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**Datasheet for the decision
of 15 April 2016**

Case Number: T 2278/12 - 3.5.05

Application Number: 07814690.9

Publication Number: 2078239

IPC: G06F3/048

Language of the proceedings: EN

Title of invention:

PORTABLE ELECTRONIC DEVICE, METHOD, AND GRAPHICAL USER
INTERFACE FOR DISPLAYING STRUCTURED ELECTRONIC DOCUMENTS

Applicant:

APPLE INC.

Headword:

GRAPHICAL USER INTERFACE FOR DISPLAYING STRUCTURED ELECTRONIC
DOCUMENTS/APPLE

Relevant legal provisions:

EPC 1973 Art. 56

Keyword:

Inventive step - (yes) - after amendment

Decisions cited:

Catchword:



Beschwerdekammern
Boards of Appeal
Chambres de recours

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Case Number: T 2278/12 - 3.5.05

D E C I S I O N
of Technical Board of Appeal 3.5.05
of 15 April 2016

Appellant: APPLE INC.
(Applicant) 1 Infinite Loop
Cupertino, CA 95014 (US)

Representative: Barton, Russell Glen
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Decision under appeal: Decision of the Examining Division of the
European Patent Office posted on 11 June 2012
refusing European patent application No.
07814690.9 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 of the European Patent Office posted on 11 June 2012 refusing European patent application No. 07814690.9 pursuant to Article 97(2) EPC on the grounds of added subject-matter (Article 123(2) EPC) and lack of inventive step (Article 56 EPC 1973) with regard to prior-art publication:

D2: LARS ERIK HOLMQUIST: "The Zoom Browser Showing Simultaneous Detail and Overview in Large Documents", HUMAN IT, 1998, Sweden.

II. The notice of appeal was received on 10 July 2012. The appeal fee was paid on the same day. The statement setting out the grounds of appeal was received on 20 October 2012. The appellant requested that the appealed decision be set aside and that a patent be granted on the basis of the main request or first to third auxiliary requests, all filed with the statement setting out the grounds of appeal. Oral proceedings were requested on an auxiliary basis.

III. In a communication dated 1 February 2016 the board summoned the appellant to oral proceedings on 15 April 2016. In an annex to the summons the rapporteur expressed the preliminary opinion that all requests lacked inventive step (Article 56 EPC 1973). It was *inter alia* further referred to publication

D8: PATRICK BAUDISCH, XING XIE, CHONG WANG, AND WEI-YING MA: "Collapse-to-Zoom: Viewing Web Pages on Small Screen Devices by Interactively Removing Irrelevant Content" UIST, [Online] 27 October 2004, Santa Fe, New Mexico, USA

and it was argued that all requests appeared to be obvious in view of D2 combined with the skilled person's common general knowledge, or when combined with D8, or in view of D8 alone in the light of the skilled person's common general knowledge (Article 56 EPC 1973). Furthermore, it appeared that the second auxiliary request did not fulfil the requirements of Article 84 EPC 1973.

- IV. By letter dated 8 March 2016 the appellant maintained the main, first and third auxiliary requests, and submitted amended second and fourth to sixth auxiliary requests supported by arguments in favour of an antecedent basis and inventive step.
- V. Oral proceedings took place on 15 April 2016 during the course of which the appellant submitted an amended main request. The appellant requested that the decision under appeal be set aside and that a patent be granted on the basis of the main request as amended and submitted at the oral proceedings. All previous requests were withdrawn.
- VI. Independent claim 1 according to the main request (sole request) reads as follows:

"1. A computer-implemented method, comprising:
at a portable electronic device with a touch screen display,
displaying at least a portion of a web page on the touch screen display, wherein the web page comprises a plurality of boxes of content (6006) with defined positions relative to each other;
detecting a first gesture at a location on the displayed portion of the web page (6010);

determining which of the displayed plurality of boxes is at the location of the first gesture (6012); enlarging the boxes and centering the determined box on the touch screen display (6020) whilst maintaining the defined positions of the boxes on the display; while the boxes are enlarged and the enlarged determined box is centred, detecting a second gesture on a second enlarged box, of the plurality of displayed boxes, other than the determined box (6040); and, in response to detecting the second gesture, substantially centering the second enlarged box on the touch screen display (6042) whilst maintaining the boxes in the defined relative positions on the display."

VII. After due consideration of the appellant's arguments the chair announced the 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.

Main request

2. Amendments - Article 123(2) EPC

2.1 The subject-matter of claim 1 is originally disclosed in paragraphs [0090] to [0094] and [0099] to [0107] and in figures 5A, 5C and 6A and 6B of the published application. In particular, figure 5C in combination with paragraph [0103] discloses the steps of centering the determined box on the touch screen display whilst

maintaining the defined positions of the boxes on the display.

3. Interpretation of the independent claim 1

In comparison to the set of claims according to the main request, on which the decision under appeal was based, Claim 1 as amended during appeal now specifies that the step of enlarging is directed to all boxes including the second box and it now specifies the step of centering the respective box on the touch screen display by additionally maintaining the defined positions of the other boxes on the display. Therefore, when centering the second enlarged box, it is now clear that the first centered box is not replaced, but all the boxes are translated according to the underlying structure (e.g. defined in the html-code). This results in the first box being translated out of the center while the second box is centered and the structure of the boxes, in particular the ones surrounding the second box, is maintained. Claim 1 as amended is therefore directed to a very different concept of swapping between boxes of content to be displayed.

Article 56 EPC 1973 - Inventive step

4. In view of the amendments made to claim 1, publication D2, on which the decision under appeal is based, can no longer be regarded as the closest prior art.

The board essentially agrees with the analysis of D2 (see point 9.1 of the decision under appeal) that D2 discloses a computer-implemented method (see paragraph 3), comprising:
displaying at least a portion of a web page on the display (see paragraph 3.2),

wherein the web page comprises a plurality of boxes of content (see paragraph 3.4.3; a single web-page is represented by many thumbnail pages being considered to be equivalent to boxes of content);
detecting a first gesture at a location on the displayed portion of the web page (paragraph 2.1.1, "the user select the page by clicking on its thumbnail");
determining a box (paragraph 2.1.1, "the page is then...") in the plurality of boxes at the location of the gesture (paragraph 2.1.1);
enlarging and translating the determined box (paragraph 2.1.1, "... zoomed to a readable size") so as to substantially center the determined box on the touch screen display (page 5, line 1, "the page should be placed approximately in the middle of the display"; see also par. 2.2.2 "a fixed position in the middle of the display...");
while the determined box is enlarged, detecting a second gesture on a second box other than the determined box (paragraph 2.1.1, "when the users want to view a new page, [...] they can select a new page [...] by clicking on its thumbnail"); and,
in response to detecting the second gesture, substantially centering the second enlarged box on the touch screen display (paragraph 2.1.1; page 5, line 1 "the page should be placed approximately in the middle of the display"; see also paragraph 2.2.2 "a fixed position in the middle of the display...").

- 4.1 Claim 1 as amended now specifies what happens to boxes other than the determined box when the determined box is enlarged. All other boxes are enlarged as well which is not disclosed in D2 according to which only the selected thumbnail is enlarged. D2 does not teach to

have more than one box in an enlarged state at the same time.

Furthermore, D2 is silent with regard to maintaining the defined positions of the boxes on the display whilst centering the determined box on the touch screen display.

- 4.2 The objective problem underlying these differences is regarded as allowing for an efficient way of swapping between different boxes of content.
- 4.3 According to D2 a single web page is represented by multiple thumbnails (see e.g. figures 11 and 12). In order to solve the objective problem, D2 only teaches to enlarge the selected thumbnail in focus, while all non-focus pages or boxes are reduced to the same size (see D2, section 2.2.1). However, no translation of the structure of different boxes according to the defined relative positions of the boxes takes place when centering. Therefore, D2 teaches a different concept and teaches away from the claimed solution.
5. In view of the interpretation of claim 1 above, the board considers D8 to be the closest prior art on record.

Publication D8 discloses (the references in parentheses applying to this document):

A computer-implemented method, comprising:
at a portable electronic device with a touch screen display (see figures 1 and 2),
displaying at least a portion of a structured electronic document on the touch screen display,
wherein the structured electronic document comprises a

plurality of boxes of content (see page 1, column 2, paragraph 2);
detecting a first gesture at a location on the displayed portion of the structured electronic document (see page 3, column 1, paragraph 2 and figure 2e);
determining a box in the plurality of boxes at the location of the first gesture (see figure 2f); and
enlarging and centering the determined box on the touch screen display (figure 2g and page 1, column 2, paragraph 2).

- 5.1 Before selecting an article or link in D8, an html-page is displayed as an overview (see e.g. figure 2e). If considering the selection to be a first gesture, this gesture is not made on one box of the group of boxes according to claim 1, but on a headline (see D8, page 3, column 1, paragraph 2). When loading a group of boxes after selection (see figure 2f), D8 does not disclose that other boxes are enlarged when centering the determined box (see box in the middle of figure 2f). In addition, there is no disclosure in D8 to detect a second gesture on another box while the determined box is still shown. In contrast, when a box is in the enlarged state (see figure 2g), no other box is accessible to the user and hardware scroll buttons are needed to go back (see figure 2h and corresponding text on page 3, column 1, paragraph 2). Furthermore, D8 is silent on how the different parts defined by html-code are arranged. Particularly, there is no explicit disclosure or hint that, when centering a box, a translation of the structure of different boxes according to the defined relative positions of the boxes takes place according to claim 1.

- 5.2 The underlying objective problem is regarded again as allowing for an efficient way of swapping between different boxes of content.
- 5.3 Instead of translating a web page with enlargement while maintaining the boxes in the defined relative positions on the display according to claim 1, D8 teaches that expanded content previously represented by an overview should be navigated around in isolation from the rest of the web page. In order to navigate a series of blocks of content in enlarged form, D8 uses a "collapse-to-zoom" function, i.e. areas of a web page deemed irrelevant are collapsed and only get enlarged once a box of content is selected ("... strategy of zooming into relevant areas, collapse-to-zoom allows users to collapse areas deemed irrelevant, such as columns containing menus, archive material, or advertising (Figure 2b). Collapsing content causes all of the remaining contents to be redrawn in more detail (Figure 2d), which increases the user's chances of identifying relevant content. When finally switching to the full-size view (Figure 2g), the page has been reduced significantly, which allows users to scroll through the remaining content in an efficient way"; see D8, page 1, column 2, last paragraph).

Therefore, D8 discloses a different concept and teaches away from the claimed solution.

6. The claimed solution to the objective problem, in comparison to the concepts according to D2 or D8, allows for an improved navigation to and selection of a second box of content, as it is readable to a user in enlarged form, at the same time as the determined enlarged box, without requiring the collapse of irrelevant content to an overview or thumbnail.

7. Consequently, the claimed invention allows for an efficient way of swapping between different boxes of content in a manner not obvious from D2 and D8. Since the claimed solution is neither anticipated nor rendered obvious by the further prior art on file, it has to be concluded that the subject-matter of claim 1 involves an inventive step (Article 56 EPC 1973).

8. The same reasoning applies, *mutatis mutandis*, to corresponding independent claim 13. The dependent claims, because they refer to the subject-matter of the independent claims, also involve an inventive step.

Order

For these reasons it is decided that:

1. The decision under appeal is set aside.
2. The case is remitted to the department of first instance with the order to grant a patent in the following version:
 - claims 1 to 14 submitted at the oral proceedings as amended main request;
 - description, pages 1 to 37 as published;
 - drawings, figures 1 to 29 as published.

The Registrar:

The Chair:



L. Malécot-Grob

A. Ritzka

Decision electronically authenticated