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**Datasheet for the decision
of 7 October 2019**

Case Number: T 2420/16 - 3.5.07

Application Number: 07871635.4

Publication Number: 2126732

IPC: G06F17/30

Language of the proceedings: EN

Title of invention:

Preserving a user experience with content across multiple computing devices using location information

Applicant:

QUALCOMM Incorporated

Headword:

Content access across devices/QUALCOMM

Relevant legal provisions:

EPC Art. 56

Keyword:

Inventive step - (no)



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Case Number: T 2420/16 - 3.5.07

D E C I S I O N
of Technical Board of Appeal 3.5.07
of 7 October 2019

Appellant: QUALCOMM Incorporated
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Representative: Potter, Julian Mark
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Decision under appeal: **Decision of the Examining Division of the
European Patent Office posted on 6 May 2016
refusing European patent application
No. 07871635.4 pursuant to Article 97(2) EPC**

Composition of the Board:

Chairman R. Moufang
Members: P. San-Bento Furtado
C. Barel-Faucheux

Summary of Facts and Submissions

- I. The appeal lies from the decision of the Examining Division to refuse European patent application No. 07871635.4, which was filed as international application PCT/US2007/085812 and published as WO 2008/070502, for lack of inventive step in the subject-matter of claim 1 of a main request and an auxiliary request over prior art document D1: US 2003/0073412 A1, published on 17 April 2003.
- II. In the statement of grounds of appeal, the appellant requested that the decision under appeal be set aside and that a patent be granted on the basis of the claims of a new main request filed with the statement of grounds of appeal. As an auxiliary request, it requested that the case be remitted to the Examining Division for further prosecution.
- III. In a communication accompanying the summons to oral proceedings, the Board discussed Article 84 EPC issues and expressed its preliminary opinion that claim 1 of the main request did not fulfil the requirements of Articles 56 and 123(2) EPC. The subject-matter of claim 1 of the main request did not seem to be inventive over the disclosure of document D1, the prior art acknowledged in the application, or the notoriously or commonly known prior art.
- The Board informed the appellant that it could not see any reason for remitting the case for further prosecution and was thus inclined to refuse the appellant's procedural auxiliary request for remittal.
- IV. With a letter of reply dated 6 September 2019, the appellant filed new claims replacing the claims of the main request.

- V. Oral proceedings were held as scheduled, at the end of which the chairman pronounced the Board's decision.
- VI. The appellant's final requests were that the decision under appeal be set aside and a patent be granted on the basis of the claims of the main request filed with the letter of 6 September 2019, and, as an auxiliary request, that the case be remitted to the department of first instance for further prosecution.
- VII. Claim 1 of the main request reads as follows (itemisation by the Board):
- "A method for accessing content items from multiple computing devices (100A, 100B, 100N), the method comprising:
- (a) a first computing device (100A) receiving (712; 732) user input indicative of a request to access a content item on said first computing device;
 - (b) the first computing device (100A) requesting (714; 734), responsive to receipt of said request to access said content item, location information for the content item from a remote computing device (240), said location information separate from said content item and indicating a location in the content item where the user discontinued the content item at a second computing device (100B, 100N);
 - (c) the remote computing device (240), responsive to receipt of said request for location information, transmitting (716; 736) said location information to said first computing device;
 - (d) the first computing device (100A), responsive to receipt of said location information:
 - (d.1) determining the location within said content item to start accessing said

- content item based on the received location information; and
- (d.2) retrieving (720; 722; 740, 742) said content item for access; and
- (e) responsive to retrieval of said content item, accessing the content item from the location indicated by said received location information."

VIII. 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 present invention concerns supporting continued user access to a content item across different applications and devices. Using the invention, a user may access a content item (e.g. a video file) on one device or application, stop the access at a location in the content item, and then access the same content item from another device or application, the second access automatically starting at the location where the user had discontinued access to the content item. In order to achieve that, information about the location of discontinuation (e.g. the time elapsed in the video stream) is stored, e.g. in a remote server, and later read when the content item is accessed again.

Main request

3. *Inventive step - acknowledged prior art*

3.1 The present application acknowledges in paragraph [0004] that conventional applications were already known beforehand which continued rendering a content item from the point of interruption of the previous rendering access within the same application without a user search for the previous location in the file. In order to do that, such an application stores in a local file the location in the content item where access to the content is interrupted after rendering. The next time rendering of the content item is to be resumed, the application retrieves the previous location from the local file.

Therefore, at the priority date of the present application, a method was known for accessing content items which included steps (a), (d), (d.1), (d.2) and (e) of claim 1, and which, responsive to receipt of the request to access the content item of step (a), obtained location information for the content item, the location information being separate from said content item and indicating a location in the content item where the user discontinued the content item (see step (b)).

Since that acknowledged prior-art method provides continuity of access to a content item and shares common features with the present invention, it is an adequate starting point for assessing inventive step.

3.2 From the above analysis, it follows that the method of claim 1 differs from that acknowledged prior-art method in that

- (i) the location information gives information regarding an access at a different (second) computing device;
- (ii) the request for location information is made to a remote computing device; and
- (iii) the location information is transmitted by the remote computing device to the first computing device (instead of being read from a local file).

3.3 The present invention solves over the acknowledged prior-art method the problem of ensuring continuity of access to a content item from a first computing device after an access from a second computing device.

3.4 In its reply to the Board's preliminary opinion, the appellant did not deal with the Board's inventive-step reasoning based on the prior art acknowledged in the application.

At the oral proceedings, the appellant argued that the most obvious solution to the above formulated problem starting from the acknowledged prior art would have been to adopt the solution of document D1.

The Board agrees that the skilled person would consider, as a possible alternative, the solution disclosed in prior-art document D1, which discloses a system for preserving continuity in the performance of content across appliances (such as video and audio devices). In a main embodiment of D1, a mobile computing device controls the appliances, for instance by selecting content (see abstract, paragraphs [0054], [0055] and [0081]). When the mobile computing device

moves within proximity of an appliance, it establishes wireless communication with it (paragraph [0035]). A user may watch a movie on a video device, then move to a second room and continue watching the movie on a second video device placed in the second room (paragraphs [0080] and [0081]).

However, the Board is not persuaded that the solution of D1 would be the first option or the only possibility the skilled person would consider.

At the priority date of the present application, computer networks were notoriously known. It would thus be obvious to the skilled person that in order to resume access to a content item at the first computing device from the point of interruption of the previous access at the second computing device, the first computing device should obtain the location information from the file used by the second computing device to store the point of interruption.

In view of the skilled person's notorious knowledge of computer network technology, it would be straightforward to store that file in a remote computer accessible, through a computer network, to both the first and second computing devices, instead of storing the location information in a local file.

As an obvious implementation option, the skilled person would consider obtaining the location information by sending a request to the remote computer and, responsive to the request, transmitting the location information from the remote computer to the device. The skilled person would thereby arrive at the distinguishing features.

3.5 Therefore, the subject-matter of claim 1 is not inventive (Articles 52(1) and 56 EPC).

Auxiliary request

4. The appellant did not substantiate its auxiliary request for remittal of the case to the Examining Division. The Board is in a position to examine as to the allowability of the appeal and considers that the main request, corresponding to the sole set of claims on file, is not allowable for lack of inventive step. Under these circumstances, there is no reason to remit the case for further prosecution under Article 111(1) EPC and the appellant's auxiliary request is rejected.

Conclusion

5. Since the main request is not allowable and the auxiliary request for remittal is rejected, the appeal is to be dismissed.

Order

For these reasons it is decided that:

The appeal is dismissed.

The Registrar:

The Chairman:



S. Lichtenvort

R. Moufang

Decision electronically authenticated