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Datasheet for the decision
of 28 October 2022

Case Number:	T 3005/18 - 3.5.01
Application Number:	09176410.0
Publication Number:	2325796
IPC:	G06Q30/00
Language of the proceedings:	EN

Title of invention:
Method, system and apparatus for managing a bid tracking
database

Applicant:
BlackBerry Limited

Headword:
Bid tracking database/BLACKBERRY

Relevant legal provisions:
EPC Art. 56

Keyword:
Claims - clarity main request, auxiliary requests 1 to 4 (no)
Inventive step - exchanging, processing and storing bid-
related information (no - not technical scheme on notorious
hardware)

Decisions cited:

T 0641/00, T 1784/06, T 0042/10, T 2418/12

Case Number: **T 3005/18 - 3.5.01**

**D E C I S I O N
of Technical Board of Appeal 3.5.01
of 28 October 2022**

Appellant: (Applicant)	BlackBerry Limited 2200 University Avenue East Waterloo, ON N2K 0A7 (CA)
Representative:	MERH-IP Matias Erny Reichl Hoffmann Patentanwälte PartG mbB Paul-Heyse-Strasse 29 80336 München (DE)
Decision under appeal:	**Decision of the Examining Division of the European Patent Office posted on 6 July 2018 refusing European patent application No. 09176410.0 pursuant to Article 97(2) EPC.**

Composition of the Board:

Chairman	M. Höhn
Members:	L. Falò
	L. Basterreix

Summary of Facts and Submissions

I.   This is an appeal against the examining division's
        decision to refuse European patent application No.
        09176410.0.

II.   The examining division refused the application for lack
        of clarity as well as lack of inventive step in view of
        a generic "architecture including a server implementing
        receiving bids from client devices". Document D1
        (US 2009/012877) was cited as an example.

III.   In the statement setting out the grounds of appeal, the
        appellant requested that the decision be set aside and
        that a patent be granted on the basis of the main or
        first to fourth auxiliary requests, filed therewith.
        There was also a further auxiliary request for oral
        proceedings.

IV.   The Board informed the appellant in the communication
        accompanying the summons to oral proceedings that it
        was of the opinion that claim 1 of all requests was
        unclear and lacked an inventive step.

V.   In response to the summons, the appellant filed
        auxiliary requests five to nine and provided further
        arguments in favour of the patentability of all
        requests on file.

VI.   Oral proceedings were held as a videoconference on
        28 October 2022. The appellant confirmed its requests
        submitted in writing that the decision under appeal be
        set aside and that a patent be granted on the basis of
        the main request or one of the first to fourth
        auxiliary requests, filed with the statement of grounds

of appeal, or one of the fifth to ninth auxiliary
requests, filed in response to the summons.

VII.   Claim 1 of the main request reads:

"A method of managing a bid tracking database (314) at
a first server (116), the method comprising:

transmitting a request (405) to a second server (112)
for the at least one bid record at a pre-defined time
interval after a previous request, the request being
for any bid records that have been received at the
second server (112) since the previous request was
transmitted;

receiving (410) at least one bid record (200) at an
interface (304)of the first server (116) from the
second server (112), the at least one bid record having
been received at the second server (112) from a mobile
electronic device (104) and comprising a bid price
(204), a bid timestamp(206) and a bid item identifier
(202);

generating (415) a list of item identifiers based on
the received bid records (316);

transmitting (420) a request for at least one auction
record;

receiving (425) at least one auction record (250) at
the interface (304) from a third server (108), the at
least one auction record comprising a winning price
(258), an end timestamp (260) and an auction item
identifier (252) corresponding to the bid item
identifier (202);

maintaining the at least one bid record (200) and the at least one auction record (250) in a memory (312);

determining (440) whether the bid price matches or exceeds the winning price and whether the bid timestamp matches the end timestamp; and,

when the determination is affirmative, writing (445) the bid record to the bid tracking database (314) maintained in the memory (312)."

VIII.   Claim 1 of the first auxiliary request adds to the main request the expression "such that the list (318) does not contain any duplicated item identifiers" after the generating step, and the expression "the request for the at least one auction record being a request for an auction record corresponding to each item identifier present in list (318)" after the transmitting step.

IX.   Claim 1 of the second auxiliary request adds to the first auxiliary request the expression "whereby one auction record is received for each item identifier for which the request for the at least one auction record was transmitted, the auction records (320), once received, being maintained in memory (312) of the first server" in the receiving step and, at the end of the claim, the expression "wherein writing (445) the bid record to the bid tracking database (314) occurs after it is determined (430) that the auction records (320) contain data for auctions that have ended; and following completion of the writing (445), or the determining (440), if the determination is negative, deleting from bid records (316) records therein having the item identifier of the or each ended auction that has been processed by the determining (440) and/or writing (445)".

X.   Claim 1 of the third auxiliary request adds to the
        second auxiliary request "a plurality of wireless
        mobile electronic devices (104), the first server
        (116), a second server (112) configured to store bid
        records (200) in memory and a third server (108)
        configured to host an auction website and configured to
        maintain in memory a plurality of auction records each
        comprising data concerning a particular auction, and to
        receive bids on items represented by the auction
        records and maintain the received bid records in
        memory", and in the receiving step "wherein, for each
        mobile device, a first transmission (T-1) of the bid
        records via a wireless link (124-2) is received at the
        third server (108) and a second transmission (T-2) of
        the bid records via the wireless link (124-2) is
        received at the second server (112)".

XI.   Claim 1 of the fourth auxiliary request adds to the
        third auxiliary request, at the end of the receiving
        step, the expression "and wherein the second
        transmission (T-2) of the bid records is substantially
        simultaneous with the first transmission (T-1); and the
        first transmission (T-1) additionally contains an
        identifier, incorporated within the bid record, for the
        wireless mobile electronic device, whereas the second
        transmission (T-2) omits such identifier".

XII.   The fifth to ninth auxiliary requests change the
        preamble of the main and first to fourth auxiliary
        requests, respectively, to "A method of managing a bid
        tracking database (314), wherein the bid tracking
        database (314) is hosted at a first server (116)".

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

The invention increases resilience, scalability and flexibility, since bid records and auction records are stored, in a specific way, on servers different from the first server. In this way, in the case of a malfunction, auction records stored on the third server can be regenerated from the bid records on the second server. Requesting bid records periodically and avoiding duplicates in the generated list of item identifiers reduces both network traffic and load requirements on the third server. Sending bid data on the wireless link to both the second and third server reduces the chance that a bid is missed, thereby increasing robustness, and further guarantees the synchronisation of the data stored in the different databases. Refraining from providing the terminal identifiers to the second server further reduces the bandwidth requirements and anonymises the bid.

Reasons for the Decision

1.   The invention concerns a method of managing a bid tracking database in an online bidding system including three servers (Figure 1, 116, 112 and 108, hereafter "first server", "second server" and "third server", respectively). The third server hosts auctions of a plurality of items. Users send bids for the various items to the second and third servers over wireless links using their mobile devices (paragraphs [0016], [0017], [0020]). The first server periodically requests bid records from the second server and corresponding auction records from the third server. The bid records include a time-stamp, a bid price and an item identifier for the received bids, while the auction records include a winning price, and end time-stamp and an item identifier for each concluded auction. The

first server adds a received bid record to a bid
tracking database if its bid price matches or exceeds
the winning price for the corresponding auction, and
its time-stamp corresponds to the auction's end time-
stamp (in other words, if it represents the winning
bid: Figure 3, 116, Figure 4, paragraphs [0022] to
[0034]).

Main and first to fourth auxiliary requests - clarity

2.   Claim 1 of the main request is for "a method of
        managing a bid tracking database at a first server",
        but also defines the manner in which information is
        exchanged between the two other servers and the
        wireless mobile devices. It can be questioned whether
        protection is sought for all the claimed steps, or only
        those implemented on the first server. The claim is
        therefore not clear (Article 84 EPC). The same
        objection applies, for the same reasons, to the first
        to fourth auxiliary requests.

Fifth to ninth auxiliary requests - inventive step

3.   The Board finds it expedient to start with the analysis
        of the ninth auxiliary request, which is the most
        specific.

4.   Apart from a minor amendment introduced to overcome the
        Board's clarity objection, the subject matter of the
        ninth auxiliary request essentially corresponds to that
        of the refused fourth auxiliary request. According to
        the contested decision, the subject matter of that
        request was an obvious implementation, on notorious
        technical means, of non-technical steps for managing an
        auction, that is, an inherently business-related
        activity (see point 39 combined with points 14 to 18).

5.   The Board arrives at the same conclusions in respect of
        claim 1 of the ninth auxiliary request. In the Board's
        view, the only technical features are the three
        network-connected computers, the user terminals as well
        as the establishment of wireless links between the
        servers and the terminals. These were indisputably
        known at the application's filing date. The remaining
        features define a non-technical scheme for exchanging,
        processing and storing bid-related information. They
        are not based on technical considerations and
        therefore, in accordance with the well-established
        "Comvik" approach, cannot support an inventive step
        (see decision T 641/00, Headnote, as well as the Case
        Law of the Boards of Appeal, 10th edition 2022, I.D.
        9.1 and 9.2).

6.   The appellant argued that the invention provided
        increased resilience and flexibility, since bid records
        and auction records were stored on servers different
        from the first server. The data to be stored was
        selected so that, in the case of a malfunction of one
        of the servers, essential data could be regenerated
        from the information available from the other two. The
        appellant also argued that the simultaneous
        transmission of the bid records to the second and third
        server increased the robustness of the system
        (particularly in the case of poor wireless connections)
        and its reliability by avoiding synchronisation errors.

6.1   The Board finds these arguments unconvincing. The
        definition of the pieces of information which are
        "essential" to an auction as well as the cognitive
        content of the information provided to each server are
        part of the underlying non-technical requirements.
        Moreover, as observed by the examining division, the

application as a whole does not mention increasing resilience, ensuring robustness or preserving data integrity. Therefore, in the Board's view also the feature of simultaneously providing auction-related information in parallel to different servers does not have technical character, as it may be derived from merely administrative considerations. For example, different entities may be in charge of verifying the correctness of the auction results.

6.2   Transmitting data simultaneously over different channels and storing the data on different servers may indeed increase resilience and robustness by providing redundancy. However, for the reasons discussed above these are considered "bonus effects" following from the implementation of an essentially non-technical scheme.

6.3   The Board further observes that the use of redundancy in data transmission and storage is an obvious way of ensuring data integrity, and that achieving synchronisation by simultaneously transmitting the same information to both servers is self-evident. Hence, even if these features were considered to be technical, they would not render claim 1 inventive.

7.   The appellant further argued that requesting bid records at periodic intervals reduced network traffic and the servers' processing load, and provided the advantage that the polling interval could be chosen so as to minimise the bandwidth requirements. Generating a list of item identifiers without duplicates further reduced network traffic requirements. Therefore, these features had a technical character.

7.1   The Board notes that the application does not deal with the problems of reducing bandwidth occupancy or

managing computational resources. Therefore, in the
context of the invention, requesting bid records and
the respective auction records on a periodic basis (for
example, once a week, see paragraph [0025]) is
considered non-technical. Moreover, this feature does
not necessarily reduce the overall network traffic or
the system load, because data requests are transmitted
to the second server even if no new bid records are
available. The Board further observes that it is not
apparent, neither from the application, nor from the
appellant's arguments, which polling interval would
minimise the bandwidth requirements (short of an
infinite interval, that is, sending no requests at
all).

7.2   The steps of generating a duplicate-free list of item
        identifiers and requesting the auction records
        corresponding to the items on the list implement the
        non-technical requirement of retrieving the auction
        records corresponding to the bids received in a given
        period. Any improvements in terms of reduced bandwidth
        requirements or reduced server load are not due to
        technical considerations, but are inherent in the
        efficiency of the implementing algorithm, which is not
        considered a technical effect (see for example
        T 1784/06, Reasons, point 3.1.2; T 42/10, Reasons,
        point 2.11; T 2418/12, Reasons, points 3.2 to 3.5).
        Therefore, these steps cannot support an inventive
        step.

8.   It was further argued that providing the terminal
        identifiers only to the third server anonymised the
        bid, and that the system provided scalability, because
        auctions with a small number of bids could be hosted by
        the first server, while bigger auctions could be hosted
        by the third server. During oral proceedings the

appellant also argued that omitting the terminal identifiers reduced the bandwidth requirements.

The Board finds also these arguments unconvincing, for the following reasons:

8.1   Anonymising the bids is not a technical problem, and the decision as to which server should receive the mobile identifiers is a non-technical one.

8.2   Claim 1 does not mention at all the possibility of hosting the auctions on different servers based on the number of bids. The alleged increase in scalability is therefore entirely speculative.

8.3   Reducing bandwidth occupancy by omitting part of the information to be transmitted (that is, the identifiers of the mobile devices) merely circumvents the problem, rather than solving it by technical means.

9.   In the absence of any technical contribution going beyond the straightforward implementation of a non-technical scheme, the Board judges that claim 1 of the ninth auxiliary request lacks an inventive step (Article 56 EPC).

10.   The same objections of lack of inventive step apply, *a fortiori*, to the fifth to eighth auxiliary requests, which are more general.

Order

For these reasons it is decided that:

The appeal is dismissed.

The Registrar: The Chairman:

T. Buschek   M. Höhn

Decision electronically authenticated