document D4 disclosed changes from a first to a second content of screen sharing after a page turning request (with a change of background images, for example), but not an animation element within the first content of screen sharing as claimed in auxiliary request IV.

8.2 Regarding the inventive step of auxiliary request IV, the board considers that the concept underlying the amendments made in auxiliary request IV (i.e. that the controlling instruction concerns an animation element

within the first content of screen sharing) is a synchronised display of animations in screen sharing content such as PowerPoint slides together with associated animated annotations (see the description as filed, paragraphs [0218] to [0229]). The board considers that this underlying concept is a non-technical user requirement since it relates to the presentation of information as such (see the case law cited above in point 5.9).

8.3 In view of the above, the amendments made in auxiliary request IV do not overcome the board's inventive-step objection against auxiliary request III. Consequently, the method in claim 1 of auxiliary request IV lacks inventive step (Article 56 EPC).

Auxiliary request V

9. Claim 1 of auxiliary request V differs from claim 1 of auxiliary request III in that it clarifies that the "variation" includes one or more of "moving of content within the first content of screen sharing" or "removing content from the first content of screen sharing" (see points XV. and IX. above).

10. *Inventive step*

10.1 Regarding auxiliary request V, the examining division argued that document D4 also disclosed the clarified "variation" since scrolling the shared content constituted moving as well as removing content. Furthermore, document D4 also disclosed further synchronised variations within content in paragraphs [0070] to [0073], [0091] and [0094].

10.2 The appellants argued (see statement of grounds of appeal, page 11) that D4 merely disclosed moving or removing of the content as a whole by scrolling. D4 did not disclose that content was moved within the first content or removed from the first content. Examples of moving elements within or removing elements from the content were provided in Figures 19 to 22.

10.3 In the board's opinion, document D4 discloses scrolling of content which removes content from the displayed first content of screen sharing, for example when a line of text disappears due to scrolling.

The appellants correctly stated that Figures 19 to 22 of the application as filed disclosed various manners of moving or removing content that are different from scrolling; however, for denying the novelty of the feature amended in claim 1 of auxiliary request V (see point XV. above), it is sufficient that document D4 discloses subject-matter falling under the wording of the claim. It is not necessary that particular embodiments disclosed in the description of the case in hand are also disclosed in the prior-art document D4.

10.4 In view of the above, the board concludes that claim 1 of auxiliary request V does not add further distinguishing features over document D4 when it is compared with claim 1 of auxiliary request III. Taking into account the above inventive-step objection against claim 1 of auxiliary request III (see point 5.), it follows that the subject-matter of claim 1 of auxiliary request V lacks inventive step (Article 56 EPC) in view of the prior art disclosed in document D4.

Conclusion

11. Since none of the requests admitted into the appeal proceedings is allowable, the appeal is to be dismissed.

Order

For these reasons it is decided that:

The appeal is dismissed.

The Registrar: The Chair:

S. Lichtenvort J. Geschwind

Decision electronically authenticated