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**Datasheet for the decision
of 20 October 2015**

Case Number: T 2036/11 - 3.5.03
Application Number: 06125884.4
Publication Number: 1768359
IPC: H04M1/247, G06F3/048
Language of the proceedings: EN

Title of invention:

Dynamic bar oriented user interface for a device having a status bar displaying status information concerning the device

Applicant:

BlackBerry Limited

Headword:

User interface/BLACKBERRY

Relevant legal provisions:

EPC Art. 84, 113(1)
EPC R. 115(2)
RPBA Art. 15(3)

Keyword:

Claims - clarity (no)
Oral proceedings - non-attendance of party

Decisions cited:

Catchword:



**Beschwerdekammern
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Chambres de recours**

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Case Number: T 2036/11 - 3.5.03

D E C I S I O N
of Technical Board of Appeal 3.5.03
of 20 October 2015

Appellant: BlackBerry Limited
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Decision under appeal: **Decision of the Examining Division of the
European Patent Office posted on 13 April 2011
refusing European patent application
No. 06125884.4 pursuant to Article 97(2) EPC.**

Composition of the Board:

Chairman F. van der Voort
Members: B. Noll
P. Guntz

Summary of Facts and Submissions

- I. This appeal is against the decision of the examining division refusing European patent application No. 06125884.4 (publication No. EP 1 768 359 A2).
- II. With the statement of grounds of appeal, the appellant filed a single set of claims and implicitly requested that the decision under appeal be set aside and that a patent be granted on the basis of this set of claims. Oral proceedings were conditionally requested.
- III. In a communication accompanying a summons to oral proceedings, the board drew the appellant's attention to issues to be discussed at the oral proceedings, in particular inventive step of the subject-matter of claim 1 (Articles 52(1) and 56 EPC). The board further drew the appellant's attention to the fact that if amended claims were filed in response to the communication, *inter alia* the question of whether or not they complied with the requirements of Article 84 EPC would have to be discussed in the oral proceedings.
- IV. With a letter dated 18 September 2015, the appellant filed, by way of replacement, sets of claims of a main request and a first auxiliary request.

With a further submission dated 16 October 2015, the appellant informed the board that it would not be attending the oral proceedings. Further, it asked "for a Decision in accordance with the current state of the file".

- V. Oral proceedings were held on 20 October 2015 in the absence of the appellant.

The board understood from the appellant's submissions in writing that it was requesting that the decision under appeal be set aside and that a patent be granted on the basis of the set of claims of a main request or, in the alternative, on the basis of the set of claims of an auxiliary request ("first auxiliary request"), both requests as submitted with the letter dated 18 September 2015.

At the end of the oral proceedings, after deliberation, the board's decision was announced.

VI. Claim 1 of the main request reads as follows:

"A method of controlling a mobile station (202) using a graphical user interface, 'GUI', (302) displayed on a display screen (222) of the mobile station (202), the method comprising:

displaying on the display screen (222):

a main screen (300) of the GUI (302), the main screen (300) comprising an application portion (302) occupying a major portion of the main screen (300),

a mobile station status portion (306) for displaying status information concerning the mobile station (202), and

a plurality of dynamic bars (304), each of said plurality of dynamic bars (304) being associated with one or more applications on the mobile station (202) and being configured to expand and collapse via respectively displaying and removing a drop down or pop-up interface (407) in response to respective user input, at least one of the plurality of dynamic bars being associated with a plurality of applications on the mobile station;

managing information concerning events of said applications;

displaying in each drop down or pop-up interface (407) dynamic preview information concerning one or more new events in the one or more applications, the dynamic preview information being determined dynamically from the information managed by the one or more applications and/or information determined from the managed information;

providing, in the dynamic preview information, an invokable link for invoking a respective application of the one or more applications in response to user input received from input means of the mobile station (202); and

continuously updating the dynamic preview information to be displayed in each drop down or pop-up interface (407) in response to a change in the respective one or more new events in the respective one or more applications."

Claim 1 of the auxiliary request differs from claim 1 of the main request in that in the fifth paragraph the following text is inserted after "being associated with a plurality of applications on the mobile station":

", wherein the one or more applications are associated with their respective dynamic bars (304) according to predetermined logical relationships between the one or more applications, said predetermined logical relationships being contextual relationships based on a manner in which a user of the mobile station may use the one or more applications and/or functional relationships based on functions that may be performed by the one or more applications".

Reasons for the Decision

1. *Procedural matters*

1.1 For the reasons set out in point 2 below, the board concluded that claim 1 of each request did not meet the requirement of Article 84 EPC due to a lack of clarity caused by the amendments to the claims made in response to objections raised in the board's communication.

1.2 The appellant, which was duly summoned, had informed the board that it would not be attending the oral proceedings, and was indeed absent. The oral proceedings were therefore held in the absence of the appellant (Rule 115(2) EPC, Article 15(3) RPBA). In deciding not to attend the oral proceedings, the appellant chose not to make use of the opportunity to comment at them on any of the issues to be discussed (see point III above), but instead chose to rely on the arguments set out in the statement of grounds of appeal and in the letter dated 18 September 2015, which the board duly considered below.

1.3 Under these circumstances, the board was in a position to give a decision which complied with Article 113(1) EPC.

2. *Main request - claim 1 - clarity (Article 84 EPC)*

2.1 Compared to claim 1 filed with the statement of grounds of appeal, claim 1 of the main request has been amended *inter alia* in that, in the fifth paragraph, "displaying ... at least one dynamic bar" has been replaced by "displaying ... a plurality of dynamic bars" and in that "the at least one dynamic bar (304) being associated with one or more applications on the

mobile station (202)" has been replaced by "each of said plurality of dynamic bars (304) being associated with one or more applications on the mobile station (202)". Further, again in the fifth paragraph, the following feature "at least one of the plurality of dynamic bars being associated with a plurality of applications on the mobile station" has been added, whilst in the sixth paragraph, the feature "managing information concerning events of the one or more applications associated with the at least one dynamic bar (304)" has been replaced by "managing information concerning events of said applications" (underlinings added by the board).

In other words, according to the present claim, a plurality of dynamic bars is associated with one or more applications and at least one of the plurality of dynamic bars is associated with a plurality of applications.

2.2 Consequently, in the next paragraph ("managing information concerning events of said applications"), the term "said" in "said applications" may refer either to the "one or more applications" or to the "plurality of applications" referred to in the fifth paragraph. This ambiguity was not present in the previous version of the claim and was introduced by the amendments referred to in point 2.1 above. However, due to this ambiguity, the scope for which protection is sought by the claim is now unclear, as may be illustrated as follows:

2.3 If "said applications" is assumed to refer to the "one or more applications", claim 1 would seek protection inter alia for an embodiment in which a dynamic bar is displayed which is associated with a plurality of

applications, and in which in one of these applications events may occur for which dynamic preview information concerning these events is displayed in the respective drop-down or pop-up interface (cf. claim 1, seventh paragraph). Hence, for the remaining applications associated with this dynamic bar, there need not be any dynamic preview information.

An example of such a dynamic bar is shown in Fig. 10 of the present application, namely the "Entertain" bar 1012, in which only one application ("download") generates events for which dynamic preview information ("5 new games") is displayed in the drop-down or pop-up interface 1014.

- 2.4 If, however, "said applications" is assumed to refer to the "plurality of applications", the above-mentioned embodiment would be excluded, since the claim would require that for the dynamic bar which is associated with the plurality of applications, events in the plurality of the associated applications may occur for which dynamic preview information is displayed.

An example of such a dynamic bar is also given in Fig. 10 of the present application, namely the "Communicate" bar 1004, in which each of the applications generates events for which dynamic preview information is displayed in the drop-down or pop-up interface 1006.

The board therefore concludes that the claim does not clearly define the matter for which protection is sought.

- 2.5 For the above reasons, claim 1 is not clear and, hence, does not meet the requirements of Article 84 EPC.

- 2.6 The main request is therefore not allowable.
3. *Auxiliary request - claim 1 - clarity (Article 84 EPC)*
- 3.1 The additional feature of claim 1 of the auxiliary request (see point VI above) further defines the "one or more applications" but does not overcome the ambiguity caused by the wording "said applications" in the sixth paragraph in connection with "a plurality of applications". Consequently, the reasons set out above in respect of claim 1 of the main request apply, *mutatis mutandis*, to claim 1 of the auxiliary request.
- 3.2 Claim 1 of the auxiliary request thus lacks clarity and, hence, does not meet the requirements of Article 84 EPC.
- 3.3 The auxiliary request is therefore not allowable either.
4. There being no allowable request, it follows that the appeal must be dismissed.

Order

For these reasons it is decided that:

The appeal is dismissed.

The Registrar:

The Chairman:

G. Rauh

F. van der Voort