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**Datasheet for the decision
of 14 February 2014**

Case Number: T 1929/09 - 3.5.07

Application Number: 00923475.8

Publication Number: 1192558

IPC: G06F17/00, G06F17/27

Language of the proceedings: EN

Title of invention:

Server-side web summary generation and presentation

Applicant:

Yodlee.com, Inc.

Headword:

Web summary/YODLEE.COM

Relevant legal provisions:

EPC Art. 56

Keyword:

Inventive step - (no)

Decisions cited:

Catchword:



**Beschwerdekammern
Boards of Appeal
Chambres de recours**

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Case Number: T 1929/09 - 3.5.07

D E C I S I O N
of Technical Board of Appeal 3.5.07
of 14 February 2014

Appellant: Yodlee.com, Inc.
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Decision under appeal: **Decision of the Examining Division of the
European Patent Office posted on 7 May 2009
refusing European patent application No.
00923475.8 pursuant to Article 97(2) EPC.**

Composition of the Board:

Chairman: R. Moufang
Members: M. Rognoni
R. de Man

Summary of Facts and Submissions

- I. The applicant (appellant) appealed against the decision of the examining division refusing European patent application no. 00923475.8 which had been filed as international application PCT/US00/10411.
- II. In the contested decision, the examining division held, *inter alia*, that the claims of the application as originally filed did not fulfil the requirements of Article 56 EPC.

According to the examining division, the basic idea of the present application was to facilitate the life of a user who normally had to provide some personal information for accessing certain web pages. However, facilitating the life of a user could not be seen as a technical problem. Also the proposed solution was essentially an administrative solution, whereas the technical features recited in claim 1 related to notorious Internet equipment.

Hence, the person skilled in the art who had to implement the teaching of the application would do it in a straightforward manner without involving an inventive step.

- III. In the statement of grounds of appeal dated 16 September 2009, the appellant requested that the decision under appeal be set aside, and furthermore declared that, if the Board were not able to set aside the decision refusing the patent, one or more sets of limited claims would be prepared and "filed in the form of one or more auxiliary requests duly in preparation of oral proceedings" which had been requested with the notice of appeal.

IV. In a communication dated 28 November 2013 accompanying the summons to oral proceedings, the Board assumed that the appellant's requests implicitly included the grant of a patent on the basis of the original application documents.

As to the patentability of the alleged invention, the Board expressed, *inter alia*, the provisional opinion that the subject-matter of claim 1 did not appear to provide a technical solution to a technical problem (Articles 52 and 56 EPC).

V. The appellant did not make any substantive submissions in reply to the Board's communication. With letter dated 20 January 2014, the appellant's representative informed the Board that they would not participate at the oral proceedings. The date fixed for the oral proceedings was, however, to be maintained and the oral proceedings to be held without the representative's or the applicant's presence.

VI. Oral proceedings were held as scheduled on 14 February 2014 in the absence of the appellant.

VII. Claim 1 of the application as filed reads as follows:

"An Internet Portal, comprising:

an Internet-connected server; and
a portal software executing on the server,
including a summary software agent;

wherein the Portal maintains a list of Internet destinations specific for a subscriber, and the summary software agent accesses the Internet destinations, retrieves information according to pre-programmed

criteria, and summarizes the retrieved information for delivery to the subscriber."

Claim 7 reads as follows:

"In an Internet Portal system, a method for providing summaries of information at WEB sites, URLs for which are maintained for individual subscribers, the method comprising steps of:

- (a) configuring a summary software agent executable on the Portal to access the URLs;
- (b) retrieving information from individual ones of the WEB sites accessed according to pre-programmed criteria specific to each subscriber; and
- (c) providing the information to the subscriber."

Claims 2 to 6 and 8 to 12 are dependent on claims 1 and 7, respectively.

VIII. The appellant's arguments, submitted with the statement of grounds of appeal, may be summarised as follows:

The examining division had negated the existence of a technical problem solved by the present invention because the invention facilitated the life of a user. However, the fact that the invention facilitated the life of a user did not imply the absence of a solution to a technical problem. Indeed, solving a technical problem often had the effect of facilitating the life of a user.

In contrast to the examining division's opinion regarding the problem addressed in the present application, reducing online time and providing easier

and faster access to updated information of password protected web pages was in fact the technical problem solved by the present invention.

At the priority date of the application, an Internet user having access to personalised and secure web pages, and wishing to retrieve information from these web pages, had to type in a user name and a password. It was known to store these access-related data in a database so that the user identification and password could be automatically provided to the required Internet destinations. This enabled the user to log in to Internet destinations without having to manually enter the necessary access codes.

However, in order to check whether an Internet destination provided updated information, the user had to request the relevant information from each of the Internet destinations. To do this, the user had to be online and thus required an open connection to the Internet, thus blocking resources of the Internet provider.

The present invention sought to reduce online time and increase the resources available to other users by minimising the number of resources which were blocked due to reservations, but not actually in use. It further provided easier and faster access to updated information of password-protected web pages.

These problems were solved by the invention in that a server connected to the Internet (*i.e.* to an Internet provider) automatically retrieved relevant information from Internet destinations, automatically generated summaries of new and updated information, and delivered this information to the user or allowed the user to

retrieve the summaries. Since the server was always online, no further resources were wasted. As the present invention enabled the user to be online only for a short time for the purpose of retrieving new or updated information from the server, it reduced the time during which resources for accessing the Internet were blocked.

Apart from facilitating the life of a user, the subject-matter of the present invention provided in particular an automated navigation to web pages and location of the user's information for retrieval. This had the technical effect of freeing bandwidth and resources on the Internet, since the automated navigation process of the invention was much faster and efficient than manual navigation.

In summary, reducing online time did not merely benefit the user, but provided a valid solution to the known technical problem of traffic on the Internet causing bottlenecks between users, IP data routers, data switches, gateway routers, etc.

Furthermore, reducing a user's connection time on the Internet resulted in a general improvement of Internet connections because it reduced slow packet transmission due to heavy Internet traffic by browsing users.

Thus, the Portal server of the invention was a new server machine which included functionalities that no other server had possessed at the time of filing, and consequently the subject-matter of claim 1 involved an inventive step within the meaning of Article 56 EPC.

Reasons for the Decision

1. The appeal is admissible.
- 2.1 As specified on page 1 of the published application (WO 00/73921 A1) under the heading "Field of the Invention", the *"present invention is in the field of Internet navigation including various communication means and connection technologies and pertains more particularly to methods and apparatus, including software, for gathering summary information from users or enterprise-selected WEB sites and presenting the information as HTML to the user using either a push or pull technology"* (underlining added).

According to the application (*ibid.* page 3, lines 3 to 5), *"it is generally known that much work related to finding WEB pages, logging in with passwords, and the like is required to successfully do business on the WEB"*.

- 2.2 The application acknowledges as known to the inventor *"a WEB service that allows a user to store all of his password protected pages in one location such that browsing and garnering information from them is much simplified. A feature of the above service allows a user to program certain tasks into the system such that requested tasks are executed by an agent (software) based on user instruction"* (*ibid.* page 3, lines 7 to 11 - underlining added).

"In addition to the features described above, it is desirable that the software agent in conjunction with the search function be enabled to navigate to any URL or group of URL's, provided as input by a user or

otherwise deemed appropriate by the service provider, for the purpose of providing summary information regarding updated content for each URL, which may be presented as an HTML information-page to the user" (ibid. page 3, line 26 to page 4, line 2).

2.3 Thus, the present invention seeks to provide "an effective summarization service wherein important information may be presented to a user without requiring that the user invoke hyperlinks at his personal portal home page" (ibid. page 4, lines 6 to 8 - underlining added).

3.1 As specified in claim 1 of the application, the "Internet Portal" of the invention comprises the following features:

- (a) an Internet-connected server,
- (b) a portal software executing on the server,
- (c) the portal software includes a summary software agent,
- (d) the Portal maintains a list of Internet destinations specific for a subscriber,
- (e) the summary software agent accesses the Internet destinations, retrieves information according to pre-programmed criteria and summarizes the retrieved information for delivery to the subscriber.

3.2 According to the examining division, the claimed Internet Portal did not solve a technical problem, but constituted an "administrative solution". In fact, all

the technical features present in the complete application related to notorious Internet equipment, and it was not possible to derive from the originally filed application a technical problem which a person skilled in the art (programmer) had to solve in order to implement the administrative solution presented in the application.

3.3 In the appellant's opinion, however, the Internet Portal of claim 1 achieved, *inter alia*, the technical effect of freeing bandwidth and resources available on the Internet, since an automated navigation process, as taught by the application, was much faster and efficient than manual navigation. The subject-matter of claim 1 thus solved a well-known technical problem.

3.4 The Board agrees with the appellant that improving the allocation of resources on the Internet and reducing connection time between servers or between a server and a workstation are, in principle, technical problems. In the present case, however, a question to be considered is whether claim 1 comprises any technical feature which may directly contribute to the solution of any of the problems identified by the appellant and, if so, whether a technical problem is actually solved by the claimed subject-matter.

4.1 Claim 1 relates to an "Internet Portal" comprising a server connected to the Internet (feature (a)) and a portal software (feature (b)) including some software ("summary software agent") (feature (c)), which can access a list of Internet destinations specific for a subscriber (feature (d)), retrieve information according to some unspecified criteria and summarise the retrieved information for delivery to the subscriber (feature (e)).

In other words, the claimed subject-matter can be regarded as the implementation of an information service offered by an Internet provider to a subscriber and concerning Internet destinations specified by the subscriber.

This interpretation of claim 1 is corroborated by the description which specifies that there was a need for a system which *"would provide an effective summarization service wherein important information may be presented to a user without requiring that the user invoke hyperlinks at his personal portal home page"* (application as published, page 4, lines 6 to 8).

- 4.2 Apart from the particular implementation on an Internet server considered in the present application, an information service tailored to the needs of a particular user and limited to user-defined Internet destinations is essentially a business scheme. Thus, the mere idea of providing such a service cannot be regarded as a contribution to the solution of a technical problem.
- 4.3 As to the implementation of the information service disclosed in the application, it relies on a dedicated software ("summary software agent") running on a server and able to access a list of Internet destinations, retrieve corresponding information and summarise it for the subscriber, as set out in claim 1.
- 4.4 As generally known, the Internet is essentially a network of interconnected servers and PCs or workstations, and all exchange of information on the Internet is managed by software running on Internet servers and workstations. In the light of this background knowledge,

it would be evident to a person skilled in art, facing the task of implementing the information service specified above, to develop some dedicated software ("software agent") to be run on the server of the service provider ("Internet Portal"), and to make provisions for storing lists of user-defined Internet locations on the server.

4.5 As to the specific technical problems which in the appellant's view would be solved by the claimed subject-matter, the Board notes that, given the breadth of possible embodiments covered by the wording of claim 1, it is impossible to conclude whether the claimed Internet Portal would actually improve the allocation of the available Internet resources and reduce online time. In fact, claim 1 does not provide any detail as to how the software agent actually operates and would, for instance, cover also an Internet Portal with a software agent continuously accessing the list of Internet locations supplied by the user. Far from reducing Internet traffic, such software agent would evidently demand more Internet resources than the general Internet user who would only occasionally retrieve information from favourite locations.

4.6 In summary, the Board finds that the subject-matter of claim 1 does not contain any inventive technical solution to a technical problem, but merely relates to the obvious implementation of a functionality which can be added to an Internet server as a result of business or administrative considerations aiming at improving the service provided to web users (see page 4 of the description, lines 27 to page 5, line 2). In particular, the Board cannot see any direct link between the features recited in claim 1 and a solution to any of the specific technical problems identified by the appellant.

- 5.1 Notwithstanding the above objections, it could be argued that providing an Internet service, such as the automated retrieval of information from user-defined Internet locations, constituted *per se* a technical problem, at least in so far as this service may have a direct impact on the data flow on the Internet.

- 5.2 The introductory section of the application ("Background of the Invention") describes typical Internet traffic and, in particular, discloses that many companies offer various subscription services accessible via the Internet. *"Typically, a user, through subscription, has access to personalized and secure WEB pages for such functions. By typing in a user name and a password or other personal identification code, a user may obtain information, initiate transactions, buy stock, and accomplish a myriad of other tasks"* (application as filed, page 2, lines 7 to 11).

- 5.3 Starting from this familiar situation described in the application, the problem addressed by the present application could be regarded as providing automated navigation to Web pages and automated location of user-defined information for retrieval.

- 5.4 It is generally known in the field of technology that the automated implementation of repetitive manual operations is, in principle, a desirable development to be pursued wherever possible. Hence, the mere idea of providing automated retrieval of information from user-defined Internet locations cannot contribute to an inventive step. As to the resulting faster retrieval of information from the addressed web sites, it is to be regarded as an expected and thus obvious result.

- 5.5 Regarding the actual solution provided by the claimed Internet Portal of the invention, it is evident that automated navigation to Web pages and automated information retrieval has to be performed by some dedicated software, such as a "software agent", and that, if these tasks are to be carried out independently of the user and, in particular, of the user's workstation, they have to be performed on a server connected to the Internet on the basis of a list of user-defined Internet locations stored in a manner which renders it readily accessible by the dedicated software.
- 5.6 Thus, claim 1 merely specifies in broad terms features which are obviously required for solving the general problem of providing automated access to Web sites and automated retrieval of information from the same Web sites. Consequently, the subject-matter of claim 1 lacks an inventive step within the meaning of Article 56 EPC.
6. Claim 7 relates to a method for providing summaries of information at Web sites comprising essentially the features of claim 1 expressed in terms of method steps. For the reasons given above, the subject-matter of claim 7 does not involve an inventive step (Article 56 EPC).
7. In summary, the Board comes to the conclusion that the claims of the application as filed do not provide a basis for the grant of a patent. Hence, the appeal has to be dismissed.

Order

For these reasons it is decided that:

The appeal is dismissed.

The Registrar:

The Chairman:



I. Aperribay

R. Moufang

Decision electronically authenticated