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**Datasheet for the decision  
of 18 July 2013**

**Case Number:** T 0887/10 - 3.5.05  
**Application Number:** 08150238.7  
**Publication Number:** 2081104  
**IPC:** G06F 3/023, G06F 3/048  
**Language of the proceedings:** EN

**Title of invention:**

Method and handheld electronic device employing a touch screen for ambiguous word review or correction

**Applicant:**

Research In Motion Limited

**Headword:**

Ambiguous word review or correction for a handheld electronic device/RIM

**Relevant legal provisions:**

EPC Art. 123(2)  
RPBA Art. 15(3)

**Relevant legal provisions (EPC 1973):**

EPC Art. 56, 84

**Keyword:**

"Inventive step - main and auxiliary requests (no)"  
"Added subject-matter - first auxiliary request (yes)"  
"Clarity - second auxiliary request (no)"

**Decisions cited:**

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**Catchword:**

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Case Number: T 0887/10 - 3.5.05

**D E C I S I O N**  
of Technical Board of Appeal 3.5.05  
of 18 July 2013

**Appellant:** Research In Motion Limited  
(Applicant) 295 Phillip Street  
Waterloo, ON N2L 3W8 (CA)

**Representative:** Roberts, Gwilym Vaughan  
Kilburn & Strode LLP  
20 Red Lion Street  
London WC1R 4PJ (GB)

**Decision under appeal:** Decision of the Examining Division of the  
European Patent Office posted 8 December 2009  
refusing European patent application  
No. 08150238.7 pursuant to Article 97(2) EPC.

**Composition of the Board:**

**Chair:** A. Ritzka  
**Members:** M. Höhn  
G. Weiss

## Summary of Facts and Submissions

- I. This appeal is against the decision of the examining division, posted 8 December 2009, refusing European patent application No. 08150238.7 on the grounds of Article 123(2) EPC and Article 56 EPC 1973, in particular in the light of prior-art documents
- D1: WO 98/33111 A1 and  
D3: US 2005/0162395 A1.
- II. The notice of appeal was received on 2 February 2010. The appeal fee was paid on the same day. The statement setting out the grounds of appeal was received on 1 April 2010. The appellant requested that the appealed decision be set aside and that a patent be granted on the basis of the three sets of claims filed with the statement setting out the grounds of appeal as main request and first and second auxiliary requests. Oral proceedings were requested on an auxiliary basis.
- III. A summons to oral proceedings, to be held on 18 July 2013, was issued on 8 April 2013. In an annex accompanying the summons the board expressed the preliminary opinion that the subject-matter of independent claim 1 of all requests did not appear to involve an inventive step (Article 56 EPC 1973) *inter alia* in view of the disclosure of D1 combined with the skilled person's common general knowledge or with D3. Claim 1 according to the first auxiliary request in addition did not appear to fulfill the requirements of Article 123(2) EPC. Claim 1 according to the second auxiliary request did not appear to fulfill the requirements of Article 84 EPC 1973. The board gave its

reasons for the objections and explained why it did not consider the appellant's arguments convincing.

IV. By letter dated 10 July 2013 the board was informed that the appellant would not be represented at the oral proceedings. The board was requested to nevertheless proceed with the oral proceedings.

V. Independent claim 1 according to the main request reads as follows:

"1. A method of ambiguous word review or correction for a handheld electronic device (4), the handheld electronic device including a display apparatus (18), a touch screen apparatus (26) operatively associated with said display apparatus, and an input apparatus (8;24) having a plurality of input members (28), each of a number of the input members having a plurality of characters assigned thereto, said method comprising: receiving (3002) a plurality of actuations of said input members; rendering (3004) a plurality of words responsive to said actuations of said input members, each of said plurality of words being rendered as one possible word of a number of possible words derivable from said actuations of said input members; displaying (3006) at said display apparatus a plurality of representations (52) of said words; detecting (3008) with a processor routine a number of said words, which are ambiguous; for at least a number of said detected number of said words, displaying (3010) a visual indicator (54) associated with a corresponding one of said

representations for a corresponding one of said detected number of said words at said display apparatus; detecting (3012) touching of said touch screen in connection with one of said displayed visual indicator; and responsive to said detecting (3012) touching of said touch screen, displaying at said display apparatus: (a) a first magnification (56) of the corresponding one of said representations, and (b) a second magnification (58) of a representation of a number of alternatives to said corresponding one of said detected number of said words."

Independent claim 1 according to the first auxiliary request essentially adds the following feature:

"in which magnifications of the first magnification (56) and the second magnification (58) distinguish the first magnification (56) and the second magnification (58) from said corresponding one of said detected number of said words".

Independent claim 1 according to the second auxiliary request essentially adds the following feature:

"so that the user can at a glance, view the first magnification, the second magnification, and said corresponding one of said detected number of said words".

VI. The appellant requested in writing that the decision under appeal be set aside and that a patent be granted on the basis of its main request or of one of the two

auxiliary requests, all submitted with the statement setting out the grounds of appeal.

- VII. Oral proceedings were held on 18 July 2013 in the absence of the appellant. After due deliberation on the basis of the written submissions, the board announced its decision.

### **Reasons for the Decision**

1. Admissibility

The appeal complies with Articles 106 to 108 EPC (see Facts and Submissions, point II above). It is therefore admissible.

2. Non-attendance at oral proceedings

By letter dated 10 July 2013 the board was informed that the appellant would not be represented at the oral proceedings and was requested to proceed with them nevertheless. The board therefore considered it expedient to maintain the date set for oral proceedings. Nobody attended on behalf of the appellant.

Article 15(3) RPBA stipulates that the board is not obliged to delay any step in the proceedings, including its decision, by reason only of the absence at the oral proceedings of any party duly summoned who may then be treated as relying only on its written case.

Hence, the board was in a position to announce a decision at the end of the oral proceedings.

Main request

3. Article 56 EPC 1973 - Inventive step

D1 is considered to be the closest prior art relevant for claim 1. The board agrees with the appellant that the skilled person would start from the special disambiguation check editing mode (see page 4, second paragraph of the statement setting out the grounds of appeal).

3.1 D1 discloses, in accordance with the following features of claim 1:

A method of ambiguous word review or correction for a handheld electronic device, the handheld electronic device including a display apparatus, a touch screen apparatus operatively associated with said display apparatus, and an input apparatus having a plurality of input members, each of a number of the input members having a plurality of characters assigned thereto, said method comprising (see e.g. figure 4A and page 4, lines 6 to 22):

receiving a plurality of actuations of said input members (see page 4, lines 15 to 17);

rendering a plurality of words responsive to said actuations of said input members, each of said plurality of words being rendered as one possible word of a number of possible words derivable from said actuations of said input members (see page 4, lines 17 to 20);

displaying at said display apparatus a plurality of representations of said words (see page 4, lines 20 to 22);

detecting with a processor routine a number of said words which are ambiguous (see page 35, line 5 onwards);

for at least a number of said detected number of said words, displaying a visual indicator associated with a corresponding one of said representations for a corresponding one of said detected number of said words at said display apparatus (see page 35, lines 14 to 19; in particular that "all words in the output text area that meet the currently selected criteria are re-displayed in a special manner such as highlighted or specially colored text");

detecting touching of said touch screen in connection with one of said displayed visual indicator (see page 35, lines 17 to 19: "The user can then touch any such specially formatted word to replace it..."); and responsive to said detecting touching of said touch screen, displaying at said display apparatus: (a) the corresponding one of said representations, and (b) a representation of a number of alternatives to said corresponding one of said detected number of said words (see figure 4A).

- 3.2 D1 does not explicitly disclose that both representations are displayed in the form of first and second magnifications. The underlying technical effect is considered to be to highlight those representations in order to attract the user's attention to the part of the display where a selection is to be made and thereby improve user interaction (according to the appellant, see page 5, second paragraph of the statement setting out the grounds for appeal).



The underlying objective problem is therefore considered to be to improve user interaction.

3.3 The board considers it to have been common general knowledge of the skilled person to apply any kind of highlighting to those parts of the display which need user interaction. D1 already discloses drawing a box around the ambiguous word to be edited as a measure for highlighting (see figure 4A of D1, box 88). The same is the case for the corresponding representation (see box 78) and even for the whole selection list (see box 76). Using another well-known measure for highlighting, such as magnifications of the font size of those representations, appears to have been an obvious design alternative, because varying a font size does not result in any surprising effect and no technical hurdles have to be overcome in comparison to the use of boxes. Using magnifications instead of boxes as disclosed in D1 is therefore regarded as equivalent and, hence, as not involving an inventive activity with regard to the disclosure of D1.

3.4 The board agrees with the appealed decision that the distinction between first and second magnifications in claim 1 does not provide any particular technical effect (see point 14.13, item 4). In fact, figures 4 and 5 of the present application make clear that claim 1 encompasses embodiments in which the first and second magnifications are equal, i.e. use the same enlarged font size. Distinguishing between a first and a second magnification therefore does not involve an inventive technical contribution over the disclosure of D1.

- 3.5 D3 is considered to exemplify such common general knowledge on the part of the skilled person.  
D3 discloses the use of a larger font size for the selection list (see e.g. paragraph 12 of D3) for the purpose of making it easier to check the words and to concentrate the user's focus on this area of the display, i.e. for the purpose of improving user interaction which is the objective problem to be solved.
- 3.6 The board is not convinced by the appellant's argument that the use of a magnification in D3 was aimed at saving resources. Rather, it is the presentation of the display at the insertion point and the avoidance of refreshing the display in this area that serves that purpose (see paragraph 69 of D3 referred to by the appellant). The use of a magnification, however, is at odds with the aim of saving resources, since a larger font size needs more space on the display. In the board's view, D3 is pertinent prior art that would be consulted by the skilled person trying to solve the objective problem, in particular with regard to figures 9 to 14 (see also paragraphs 73 to 75) according to which a word has to be replaced by another one chosen from a selection list. The idea of using a magnification in D3 therefore solves the problem of concentrating the user's focus on this area of the display and thereby the objective problem of improving user interaction.
- 3.7 Thus, the subject-matter of claim 1 is rendered obvious by the teaching of D1 combined with the skilled person's common general knowledge or with the disclosure of D3 (Article 56 EPC 1973).

#### First auxiliary request

4. Claim 1 according to this request comprises the additional feature that "the magnifications of the first magnification (56) and the second magnification (58) distinguish the first magnification (56) and the second magnification (58) from said corresponding one of said detected number of said words".

##### 4.1 Article 123(2) EPC

The appellant provides the same antecedent basis for the amendments of claim 1 as in the proceedings before the first instance by referring to page 10, line 20 to page 12, line 26 and especially to page 12, lines 18 to 24. However, the appellant fails to deal with the objection under Article 123(2) EPC as detailed in section 15.4 of the decision under appeal. In particular, the board does not consider the reference to the dialogue box 72 in figure 4 of the present application to be an implicit disclosure of the first and second magnifications, because both magnifications of the words "Are" and "See" are of a uniform font size. Neither the dialogue box 72 nor the wording of the added feature requires that the first and second magnifications be different. In accordance with section 15 of the decision under appeal, the board judges that claim 1 of this request does not comply with the provisions of Article 123(2) EPC.

4.2 Article 56 EPC 1973 - Inventive step

The board notes that claim 1 does not require that the first and second magnifications be different. For the reasons set out in points 3.2 to 3.6 above, claim 1 does not comply with the provisions of Article 56 EPC 1973.

Second auxiliary request

5. Claim 1 according to this request comprises the additional feature that "the user can at a glance, view the first magnification, the second magnification, and said corresponding one of said detected number of said words".

5.1 Article 84 EPC 1973

The wording of this added feature is formulated as a result to be achieved; it does not specify the effect in terms of technical features. This results in a lack of clarity, because the reader is left in doubt as to how exactly this result is to be achieved.

5.2 Article 56 EPC 1973 - Inventive step

It is further considered that *inter alia* D3 (see e.g. figure 10) renders it obvious to display the representation of the ambiguous word and the representations of the alternatives at the insertion point and thereby achieve the claimed result that the user can see both representations and the ambiguous word at a glance. Therefore, claim 1 of this request is

still obvious for the reasons set out with regard to the main request (see points 3.5 to 3.7 above).

6. Thus, none of the requests fulfils the requirements of the EPC.

## **Order**

### **For these reasons it is decided that:**

The appeal is dismissed.

The Registrar:

The Chair:

K. Götz

A. Ritzka