Datasheet for the decision of 22 June 2023

Case Number: T 1189/20 - 3.5.07
Application Number: 15164002.6
Publication Number: 2940602
IPC: G06F17/30, G06N99/00
Language of the proceedings: EN

Title of invention:
Apparatus and method for integrated management of data in mobile device, and mobile device

Applicant:
Samsung Electronics Co., Ltd.

Relevant legal provisions:
EPC Art. 84
RPBA 2020 Art. 13(2)

Keyword:
Claims - clarity - main request (no)
Amendment after summons - exceptional circumstances - auxiliary requests 1 to 3 (no)
Case Number: T 1189/20 - 3.5.07

DECISION
of Technical Board of Appeal 3.5.07
of 22 June 2023

Appellant: Samsung Electronics Co., Ltd.
(Applicant)
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Representative: Grünecker Patent- und Rechtsanwälte
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Decision under appeal: Decision of the Examining Division of the European Patent Office posted on 20 January 2020 refusing European patent application No. 15164002.6 pursuant to Article 97(2) EPC

Composition of the Board:
Chairman J. Geschwind
Members: M. Jaedicke
C. Barel-Fauchoux
Summary of Facts and Submissions

I. The appellant (applicant) appealed against the examining division's decision refusing European patent application No. 15164002.6 (published as EP 2940602).

II. The documents cited in the contested decision included:
D3 US 2013/0263289 A1, published on 3 October 2013
D4 US 2010/0332401 A1, published on 30 December 2010

III. The examining division decided that claims 1 and 3 of the main request and of auxiliary requests 1 and 2 infringed Articles 123(2) and 84 EPC. Furthermore, the examining division decided that the subject-matter of claims 1, 3 and 5 of the main request and of auxiliary requests 1 and 2 lacked an inventive step in view of document D3 in combination with document D4.

IV. In its statement of grounds of appeal, the appellant requested that the contested decision be set aside and that a patent be granted on the basis of the main request as submitted with the statement of grounds of appeal or, in the alternative, on the basis of auxiliary request 1 or 2 as submitted with the statement of grounds of appeal.

V. In a communication under Article 15(1) RPBA 2020 accompanying the summons to oral proceedings, the board expressed its preliminary opinion that claim 1 of the main request and of auxiliary request 1 infringed Articles 84 and 123(2) EPC and that the subject-matter of claim 1 of the main request and of auxiliary
request 1 lacked an inventive step in view of document D3. Finally, auxiliary request 2 appeared to be inadmissible under Article 12(4) RPBA 2020.

VI. By letter of 3 May 2023, the appellant submitted a new main request, new auxiliary requests 1 to 3 and arguments.

VII. Oral proceedings were held as scheduled and the appellant was heard on the relevant issues. In the oral proceedings, the appellant confirmed that it was withdrawing its claim requests as filed with the statement of grounds of appeal. At the end of the oral proceedings, the Chair announced the board's decision.

VIII. The appellant's final requests were that the contested decision be set aside and that a patent be granted on the basis of the main request as filed with the letter of 3 May 2023, or, in the alternative, on the basis of any of auxiliary requests 1 to 3 as filed with the letter of 3 May 2023.

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

"A method for integrated management of data in a mobile device (40, 300), the method comprising:

- storing data generated in different types of applications installed in the mobile device in one or more clouds (51, 52, 53, 54), wherein the different types of applications include a photographic application and an application for recording location information;

- setting standard information based on a user input, wherein the standard information comprises collecting-standard information and processing-standard information, wherein the collecting-standard information comprises any one or any combination of
information of the clouds, a collecting time, a collecting interval, and a collecting period, and wherein the processing-standard information comprises standard formats of types of data, wherein the types of data comprise emails, photos, videos, chats, calls, and/or documents;

collecting (520), by a data collector (120) of the mobile device, different types of the stored data from each of the one or more clouds by accessing each cloud based on the collecting-standard information;

processing (530) the collected data, by a data processor (130) of the mobile device, by using the processing-standard information, by classifying the collected data into the types of the data and by converting the classified data according to the standard formats of the types of the data;

analyzing (540) the processed data to generate user characteristic information that comprises user preferences;

creating (540) an integrated model based on the analysis, wherein the integrated model integrates the data generated in the different types of applications based on the user characteristic information;

storing (550) the created integrated model in a database (150) of the mobile device;

receiving a user’s request for data; and

providing the requested data to the user by using the integrated model."

X. Claim 1 of auxiliary request 1 differs from claim 1 of the main request in that the text "creating (540) an integrated model" has been amended to "applying the generated user characteristic information to a predefined learning algorithm to create (540) an integrated model".
XI. Claim 1 of auxiliary request 2 differs from claim 1 of auxiliary request 1 in that a step of "storing, by a data storage (140) of the mobile device, the collected data in a database (150) of the mobile device;" has been inserted between the "collecting [...]" and "processing [...]" steps. Moreover, the step of "storing (550) [...]" has been amended to "storing (550), by the data storage (140) of the mobile device, the created integrated model in the database (150) of the mobile device;". Additionally, the text after "receiving a user's request for data;" has been amended as follows: "upon receiving the user’s request for data, processing, by a data provider (160) of the mobile device, the collected data stored in the database (150) and the integrated model stored in the database (150) to satisfy the user’s request, wherein the data provider (160) provides an integrated interface that enables the types of data to be displayed on one screen; and providing the processed and requested data to the user through the integrated interface."

XII. Claim 1 of auxiliary request 3 differs from claim 1 of auxiliary request 2 in that the text "wherein the different types of applications include a photographic application and an application for recording location information" has been amended to "wherein the different types of applications consist of a photographic application and an application for recording location information" and the text "comprise emails, photos, videos, chats, calls, and/or documents" has been amended to "consist of photos and/or videos".

XIII. The appellant's arguments, where relevant to the present decision, are discussed in detail below.
Reasons for the Decision

1. The application relates to the integrated management of data in a mobile device.

Main request

2. Admissibility

The main request was a direct response to clarity objections raised for the first time in points 10.2 and 10.3 of the board's communication under Article 15(1) RPBA 2020. In view of these exceptional circumstances, the board has admitted the main request into the appeal proceedings under Article 13(2) RPBA 2020.

3. Clarity

3.1 Claim 1 of the main request specifies the step of "storing data generated in different types of applications installed in the mobile device in one or more clouds (51, 52, 53, 54), wherein the different types of applications include a photographic application and an application for recording location information". This step was amended by the appellant in response to the board's objection that the wording "different types of applications" did not meet the requirements of Article 84 EPC since it was unclear which technical features were implied by this wording.

In its clarity objection, the board explained that the only example of "different types of applications" was provided in paragraph [0063] of the application as filed: "For example, if A is a photographic application, and B is an application for recording
location information, information of photos taken by using A and information of locations recorded by using B may be integrated and analyzed, such that locations of the photos taken by A may be identified, and location information may be tagged to these photos."

3.2 At the oral proceedings, the board informed the appellant that the amendment according to which "the different types of applications include a photographic application and an application for recording location information" did not clarify what was meant by "different types of applications", as the amendment attempted to clarify the feature under discussion only by providing non-limiting examples. Even with the amendment, it remained unclear whether two different photographic applications could represent two "different types of applications", for example. Moreover, the amendment made did not clarify whether and how the "different types of applications" related to the types of data specified in claim 1. Furthermore, it was unclear what "different types of applications" implied regarding the step of creating an integrated model which integrates the data generated in the "different types of applications".

3.3 At the oral proceedings, the appellant argued that the "different types of applications" wording might be unclear at first sight, but the skilled person would have understood the meaning of "different types of applications" in view of the examples of applications installed on the mobile device provided in claim 1 ("a photographic application and an application for recording location information"). In particular, the skilled person would have understood "how to deal with other types of applications".
3.4 However, the board is of the opinion that the examples provided in claim 1 ("a photographic application and an application for recording location information") do not allow the skilled person to understand the limitations conferred by the expression "different types of applications". The appellant did not explain how exactly the skilled person would interpret "different types of applications" in view of the exemplary applications mentioned in claim 1. In this context, the board observes that claim 1 does not specify that the different types of applications are determined by the type of data stored by an application. For example, claim 1 does not define any relationship between the types of data defined in claim 1 and the "different types of applications". Consequently, the board is not convinced by the appellant's arguments and has concluded that the wording "different types of applications" is, at least in the context of claim 1, unclear.

3.5 In view of the above, the board has concluded that claim 1 of the main request is unclear (Article 84 EPC).

**Auxiliary requests 1 to 3**

4. **Admissibility**

4.1 Claim 1 of each of auxiliary requests 1 to 3 comprises the text "applying the generated user characteristic information to a predefined learning algorithm to create (540) an integrated model". This text represents an amendment filed for the first time in the appeal proceedings in response to an objection made under Article 123(2) EPC in point 9.1 of the board's communication under Article 15(1) RPBA 2020. According
to the preliminary opinion of the board, the examining division's objection that claim 1 of the main request considered in the contested decision infringed Article 123(2) EPC since the feature "by applying the generated user characteristic information to a predefined learning algorithm" had been removed was correct. Consequently, in point 9.1 of its communication under Article 15(1) RPBA 2020 the board had not raised a fresh objection under Article 123(2) EPC, but instead had merely informed the appellant of its preliminary opinion that the objection set out in point 14.1.1 of the contested decision might be confirmed.

4.2 At the oral proceedings, the appellant argued that it had not been convinced by the examining division's objection under Article 123(2) EPC. Consequently, it had not filed amendments to overcome this objection with its statement of grounds of appeal. Indeed, the statement of grounds of appeal comprises only arguments explaining why the objection under discussion was not justified (see point 1.1 of the statement of grounds of appeal).

4.3 Since the appellant's arguments confirm that the appellant could have filed amendments to overcome the objection under Article 123(2) EPC before receiving the board's communication under Article 15(1) RPBA 2020, there are no exceptional circumstances as required under Article 13(2) RPBA 2020.

4.4 Consequently, auxiliary requests 1 to 3 are not admitted into the appeal proceedings (Article 13(2) RPBA 2020).
Order

For these reasons it is decided that:

The appeal is dismissed.

The Registrar: The Chair:

S. Lichtenvort J. Geschwind

Decision electronically authenticated