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**Datasheet for the decision
of 8 February 2022**

Case Number: T 1847/18 - 3.5.01

Application Number: 13836781.8

Publication Number: 2896163

IPC: G06Q10/10

Language of the proceedings: EN

Title of invention:

METHOD, RELATED DEVICE, AND SYSTEM FOR INTER-TERMINAL
INTERACTIONS

Applicant:

TENCENT TECHNOLOGY (SHENZHEN) COMPANY LIMITED

Headword:

Transferring content stored on remote terminals/TENCENT
TECHNOLOGY

Relevant legal provisions:

EPC Art. 56

Keyword:

Inventive step - transferring content from previously used
remote terminals (no - non-technical policy)

Decisions cited:

T 0641/00, T 1073/15, T 0969/12, T 0398/10



Beschwerdekammern

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Case Number: T 1847/18 - 3.5.01

D E C I S I O N
of Technical Board of Appeal 3.5.01
of 8 February 2022

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Decision under appeal: **Decision of the Examining Division of the
European Patent Office posted on 8 February 2018
refusing European patent application No.
13836781.8 pursuant to Article 97(2) EPC.**

Composition of the Board:

Chairman W. Chandler
Members: R. Moser
E. Mille

Summary of Facts and Submissions

- I. The case concerns the applicant's appeal against the examining division's decision to refuse European patent application No. 13836781.8.
- II. The examining division considered that the main, first and second auxiliary request lacked an inventive step (Article 56 EPC) in view of US 2006/0112188 A1 (D1) in combination with common general knowledge.
- III. In the statement setting out the grounds of appeal, the appellant requested that the appealed decision be set aside and a patent be granted on the basis of the refused main request or the first or second auxiliary request filed with the statement of grounds. In addition, the appellant requested to remit the case to the first instance for further prosecution. The appellant requested oral proceedings before any decision was taken by the Board to dismiss the appeal.
- IV. The Board issued a summons to oral proceedings. In the communication accompanying the summons under Article 15(1) RPBA, the Board gave its provisional opinion that none of the requests was inventive over a conventional social networking platform in combination with D1.
- V. In a letter dated 17 December 2021, the appellant submitted further arguments in favour of inventive step.
- VI. In a further communication dated 4 February 2022 the Board informed the appellant that, in view of the latest arguments, it maintained its preliminary opinion

that none of the requests on file appeared allowable.

VII. Oral proceedings were held as a videoconference on 8 February 2022. The appellant maintained the requests as on file. At the end of the oral proceedings the Chairman announced the Board's decision.

VIII. Claim 1 of the main request reads (Board's numbering):

"An inter-terminal interaction method comprising:

(1) receiving, by a second terminal, a media resource insertion command entered by a user on a social networking platform,

(2) inserting, by the second terminal, the user's social networking platform account information into the media resource insertion command,

(3) sending, by the second terminal, the media resource insertion command carrying the user's social networking platform account information to a service device, enabling the service device to search terminal identification information associated with the account information, to generate prompt information, to send the prompt information to a first terminal based on the terminal identification information associated with the account information, and to receive media resources from the first terminal,

(4) receiving, by the second terminal, the media resources from the service device, and

(5) inserting, by the second terminal, the media resources into the social networking platform,

(6) wherein the prompt information prompts the first terminal to present media resources and to send media resources selected by the user from the presented media resources to the service device, and

(7) wherein the service device searches terminal identification information associated with the account information by:

(8) searching terminal identification information corresponding to the account information based on the account information from a matchup between the account information and terminal identification information, wherein when the user logs in the social networking platform from different terminals by using account information, the service device memorizes the matchup between the account information and the terminals' identification information,

(9) checking whether the terminal identification information corresponding to the account information includes the second terminal's identification information, and

(10) selecting from the terminal identification information corresponding to the account information identification information of one or more terminals other than the second terminal's identification information as the terminal identification information associated with the account information when the result of the checking is positive."

IX. Claim 1 of the first auxiliary request adds to claim 1 of the main request:

An initial step of "receiving, by a second terminal,

account information of a user for logging in a social networking platform".

At the end of the feature (1), "in response to the user clicking a button set on the social networking platform or in response to the user clicking and opening a menu bar set on the social networking platform and then further clicking a media resource insertion item in the menu bar".

At the end, "wherein the second terminal is a personal computer, a pocket PC or a mobile phone, and wherein the first terminal is a personal computer, a pocket PC or a mobile phone".

X. Claim 1 of the second auxiliary request qualifies "present media resources" in feature (6) of claim 1 of the first auxiliary request with "by a presentation unit of the first terminal".

XI. The appellant's arguments can be summarised as follows:

D1 does not disclose to prompt, in a first step, the first terminal to present content (line 16 of claim 1) and, in a second step, to receive selected content at the second terminal (line 13 of claim 1). This implies a user interaction, i.e. a confirmation of the content request, at the first terminal (see paragraphs [0057] and [0071] of the published application).

In addition, D1 relates to an established network of trusted home nodes (see paragraph [0052]) which is not compatible with the social networking environment of the invention. This is also reflected by the fact that the server in D1 only stores authorisation criteria (reference 114 in Figure 1). It does not, however, and

there is no need to, store and link user logons with terminal identifiers.

Furthermore, D1 does not disclose the technical details of what is referred to as difference (B) in the Board's communication (see points 4.6 and 4.7). These are in particular the steps of searching a matchup table (Table 1 on page 9 and paragraph [0069] of the application) for terminals used to log into the social network, checking whether this table includes the second terminal and, if it does, selecting terminals other than the second terminal (line 21 of claim 1 onwards).

These steps in combination with the prompting and selecting step increase security as there is no unintended data transfer without user approval. In addition, excluding the second terminal improves user convenience.

The objective technical problem is to enable data insertion into a social networking platform from remote devices with minimum user interaction while maintaining data integrity and security (see paragraph [0006] of the application).

The solution is not a mere user preference or policy as argued by the Board. There are alternative solutions, e.g. password based authentication, however, the use of a matchup table as in claim 1 is neither known from D1 nor obvious.

The additional features of the first auxiliary request further emphasise the conceptual difference of the social networking platform and the network of home nodes in D1.

The additional feature of the second auxiliary request clarifies that the user is physically present at the first terminal when selecting content, i.e. by using an input device of the first terminal. This is different from the web interface in D1. It ensures that only the user in possession of the first terminal can approve the request and select data to be transferred, thus, increasing security.

Reasons for the Decision

Background

1. The invention facilitates publishing of content (e.g. images) to a social network (e.g. a blog) where the content is not stored on the terminal used to log into the social network (the "second terminal" in claim 1).

In such situation, a conventional way to transfer the requested content is to use a memory card or USB connection. This involves, however, manual activity and effort (see paragraphs [0004] and [0005] of the application).

2. The invention solves this problem by using a server ("service device") to access content from a specific group of terminals, namely those that have been used in the past to log into a user's social network account. The server keeps a list of these terminals ("the service device memorizes the matchup between the account information and the terminals' identification information") - see paragraphs [0058] and [0059].

When the user wishes to publish content to the social network ("a media resource insertion command"), a

corresponding request is transmitted to the server. The server uses the user's social network account information to determine terminals to be accessed ("search terminal identification information associated with the account information") and selects one of them (the "first terminal"). This terminal prompts the user to select the desired content which is transmitted to the second terminal and published.

Main request, inventive step (Article 56 EPC)

3. In claim 1, the invention is defined as an "inter-terminal interaction method". Its aim is to transfer content stored on remote terminals to a local terminal. This method is used in the context of a social network in two ways. First, the transferred content is published to a social network account from the local terminal. Second, the remote terminals are those used in the past to log into this social network account.

For assessing inventive step the Board starts from the situation described in paragraph [0003] of the application, namely a conventional social networking platform with a login and publish functionality.

4. This starting point anticipates the first and fifth feature of claim 1, i.e. inserting content to a social networking platform.

The remaining features can be broken down into two groups of features characterising different aspects of the invention:

A. Transferring content from remote terminals to the local, i.e. logged in, terminal (second to fourth and sixth features in claim 1): The local terminal sends a

content request including a user's account information to a server. The server, using the account information, determines and instructs a remote terminal to present content for user selection. The selected content is transferred via the server to the local terminal.

B. Selecting the remote terminals (seventh to tenth features in claim 1): The server stores a matchup between social network accounts and terminals used in the past to log into these accounts. This information is used to determine all terminals corresponding to the user's social network account. One or more of these terminals, specifically excluding the local terminal, are selected as target terminals for the content request.

5. The Board considers that the features of group A have the effect of enabling a convenient transfer of content from remote terminals to a local terminal.

The features of group B, however, include non-technical features, relating to a policy for selecting terminals from which the user wishes to get content for publication to his social network account.

6. In a nutshell, the policy specifies that the terminals to be selected are those that have been used in the past to log into the user's social network account.

The appellant argued that this policy improved data security and integrity.

Firstly, however, in the Board's view, the selection of terminals is arbitrary. It depends entirely on the user's past decisions from where to log into his social network account. This might be a friend's phone as well

as an anonymous Internet terminal in an airport. For this reason alone the selection cannot be based on security considerations and provide the effects mentioned by the appellant.

Secondly, limiting the number of terminals certainly restricts the access to data - as compared to all possible terminals - but this does not come as a surprise. Again, this is a policy decision not involving any technical considerations.

As a general rule and in line with established case law, the Board considers that data access or sharing policies are *per se* non-technical matter (see T 1073/15 - *Multi-level authentication/KASPERSKY*, reasons 6; T 969/12 - *Access control/ORACLE*, reasons 2.1.3 and 2.1.4; T 398/10 - *Sharing digital rights/PHILIPS*, reasons 9.3 and 9.4).

The technical features of group B relate to the details for implementing the above policy. These include memorising a matchup between the user's social network account and identification information of terminals, searching this matchup and excluding the local terminal if included therein.

7. In view of the above, it is clear that the invention in claim 1 is a "mixed-type invention" involving both technical and non-technical features.

The established approach for assessing such mixed-type inventions is the "Comvik approach" (see T 641/00 - *Two identities/COMVIK*, and Case Law of the Boards of Appeal, 9th edition, I.D.9.1.3 b)). Under the Comvik approach, only the technical features which contribute to the solution of a technical problem by providing a

technical effect are taken into account for the purpose of assessing inventive step under Article 56 EPC. The non-technical features which make no technical contribution may legitimately form part of the technical problem to be solved as a set of requirements to be met.

8. In the present case, the technical problem is based on the effect of the features of group A including, as a requirement to be met, the non-technical policy reflected in the features of group B.

The Board, thus, formulates the objective technical problem as enabling a convenient transfer of social network content from previously used remote terminals to a local terminal.

9. The Board judges that the skilled person, starting from a conventional social networking platform in combination with D1, would have solved this problem without inventive effort.

10. As shown in Figure 1, D1 discloses a convenient way, e.g. using a web browser interface, to select data on remote terminals, so-called home nodes 130, and transfer the selected data to a local terminal, a so-called remote network access appliance 120.

The skilled person would learn from this document that the data transfer can be realised using server 110 which stores a list of remote terminals (configuration data 116, paragraphs [0057] and [0061]) and authorisation information such as user account data (authorisation criteria 114, paragraphs [0033] and [0052]). The server receives a content request from the local terminal and, using the provided authorisation

information, instructs remote terminals to present content for user selection. Finally, the server transmits the selected content to the local terminal (paragraphs [0064] to [0066]).

D1, thus, anticipates all features of group A apart from the fact that the user account is the user's social network account. This is, however, a direct consequence of the policy defined by the features of group B and, as set out below, does not contribute to inventive step.

11. The appellant argued that the content request in claim 1 involved two steps. In a first step the user was prompted for confirmation and content selection. Only in a second step, the selected content was transferred to the local terminal - see paragraphs [0057], [0071] and [0076] of the application.

In D1, on the other hand, the user was presented with a list of available content (see paragraph [0065]). Thus, irrespective of any user interaction, this list was always transmitted from the remote to the local terminal.

12. The Board is not convinced. Prompting is a vague term and is interpreted as instructing the remote terminal to present content. The server in D1 does exactly this, i.e. it instructs the remote terminal to present content for user selection, for example in a web browser of the local terminal. This corresponds to the above-mentioned first step. Only in a second step the selected content is transferred to the local terminal (see paragraph [0065]).

13. The Board also considers that D1 discloses the technical means for implementing the policy as defined by the features of group B - see point 6 above.

14. In this respect the appellant argued that D1 did not disclose a matchup table. This was not needed as its underlying network architecture was completely different. The home nodes were configured using a plugin and existed in a trusted environment. There was no motivation or benefit for storing and linking social network account information with terminals used for logon.

Also, D1 disclosed a fixed list of remote terminals whereas in the invention a new terminal, when used for logging into the social network account, was added to the list.

15. The Board is not persuaded by these arguments.

As mentioned above in point 10, the server in D1 stores a list of remote terminals and corresponding user account data. Furthermore, it is adapted to work in a variety of network environments (paragraph [0061]) and can be configured according to user preferences (paragraph [0056]). The Board, thus, considers that the skilled person would not have faced any difficulties when adapting the system of D1 to work in the social networking environment of the invention.

16. The key element of the invention, namely to keep at the server a list of terminals used to log into a social network account, is a direct consequence of the given policy for selecting remote terminals.

The appellant held that to obtain the necessary logon

data involved technical considerations. Paragraphs [0058], [00100], [00101] and [00107] and further Figures 7 and 8A of the application indicated that the service device was part of the social networking platform and monitored user logins.

The Board does not follow this interpretation. Paragraph [0058], for example, discloses that, when a user logs into the social network from different terminals, a server can memorise the matchup between the account information and the terminals' identification information. This includes, as acknowledged by the appellant, the possibility that the server receives the matchup data from the social networking platform.

17. When asked to implement the terminal selection policy the skilled person would realise that first he needs to obtain the necessary data, i.e. a list of terminals used to log into a user's social network account. As said before, this data could be provided for download by the social networking platform.

The matchup data serves the same purpose as the list of terminals and account data stored on the server of D1, namely to enable the server to access the desired remote terminals. Therefore, it would be obvious to the skilled person to replace the list of terminals of D1 with the terminals used to log into a social network account and use the same mechanism for transferring content as in D1.

18. The appellant further argued that excluding the local terminal from the list of selected terminals improved user convenience.

The Board judges that this follows directly from what the method is meant to do, namely to insert content which is stored on remote terminals. Providing this feature, for example as a button in a GUI, and, when clicked, presenting an option to select content stored on the local terminal makes little sense. Apart from that, also for obvious technical reasons the skilled person would avoid selecting content on the local terminal and transmit it to the server for re-transmission to the local terminal.

To implement this step does not require more than basic programming skills. It can, therefore, not be considered inventive.

19. To conclude, the Board judges that the skilled person would have arrived at the invention starting from a conventional social networking platform in combination with D1 without inventive effort.

Therefore, claim 1 lacks inventive step (Article 56 EPC).

First auxiliary request, inventive step (Article 56 EPC)

20. The appellant argued that the added features emphasised some aspects of the social networking platform distinguishing it further from the system of D1.
21. The Board, however, notes that the starting point for assessing inventive step is a conventional social networking platform as acknowledged in the application (paragraph [0003]).

In the Board's view it cannot reasonably be disputed

that such platform, before the priority date of the application (17 September 2012), did not include a GUI with some sort of button or menu for inserting or publishing content.

22. The appellant referred to paragraph [0054] of the application arguing that content could be inserted via e-mail. The Board concludes that this paragraph provides examples of a social networking platform, including an e-mail box, however it does not relate to the mechanism for inserting content.
23. Finally, the specific terminals to which claim 1 is limited are known from D1 (paragraphs [0033], [0099]).
24. For these and the reasons given in connection with the main request claim 1 is not inventive (Article 56 EPC).

Second auxiliary request, inventive step (Article 56 EPC)

25. Claim 1 of this request is further limited in that the first terminal presents content "by a presentation unit of the first terminal".
26. The appellant argued that this limitation required that a user, either the user of the second terminal or a different user, had to physically select the content at the first terminal, i.e. by providing input on an input device of the first terminal. This was supported by Figure 8B (reference 803), Figure 3 (reference 304 and 305) and various passages of the description (paragraphs [0088] and [00112] to [00115]).

Regarding inventive step the appellant essentially added that this had the effect that no unintended data

transfer without user approval was possible and, thus, data integrity and security were maintained.

27. The term "presentation unit" is also used in connection with the second terminal which has a "presentation subunit" for presenting content for user selection - see paragraphs [0092] and [0093] of the application.

The Board considers that the presentation (sub)unit of the second terminal represents (hardware/software) means for presenting content on a screen of the second terminal. The Board sees no reason for a different interpretation regarding the presentation unit of the first terminal.

The Board, thus, judges that indeed in claim 1 a user has to select physically at the first terminal the presented content.

28. The appellant's arguments regarding inventive step are, however, not found convincing.

Claim 1 requires that the user either moves to the first terminal or asks somebody else at the first terminal to select the presented content.

In the first case the user, when at the first terminal, has to select what he requested on the second terminal - this makes little sense and seems rather inconvenient.

In the second case this boils down to asking somebody at the first terminal, for example a friend, for selecting content. Evidently, if the friend declines to do so no content is selected and transferred.

In a different scenario where the first terminal is an anonymous Internet terminal which the user had used before a stranger might now be presented with a content selection request - he might ignore it or select content which is not relevant at all to the user.

These examples show that the step of selecting content physically at the first terminal does not provide any technical effect in terms of security or even flexibility.

The Board judges that this is rather a further element of the non-technical policy for terminal selection set out in point 6. It represents the constraint that only a user physically present at the terminal can select content.

To adapt the system of D1 accordingly, i.e. by presenting content for user selection in an interface on the remote terminal (see paragraph [0065]), instead of the web interface, and requiring the user to use the former, is obvious. Thus, the skilled person, provided with the above policy and starting from a conventional social networking platform in combination with D1 would have arrived at the invention without inventive effort.

29. Claim 1, therefore, lacks inventive step (Article 56 EPC).

Order

For these reasons it is decided that:

The appeal is dismissed.

The Registrar:

The Chairman:



S. Sánchez Chiquero

W. Chandler

Decision electronically authenticated