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**Datasheet for the decision
of 17 June 2021**

Case Number: T 2430/18 - 3.5.03

Application Number: 13161975.1

Publication Number: 2648394

IPC: H04M1/2745, G06Q50/00,
H04M1/725, H04W4/02, H04W4/20

Language of the proceedings: EN

Title of invention:
Content Sharing Method and Mobile Terminal Using the Method

Applicant:
Samsung Electronics Co., Ltd.

Headword:
Group share space/SAMSUNG

Relevant legal provisions:
EPC Art. 78(1)(c), 84
RPBA 2020 Art. 13(2)

Keyword:
Admittance of claim requests filed after the summons - all requests (no): no exceptional circumstances justified with cogent reasons and requests should have been filed earlier

Decisions cited:

T 1459/11, T 2486/16, T 1780/17, T 2271/18



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Case Number: T 2430/18 - 3.5.03

D E C I S I O N
of Technical Board of Appeal 3.5.03
of 17 June 2021

Appellant: Samsung Electronics Co., Ltd.
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Decision under appeal: **Decision of the Examining Division of the
European Patent Office posted on 30 April 2018
refusing European patent application
No. 13161975.1 pursuant to Article 97(2) EPC.**

Composition of the Board:

Chair K. Bengi-Akyürek
Members: J. Eraso Helguera
C. Almberg

Summary of Facts and Submissions

- I. The appeal was lodged by the applicant against the decision of the examining division to refuse the present European patent application for lack of clarity with respect to the claims of a main request and a first auxiliary request.
- II. Oral proceedings before the board were held on 17 June 2021 by videoconference in accordance with the appellant's request.

The appellant requested that the appealed decision be set aside and that a patent be granted on the basis of the claims of one of five requests (a **main request** and four **auxiliary requests**), all of them submitted in reply to the board's preliminary opinion.

At the end of the oral proceedings, the board's decision was announced.

- III. Claim 1 of the **main request** reads as follows:

"A method of sharing content, performed by a mobile terminal, the method comprising:

providing a list of social groups that share group activity information of a group member by executing a phone book (S630; S1510);

receiving a selection of at least one social group from the list of social groups (S640; S1520);

transmitting at least one piece of content selected by a first user of the mobile terminal to a device of a group member included in the selected at least one social group (S1530); and

adding the transmitted at least one piece of content to a group share space corresponding to the selected at least one social group (S1540)."

Claim 1 of the **first auxiliary request** reads as follows:

"A method of sharing content, performed by a mobile terminal, the method comprising:

executing a phone book managing contact information in the mobile terminal;

displaying, on a phone book, a list of social groups that share group activity information of a group member by executing the phone book (S630; S1510), the list of social groups is displayed based on a social group consisting of users registered in the phone book, an external Social Networking Service, SNS, group, an instant group generated in response to a request for creation of the instant group, and a local group;

receiving a selection of at least one social group from the list of social groups (S640; S1520);

transmitting at least one piece of content selected by a first user of the mobile terminal to a device of a group member included in the selected at least one social group (S1530); and

providing the transmitted at least one piece of content as a group activity information corresponding to the selected at least one social group (S1540), the group activity information being provided in an execution window of the phone book."

Claim 1 of the **second auxiliary request** reads as follows:

"A method of sharing content, performed by a mobile terminal, the method comprising:

executing a phone book managing contact information in the mobile terminal;

displaying, on a phone book, a list of social groups that share group activity information of a group member by executing the phone book (S630; S1510), the list of social groups is displayed based on a social group consisting of users registered in the phone book, an external Social Networking Service, SNS, group, an instant group generated in response to a request for creation of the instant group, and a local group;

receiving a selection of at least one social group from the list of social groups (S640; S1520);

transmitting at least one piece of content selected by a first user of the mobile terminal to a device of a group member included in the selected at least one social group (S1530); and

adding the transmitted at least one piece of content to a group share space corresponding to the selected at least one social group (S1540);

the group share space being provided in an execution window of the phone book."

Claim 1 of the **third auxiliary request** reads as follows:

"A method of sharing content, performed by a mobile terminal, the method comprising:

executing a phone book managing contact information in the mobile terminal;

displaying, on a phone book, a list of social groups that share group activity information of a group member by executing the phone book (S630; S1510), the list of social groups is displayed based on a social group consisting of users registered in the phone book, an external Social Networking Service, SNS, group, an

instant group generated in response to a request for creation of the instant group, and a local group;
receiving a selection of at least one social group from the list of social groups (S640; S1520);
transmitting at least one piece of content selected by a first user of the mobile terminal to a device of a group member included in the selected at least one social group (S1530); and
adding the transmitted at least one piece of content to a group share space corresponding to the selected at least one social group (S1540);
the group share space being provided in an execution window of the phone book, the group share space being stored in a storage unit of the mobile terminal."

Claim 1 of the **fourth auxiliary request** reads as follows:

"A method of sharing content, performed by a mobile terminal, the method comprising:

executing a phone book managing contact information in the mobile terminal;

displaying, on a phone book, a list of social groups that share group activity information of a group member by executing the phone book (S630; S1510), the list of social groups is displayed based on a social group consisting of users registered in the phone book, an external Social Networking Service, SNS, group, an instant group generated in response to a request for creation of the instant group, and a local group;

receiving a selection of at least one social group from the list of social groups (S640; S1520);

transmitting at least one piece of content selected by a first user of the mobile terminal to a

device of a group member included in the selected at least one social group (S1530); and

adding the transmitted at least one piece of content to a group share space corresponding to the selected at least one social group (S1540);

the group share space being provided in an execution window of the phone book,

wherein the at least one piece of content comprises at least one piece of information regarding a predefined application or link information of a web browser."

Reasons for the Decision

1. MAIN REQUEST

Claim 1 of the **main request** comprises the following limiting features (board's outline and highlighting indicating amendments vis-à-vis claim 1 of the main request subject to the appealed decision):

A method of sharing content, performed by a mobile terminal, the method comprising:

- (a) providing a list of social groups that share group activity information of a group member by executing a phone book;
- (b) receiving a selection of at least one social group from the list of social groups;
- (c) transmitting at least one piece of content selected by a first user of the mobile terminal to a device of a group member included in the selected at least one social group;
- (d) adding the transmitted at least one piece of content to a group share space corresponding to the selected at least one social group;

(e) ~~wherein the group share space is determined by the phone book.~~

1.1 *Admittance into the appeal proceedings (Article 13(2) RPBA 2020)*

1.1.1 The claims of the main request were filed after notification of the summons to oral proceedings before the board.

1.1.2 Hence, the matter of admittance of these claim requests is governed by Article 13(2) RPBA 2020, according to which any amendment to a party's appeal case is, in principle, not taken into account unless there are exceptional circumstances, which have been justified with cogent reasons by the party concerned.

1.1.3 In support of admittance, the appellant only submitted that the deletion of feature (e), i.e. relating to the use of a so-called "group share space" being determined by the phone book, overcame the clarity objection (Article 84 EPC) raised in point 3.1 of the board's preliminary opinion.

1.1.4 This is not convincing. The clarity objection concerning feature (e) was addressed in point II.12.2 of the appealed decision and had already been raised by the examining division in point 2.2 of the annex to the summons to oral proceedings. It is therefore apparent that the deletion of feature (e) in reaction to a clarity objection could and should have taken place already in the examination proceedings.

1.1.5 The board adds that also a negative preliminary opinion on allowability under Article 84 EPC (cf. point 3.1 of the board's preliminary opinion) and on admittance

under Article 12(4) RPBA 2007 (cf. point 4.1 of the board's preliminary opinion) does not automatically constitute "exceptional circumstances" that could justify a further amendment to the appellant's case at such a late stage of the appeal proceedings (see e.g. T 1459/11, Reasons 3.2; T 1780/17, Reasons 2.3; T 2271/18, Catchword).

Rather, when filing requests at the stage governed by Article 13(2) RPBA 2020, the party, in providing its "cogent reasons", should not only identify the circumstances invoked and explain why they are to be regarded as "exceptional", it should also explain why these circumstances had the direct result of preventing the party from filing its requests at an earlier stage (see T 2486/16, Reasons 6.5.6). The appellant has not presented any justification of that kind.

1.2 Accordingly, the **main request** was not admitted into the appeal proceedings (Article 13(2) RPBA 2020).

2. AUXILIARY REQUESTS

Given that (at least) the above observations with respect to claim 1 of the main request equally apply to claim 1 of the present **first to fourth auxiliary requests**, those auxiliary requests were also not admitted into the appeal proceedings (Article 13(2) RPBA 2020).

3. As there is no admissible claim request on file (cf. Article 78(1)(c) EPC), it follows that the appeal must be dismissed.

Order

For these reasons it is decided that:

The appeal is dismissed.

The Registrar:

The Chair:



B. Brückner

K. Bengi-Akyürek

Decision electronically authenticated