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Datasheet for the decision of 6 May 2020

Case Number: T 2496/17 - 3.5.07

Application Number: 12179096.8

Publication Number: 2555126

IPC: G06F17/24, G06F17/27

Language of the proceedings: EN

Title of invention:
System and method for accessing rich objects via spreadsheets

Applicant:
Palantir Technologies, Inc.

Headword:
Accessing spreadsheet objects/PALANTIR TECHNOLOGIES

Relevant legal provisions:
EPC Art. 54(1), 54(2), 111(1)
RPBA 2020 Art. 11, 12(2)

Keyword:
Novelty - main request (yes)
Remittal to the department of first instance - (yes)

Decisions cited:
T 0731/17, T 1966/16

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Case Number: T 2496/17 - 3.5.07

D E C I S I O N
of Technical Board of Appeal 3.5.07
of 6 May 2020

Appellant: (Applicant)	Palantir Technologies, Inc. 100 Hamilton Avenue Suite 300 Palo Alto, California 94301 (US)
Representative:	Dilg, Haeusler, Schindelmann Patentanwaltsgesellschaft mbH Leonrodstraße 58 80636 München (DE)
Decision under appeal:	**Decision of the Examining Division of the European Patent Office posted on 15 May 2017 refusing European patent application No. 12179096.8 pursuant to Article 97(2) EPC**

Composition of the Board:

Chairman	R. Moufang
Members:	R. de Man
	C. Barel-Faucheux

Summary of Facts and Submissions

I. The applicant (appellant) appealed against the decision of the Examining Division refusing European patent application No. 12179096.8.

II. The European search report and European search opinion cited the following documents:

D1: EP 1 672 527 A2, published on 21 June 2006;
D2: US 2002/0095658 A1, published on 18 July 2002;
D3: US 5 845 300, published on 1 December 1998.

III. The decision was issued on standard EPO Form 2061, which referred to the communication dated 26 April 2017 for the reasons for the decision. The Examining Division decided that the subject-matter of claim 1 of the sole request was not new in view of document D1.

IV. With its statement of grounds of appeal, the appellant filed a main request, which corresponded to the sole request considered in the contested decision, and first and second auxiliary requests.

It requested that the decision under appeal be set aside, that a patent be granted on the basis of the claims of the main request or, in the alternative, one of the first and second auxiliary requests, or if none of its substantive requests were allowed that oral proceedings be arranged.

V. In a communication issued under Rule 100(2) EPC, the Board introduced the following documents:

D4: US 6 779 151 B2, published on 17 August 2004;

D5: "Autocomplete", Wikipedia, 11 July 2011, retrieved from https://en.wikipedia.org/w/index.php?title=Autocomplete&oldid=438882754.

It expressed the preliminary opinion that the subject-matter of claim 1 of the main request was new over documents D1, D2 and D3, and indicated its intention to remit the case to the Examining Division for further prosecution.

VI. In response to the Board's communication, the appellant agreed to remittal of the case to the Examining Division.

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

"A method for providing access to a data object from within a spreadsheet (304) included in a spreadsheet application (102), the method comprising:

using a first computer, associating the data object with a first cell (308) of the spreadsheet (502), wherein the data object is related to a parameter, and the first cell is identified by a first cell reference in a computer display device;

receiving a first input for a second cell of the spreadsheet, wherein the first input includes a portion of an expression comprising the first cell reference identifying the first cell;

in response to receiving the first input, retrieving, based on the data object of the first cell, one or more suggested parameters associated with the data object and displaying the one or more suggested parameters in association with the second cell;

associating a selected one of the suggested parameters with the portion of the expression;

replacing the first cell reference specified by the portion of the expression in the second cell with the data object associated with the first cell, wherein a modified expression includes the data object and the selected parameter;

determining a value by querying a database at a second computer to obtain the value for the selected parameter in relation to the data object and displaying the value in the second cell (514)."

VIII. The text of claims 2 to 9 of the main request, and that of the claims of the auxiliary requests, is not relevant to this decision.

Reasons for the Decision

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

2. *The invention*

2.1 The application relates to spreadsheet applications. Paragraph [0003] of the background art section explains that inputting raw financial data into a spreadsheet and analysing such data is cumbersome and error prone because such data is large, includes many dependencies and may not fit well into a spreadsheet's row/column organisation. In addition, the corresponding expressions typically reference a large number of cells, which makes it difficult to locate the source of an error.

2.2 The invention essentially proposes a spreadsheet application that allows users to associate a "data object" with a first cell and to reference that data

object together with a parameter of the data object in an expression contained in a second cell. When the expression in the second cell is evaluated, a value is returned for "the selected parameter in relation to the data object" by querying a database.

To input the expression, the user first enters a reference to the first cell. In response, the spreadsheet application displays a list of "suggested parameters associated with the data object". The user then selects one of the suggested parameters. The Board notes that such a mechanism of facilitating user input is known in the art as (context-dependent) "auto-completion" (see documents D5 and D1 to D3).

2.3 In the embodiment described in paragraphs [0078] and [0079] of the description with reference to Figure 3, the first cell "A1" contains the data object "GOOG". The user enters an expression in the second cell "B2" by inputting "A1" and selecting a parameter of the data object "GOOG" from a list of suggestions provided in the dialog box 310 by autocomplete logic 206.

Main request

3. *Interpretation of claim 1*

3.1 The method of claim 1 essentially corresponds to the invention as described in point 2.2 above.

First, a data object is associated with a first spreadsheet cell in a spreadsheet application running on a first computer. This data object is related to one or more parameters. A value of a parameter "in relation to the data object" can be determined by querying a database at a second computer.

Then, a "first input" forming part of an expression for a second cell is received. This input includes a reference to the first cell. In response to the first input, one or more object parameters are displayed as "suggested parameters" for selection by the user. The selected parameter is associated with the expression, i.e. the expression is autocompleted to include the parameter.

Finally, the autocompleted expression is evaluated to obtain the value to be displayed in the second cell. The evaluation process first "replaces" the first cell reference with the data object associated with the first cell. The resulting "modified expression" is then further evaluated by querying the database at the second computer to determine the value of the selected parameter of the data object.

3.2 In its statement of grounds of appeal, the appellant placed particular emphasis on the claim's "replacement operation". However, in this respect the Board agrees with the Examining Division that paragraph [0076] of the description, on which this feature is based, merely describes the straightforward evaluation of an expression such as "A1.close": first "A1" is evaluated (or "resolved"), which results in "GOOG", then the intermediate "modified" expression "GOOG.close" is evaluated. This is no different from evaluating an expression such as "F1+G3" by first replacing "F1" and "G3" with the values stored in the cells F1 and G3 (for example, 6 and 9) and then evaluating the intermediate "modified" expression "6+9" to obtain 15. The application discloses neither that the intermediate "modified" expression is displayed to the user nor that it is stored in the spreadsheet.

4. *Novelty over document D1*

4.1 Document D1 relates to the autocompletion of formulas as they are input in spreadsheet cells (see abstract and paragraph [0001]). In its decision, the Examining Division argued that Figure 3 disclosed a spreadsheet in which a data object "<MSFT>", having parameters of a stock ticker symbol such as "CLOSE" and "52WKHIGH", was associated with cell "B1" in the "Stock Ticker" column (referred to in the decision as column "B"). It was clear from Figure 3 that the "Quantity Purchased", "Quantity Sold" and "Purchase Price" columns (referred to in the decision as columns "E", "F" and "H") referenced the "Stock Ticker" column.

4.2 The spreadsheet shown in Figure 3 is mentioned in paragraph [0012] of document D1 but not discussed in any detail. In particular, there is no mention in document D3 of the stock ticker symbols in the "Stock Ticker" column being associated with corresponding data objects or of the cells in the "Quantity Purchased", "Quantity Sold" and "Purchase Price" columns containing references to cells in the "Stock Ticker" columns. The skilled person reading document D1 would have had no reason to assume that the cells of the "Stock Ticker" column contain anything other than simple strings, with no underlying logic. Nor would he conclude that the cells of the other columns refer to a parameter of a stock ticker data object. At best, he would infer that the cells in one of the "Quantity Purchased", "Quantity Sold" and "Current Holdings" columns contain an expression referencing the cells in the other two columns (given that the value in "Current Holdings" is the value in "Quantity Purchased" minus the value in "Quantity Sold").

4.3 Hence, the Examining Division's analysis of document D1 is not based on an objective evaluation of the document's technical disclosure, but is speculative and apparently tainted by hindsight knowledge of the claimed invention. Therefore, the decision's reasoning is not convincing.

4.4 Since document D1 does not disclose associating a cell of a spreadsheet with a data object and evaluating an expression referencing the cell by querying a database to obtain the value of a parameter of the data object, the subject-matter of claim 1 is new over document D1 (Article 54(1) and (2) EPC).

5. *Novelty over documents D2 and D3*

5.1 Document D2 relates to an autocompletion tool for assisting a computer programmer (paragraphs [0001] and [0019] to [0021]; Figures 2 to 9). Document D3 relates to an autocompletion tool for entering data into a spreadsheet (abstract). Neither document discloses associating a cell of a spreadsheet with a data object and evaluating an expression referencing the cell by querying a database to obtain the value of a parameter of the data object.

5.2 The subject-matter of claim 1 is therefore new over documents D2 and D3 (Article 54(1) and (2) EPC).

6. *Remittal to the Examining Division*

6.1 In view of the above, the reasons for refusing the application are clearly incorrect.

6.2 However, the question whether the claimed invention involves an inventive step over documents D1 to D3 has yet to be investigated.

6.3 Moreover, since the Examining Division has misinterpreted document D1 as disclosing associating cells of a spreadsheet with data objects and evaluating expressions referencing such cells by querying a database, and since the Search Division may have done the same, there is a distinct possibility that the search into the state of the art was stopped too early (see Guidelines for Examination, November 2019, B-IV, 2.6).

Indeed, document D4, which was cited by the USPTO in the proceedings for the related patent application US 2013/0036346 A1, at least *prima facie* appears to disclose associating a cell of a spreadsheet with a data object and evaluating expressions referencing the cell by querying an external data source (see abstract; column 5, lines 47 to 53; column 6, line 55, to column 7, line 17; column 7, line 61, to column 8, line 11) and may well represent a better starting point for assessing inventive step than any of the documents cited in the European search report.

6.4 Since inventive step over documents D1 to D4 has not yet been assessed, and since the search into the state of the art may not yet be complete, special reasons within the meaning of Articles 11 and 12(2) RPBA 2020 present themselves (see for example decisions T 1966/16 of 20 January 2020, reasons 2.2; T 731/17 of 15 January 2020, reasons 7.2 and 7.3). It is therefore appropriate for the Board, in exercising its discretion under Article 111(1) EPC, to remit the case to the

Examining Division for further prosecution on the basis of the main request.

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 for further prosecution.

The Registrar: The Chairman:

S. Lichtenvort R. Moufang

Decision electronically authenticated