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**Datasheet for the decision
of 6 December 2019**

Case Number: T 2363/16 - 3.5.07

Application Number: 04103338.2

Publication Number: 1510945

IPC: G06F17/30

Language of the proceedings: EN

Title of invention:

URL based filtering of electronic communications and web pages

Applicant:

Microsoft Technology Licensing, LLC

Headword:

URL based email filtering/MICROSOFT TECHNOLOGY LICENSING

Relevant legal provisions:

EPC Art. 56

Keyword:

Inventive step - (no)

Decisions cited:

T 0022/12



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Case Number: T 2363/16 - 3.5.07

D E C I S I O N
of Technical Board of Appeal 3.5.07
of 6 December 2019

Appellant: Microsoft Technology Licensing, LLC
(Applicant) One Microsoft Way
Redmond, WA 98052 (US)

Representative: Grünecker Patent- und Rechtsanwälte
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Leopoldstraße 4
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Decision under appeal: Decision of the Examining Division of the
European Patent Office posted on 13 May 2016
refusing European patent application
No. 04103338.2 pursuant to Article 97(2) EPC

Composition of the Board:

Chairman R. Moufang
Members: P. San-Bento Furtado
M. Jaedicke

Summary of Facts and Submissions

- I. The appeal lies from the decision of the Examining Division to refuse European patent application No. 04103338.2 for lack of inventive step in the subject-matter of the independent claims of the main and auxiliary requests over prior-art document D11: Anonymous, "Cobion to unveil anti-spam product for businesses and home Web filtering product for ISPs", EnterTheGrid - Primeur Monthly, PrimeurMagazine, 12 March 2003.
- II. In the statement of grounds of appeal, the appellant requested that the decision be set aside and that a patent be granted on the basis of either of the two requests considered in the appealed decision.
- III. In a communication accompanying a summons to oral proceedings, the Board expressed its preliminary opinion that the subject-matter of claim 1 of the main and auxiliary requests lacked inventive step over document D11.
- IV. In a letter of reply dated 2 September 2019, the appellant made small amendments to the claims of both requests.
- V. Oral proceedings were held as scheduled. At the end of the oral proceedings, the chairman pronounced the Board's decision.
- VI. The appellant requested that the decision under appeal be set aside and that a patent be granted on the basis of the main request or, in the alternative, on the basis of the auxiliary request, both requests having been filed with the letter of 2 September 2019.

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

"An email filtering method for a computer system (100, 200), the method comprising:
receiving (402) an email message;
parsing (404, 604) the email message;
identifying (406) URLs within the parsed email message;
transmitting the identified URLs to a category name service, CNS, server (114);
receiving, from the CNS server, a rating of each identified URL as being appropriate or inappropriate;
and
applying a policy including an allow/block logic (118) which determines to permit or inhibit access to the email message,
wherein applying the policy includes determining whether the number of inappropriate URLs of the identified URLs exceeds a threshold greater than zero, and if so, inhibiting access to the email message."

VIII. Claim 1 of the auxiliary request differs from claim 1 of the main request in that

- "An email filtering method for a computer system (100, 200)" was replaced with "A method of operating a client computer system (100) to perform email filtering";
- "receiving, from the CNS server, a rating of each identified URL as being appropriate or inappropriate;" was replaced with "receiving, from the CNS server, a number for each identified URL based on the respective URL's inappropriateness, and using said number to decide whether the respective URL is appropriate or inappropriate;".

IX. The appellant's arguments, where relevant to this decision, are addressed in detail below.

Reasons for the Decision

1. The appeal complies with the provisions referred to in Rule 101 EPC and is therefore admissible.

Invention

2. The invention described in the application concerns filtering electronic communications and websites based on the appropriateness of their content. The purpose is to block access to undesirable content, for instance unsolicited commercial offers or content inappropriate for children (see paragraphs [0001] to [0006]).

2.1 The invention involves parsing a received email to identify URLs (uniform resource locators) within the email and looking up a rating for each of the identified URLs in a database. If a sufficient number, rating or percentage of the URLs are categorised as "inappropriate", the electronic communication may be blocked (paragraphs [0007] and [0012]).

2.2 The ratings are obtained from a database of categorised URLs, which contains URLs, representing public web pages, and category labels indicating membership in "inappropriate" categories, including pornography, hate speech, mature content and drugs. The database contents are served up online through custom lookup servers called category name service (CNS) servers (paragraphs [0007], [0008] and [0031]).

- 2.3 In some embodiments, a "policy" is used to determine whether to permit or inhibit access to electronic information. The policy consists of instructions in the form of an allow/block logic (paragraphs [0039], [0040], [0043], Figure 4, original claim 8).

Main request

3. *Inventive step - claim 1*

- 3.1 Document D11 concerns the anti-spam and web filtering products called OrangeBox Mail and OrangeBox Web Home. The anti-spam system is capable of "detecting the URL links contained in e-mails, which are recognised and evaluated against Cobion's OrangeFilter, the world's largest filtering database". The OrangeFilter database contains several entries in different categories based on the analysed content of web pages (see the first page, abstract and last full paragraph).

Therefore, document D11 discloses an email filtering method comprising steps of receiving and parsing an email message, identifying URLs in the parsed email message, transmitting the URLs to a CNS and receiving a rating as defined in claim 1.

In addition, document D11 discloses that the content of an incoming email is examined in real time and passed or blocked according to rules set by users (first page, first paragraph after abstract). It therefore discloses applying a policy allow/block logic to permit or inhibit access to an email message, applying the policy also including determining some criteria and, depending on the result, inhibiting access to the email message.

3.2 The difference between the invention and the method of document D11 thus relies on the criteria being taken into account to decide whether to inhibit access to an email (i.e. the "policy" itself, within the common meaning of "policy"). Document D11 discloses criteria involving checking URLs in emails against a URL filtering database (see passage cited above) but not the specific check specified in claim 1.

The subject-matter of claim 1 therefore differs from the prior art in that

- (i) the policy establishes that an email is to be blocked if the "number of inappropriate URLs exceeds a threshold greater than zero".

3.3 At the oral proceedings, the appellant did not dispute this conclusion regarding the distinguishing features but did not agree with the findings regarding technical contribution expressed in the appealed decision and in the Board's preliminary opinion.

In the grounds of appeal, the appellant argued that, contrary to the contested decision's reasoning, the invention did not apply a certain (non-technical) standard of morality but instead provided a technical teaching of how to make use of an appropriate/inappropriate rating received from a server in an improved and non-obvious way. What would have been obvious from document D11 would be to block an email if a URL link contained in the email were listed in the URL filtering database. The invention went beyond this obvious solution by determining whether the number of inappropriate URLs exceeded a threshold greater than zero.

At the oral proceedings, the appellant further argued that the distinguishing feature did not relate to a non-technical user requirement regarding how much inappropriate content was tolerated, it rather taught how to perform the appropriateness test in a technically advantageous manner. The users did not care about how the determination was made, they merely wanted to be protected. The decision of how to perform the content-appropriateness test was not made by an administrator but by the technically skilled person. The test of distinguishing feature (i) had the technical advantage of being surprisingly simple and was inventive. At the priority date 16 years ago, such an improvement would not have been obvious.

However, classification of messages as a function of their content is not technical *per se* (T 22/12 of 16 November 2015, reasons 2.2). In the present case, the classification criteria regarding which emails should be blocked are determined by the user of the system based on non-technical considerations regarding which emails the user does not want to receive. Distinguishing feature (i) therefore merely reflects a non-technical criterion or policy according to which an email is acceptable if it refers to a number of inappropriate web pages that does not exceed a threshold greater than zero. Implementing this policy by determining whether the number of inappropriate URLs exceeds such a threshold, is an obvious way to implement the non-technical criterion in the method of document D11, which already uses URLs in a similar way.

3.4 Therefore, the subject-matter of claim 1 of the main request lacks inventive step (Article 56 EPC).

Auxiliary request

4. Claim 1 of the auxiliary request differs from that of the main request in that it specifies that the method is performed at the client computer system and in that the feature "a rating of each identified URL as being appropriate or inappropriate" was replaced with

(ii) "a number for each identified URL based on the respective URL's inappropriateness, and using said number to decide whether the respective URL is appropriate or inappropriate".

5. *Inventive step - claim 1*

5.1 In its statement of grounds of appeal, the appellant argued that feature (ii) allowed the email client to more flexibly make its decision, because it had more information to perform a specific filter. It added granularity to the filtering metrics, and allowed different clients to have different filters.

At the oral proceedings, the appellant further argued that due to the additional features, the decision concerning appropriateness was divided between the server and the clients. The server did not have to be adapted to offer different API interfaces to support different appropriateness tests while the clients had full flexibility. These were technical considerations.

5.2 However, in the present invention, deciding about the necessary degree of rating granularity and whether one policy is acceptable for all users or some flexibility is needed to let each user influence the filtering involves only non-technical considerations. Therefore, feature (ii) reflects the non-technical aim of rating by a number the appropriateness of each reference found

in emails. Since document D11 already supports email filtering on the basis of URLs, feature (ii) follows immediately from applying that non-technical aim in the method of D11.

In addition, operating an email filtering method at the client is standard practice. The advantages are well known, for instance, with regard to supporting user-specified email filtering rules. It therefore would have been obvious for the skilled person starting from document D11 to operate the email filtering method at the client. The Board further notes that document D11 discloses email filtering based on "rules set by users" and user specific filtering criteria for web pages (see page 1, paragraph following the abstract, and page 2, first and second full paragraphs).

- 5.3 Therefore, the subject-matter of claim 1 of the auxiliary request is not inventive (Article 56 EPC).

Conclusion

6. Since none of the requests is allowable, the appeal is 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