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**Datasheet for the decision
of 9 November 2023**

Case Number: T 1959/20 - 3.5.01

Application Number: 16789983.0

Publication Number: 3292523

IPC: G06Q10/10

Language of the proceedings: EN

Title of invention:

SYSTEMS AND METHODS FOR EPHEMERAL GROUP CHAT

Applicant:

Snap Inc.

Headword:

Ephemeral group chat/SNAP

Relevant legal provisions:

EPC Art. 56

RPBA 2020 Art. 13

Keyword:

Inventive step - (no - all requests)

Decisions cited:

T 0641/00

Catchword:

The implementation of non-technical requirements on a technical prior art system might require modifications which, at first glance, appear non-obvious, as there is no technical reason for them in view of the prior art alone. However, since according to the principles of "Comvik" non-technical features cannot contribute to inventive step, the non-technical requirements must be seen as a given, and the skilled person implementing them must make the necessary modifications to the prior art.

(See point 17 of the reasons).



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Case Number: T 1959/20 - 3.5.01

D E C I S I O N
of Technical Board of Appeal 3.5.01
of 9 November 2023

Appellant: Snap Inc.
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Decision under appeal: **Decision of the Examining Division of the
European Patent Office posted on 2 July 2020
refusing European patent application No.
16789983.0 pursuant to Article 97(2) EPC.**

Composition of the Board:

Chairwoman A. Wahrenberg
Members: L. Falò
D. Rogers

Summary of Facts and Submissions

- I. This is an appeal against the examining division's decision to refuse European patent application No. 16 789 983.0.
- II. The application was refused on the ground that the subject matter of the sole request lacked an inventive step in view of notorious computer means.
- III. In the statement setting out the grounds of appeal, the appellant requested that the decision of the examining division be set aside and that a patent be granted on the basis of the refused main request or the first or second auxiliary requests. The auxiliary requests were filed with the statement of grounds and corresponded to those discussed, but not formally introduced, during the oral proceedings before the examining division.
- IV. In the communication accompanying the summons to oral proceedings, the Board informed the appellant of its preliminary opinion that neither the main request nor the auxiliary requests involved an inventive step.
- V. On 7 November 2023 the appellant filed a letter including further arguments concerning the patentability of the requests.
- VI. Oral proceedings were held as a videoconference on 9 November 2023.
- VII. Claim 1 of the main request reads:

A method comprising:

generating (654, 656, 710), at a server computer of a social network communication system, an association between at least three user accounts as part of a first ephemeral group chat;

receiving (720), from a first client device associated with a first user account of the at least three user accounts, a first ephemeral chat message associated with one or more deletion triggers;

transmitting (730), from the server computer to a second client device associated with a second user account of the at least three user accounts and to a third client device associated with a third user account of the at least three user accounts, the first ephemeral message;

receiving (740, 750), from the second client device, first chat monitoring information (667) comprising first deletion trigger information;

receiving (740, 750), from the third client device, second chat monitoring information (669) comprising second deletion trigger information;

using the received first deletion trigger information and second deletion trigger information, to identify (670, 760) when a deletion trigger associated with the first ephemeral chat message has been met;

and initiating (672, 770), at said server computer, in response to identifying that the deletion trigger has been met, communications (673, 675, 677) to the client devices associated with said at least three user accounts to implement deletion of the first ephemeral chat message.

VIII. Claim 1 of the first auxiliary request adds the following features at the end of claim 1 of the main request:

said communications in the case of the second and third client devices (620, 630) being commands causing said client devices to delete the first ephemeral chat message.

IX. Claim 1 of the second auxiliary request adds to claim 1 of the main request, in the receiving step, the expression

said first ephemeral chat message including image or video content;

and further adds, at the end of the claim, the expression

including deletion of said associated image or video content.

Reasons for the Decision

Admissibility of the submissions made with letter of 7 November 2023

1. The letter included arguments concerning the patentability of the requests on file and was filed only two days prior to the oral proceedings. The Board could not identify any exceptional circumstances which might justify these submissions at such a late stage of the proceedings, nor did the appellant indicate any.

Therefore, the Board does not admit the letter into the appeal proceedings (Article 13(2) RPBA 2020).

Main request - inventive step

2. The invention concerns the automatic deletion of messages in group chats, for example in the context of social networks (paragraph [0016]). In particular, the goal is to implement an "ephemeral group chat", that is, a chat whose messages are automatically deleted when a certain condition is met (for example, when a message has been viewed for a certain amount of time by all recipients, see paragraphs [0016], [0017], [0019]).
3. To achieve this, the invention defines a system in which several client devices exchange messages via a central server system (Figure 1, 110, 120, 130, 150, paragraph [0020]). Chat messages entered at a client device are provided to the server, which forwards them to all the intended recipients (Figure 1, Figure 2A, Figure 7, 710 to 730).

When a triggering event occurs (for example, a recipient has viewed the message for the predetermined amount of time), the recipient's client device sends a message ("chat monitoring information") back to the server. Having received chat monitoring information from all the recipients, the server determines that the deletion triggering condition has been met and sends, to the client devices, a message indicating that the message be deleted (paragraph [0038], Figure 7, 740 to 770).

4. The examining division refused the main request for lack of inventive step in view of "notoriously known

mobile client/server systems used for exchanging messages" (referred to in the decision as D0). Documents D1, GB 2512140 and D2, US 2009/248751 were cited as examples thereof.

5. The Board agrees with the appellant that the invention does not merely relate to a generic, notoriously known client-server system for exchanging messages among mobile clients, as argued in the contested decision, but provides further technical features enabling the coordination of the deletion of point-to-multipoint messages shared among a plurality of network devices.

Accordingly, the Board considers that D1 represents a better starting point for assessing inventive step.

6. In D1, a central server coordinates the exchange of messages, including chat messages, among a plurality of network-connected devices (Figure 1A, page 1, lines 17 and 18, page 10, lines 8, 9, 27 and 28). Each message can be sent to a single or to a group of recipients (page 10, lines 10 to 12, page 13, lines 20 and 21). A sending device can request that a message be deleted by the recipient(s) when a certain condition is satisfied (e.g. the message has been read a given number of times) by specifying a set of message attributes, which are transmitted along with the message (page 10, lines 8 to 16, page 16, lines 4 to 2019, Figure 8a, 8107).

The messages of D1 can be considered "ephemeral" in the sense of the invention, as they are automatically deleted when a certain condition is met.

7. D1 does not disclose the feature that the server is part of a social network communication system, nor does

it disclose establishing, at the server, an association between accounts of participating users.

However, the Board considers that the former feature is a straightforward implementation of a non-technical requirement, namely, that of exchanging messages over a social network or between social network participants. The latter feature is an obvious way of keeping track of the users or devices participating in the chat.

Hence, these features cannot establish an inventive step.

8. The following features are also not disclosed in D1:

a) receiving, from the second client device, first monitoring information comprising first deletion trigger information;

b) receiving, from the third client device, second monitoring information comprising second deletion trigger information;

c) using the received first deletion trigger information and second deletion trigger information to identify when a deletion trigger associated with the first message has been met;

d) initiating, at said server computer, in response to identifying that the deletion trigger has been met, communications to the client devices associated with said at least three user accounts to implement deletion of the first message.

9. It was common ground during the oral proceedings that features a) to d) enable a coordination of the message

deletion in ways not disclosed in the prior art. For example, making reference to the embodiment discussed in the description, paragraph [0019], it is possible to automatically delete all the copies of a shared message only after it has been read by all recipients.

10. The Board judges, however, that the feature of deleting all copies of a message after it has been read by all recipients is not based on technical considerations. Nor does it solve a technical problem. Rather, it is a non-technical requirement expressing a user's wish or subjective preference. Indeed, the claim is even more general than this, as it does not specify the content of the deletion trigger information, or the corresponding event.
11. Following the established case law of the Boards of Appeal, non-technical features do not contribute to inventive step but may instead appear in the formulation of the technical problem, in particular as constraints or requirements to be achieved (see decision T 641/00 - *"Two identities/COMVIK"*, Headnotes 1 and 2).
12. Accordingly, the Board formulates the technical problem as how to implement the requirement of deleting all copies of a chat message based on the occurrence of an event in all client devices, such as the message having been read by all participants.
13. In D1, the server controls the exchange of messages among the client devices. In particular, it coordinates "sending, receiving and storing messages sent between the service subscribers" (page 12, lines 1 to 3). Thus D1 discloses making use of the server to implement at least some chat-related functionalities.

Moreover, the client devices of D1 are arranged to notify the server when certain message-related conditions have occurred, e.g. a message has been displayed to the user or a screen shot has been detected, see Figure 8a, 8305c, Figure 8b, 8207, 8213c, page 14, lines 13 and 14. Hence, D1 also discloses the reception, at the server, of chat monitoring information.

14. In view of this, the Board judges that the skilled person, faced with the aforementioned problem, would consider modifying the server of D1 to collect chat monitoring information indicative of the occurrence of a deletion-triggering event from the client devices, determine, based on the notifications, whether a deletion triggering condition has been met and, if the condition is met, send deletion requests to the client devices. Hence, features a) to d) do not involve an inventive step (Article 56 EPC).
15. The appellant argued during the oral proceedings that the skilled person would not have modified D1 so that the server coordinated the deletion of chat messages in response to trigger events occurring in all recipient devices.

D1 disclosed deleting a message after it had been viewed a predetermined number of times by a single recipient. The checking of the deletion condition and the deletion took place locally in the user's device. Furthermore, D1 was primarily concerned with preventing recipients from taking screen shots of messages, and not with the coordination of messages between participants. Therefore, the Board's argument of lack of inventive step was based on hindsight.

The appellant did not agree that the condition to simultaneously delete a message for all participants when a trigger event had occurred at all recipient devices was part of the problem to be solved. The appellant argued that this had a technical effect, namely increasing security and maintaining data consistency across all devices. In the appellant's view, the technical problem to be solved was rather "how to coordinate the deletion of messages so that there is increased security and consistency".

The appellant furthermore argued that, even when taking the Board's problem of implementing the requirements on the system of D1, the skilled person would have handled the deletion of messages on a device-by-device basis, since coordinating this at the central server would have gone against the very teaching of the document. There was nothing in D1 suggesting that the server might be used for coordinating the deletion of messages.

16. The Board finds these arguments unconvincing. As discussed above, the system of D1 also concerns the deletion of one-to-many messages on the recipient's terminals according to sender-specified triggering conditions.

Deleting all the messages simultaneously (or, more precisely, sending a deletion command at the same time to all devices) does not credibly increase the security of the system. Indeed, it could equally well be argued that security is decreased, as the deletion on some devices is postponed - and thus the message remains accessible - until the triggering condition has been met also on the last device.

The Board does not see that achieving consistency of the contents of the various chat messages as a technical effect, but as a further non-technical requirement. The Board further doubts that this consistency is actually achieved, as, in principle, the single users are not prevented from deleting the messages independently of whether the triggering condition has been met.

Concerning the implementation of the non-technical requirements, the Board considers that, since this cannot be achieved through the independent deletion of the messages disclosed in D1, the skilled person would have to look for a workable solution and, for the reasons given, would consider managing the deletion operations centrally by means of the server as one of the obvious possibilities.

17. The Board recognises that the implementation of non-technical requirements on a technical prior art system might require modifications which, at first glance, appear non-obvious, as there is no technical reason for them in view of the prior art alone. However, since according to the principles of "Comvik" non-technical features cannot contribute to inventive step, the non-technical requirements must be seen as a given, and the skilled person implementing them must make the necessary modifications to the prior art.

18. For these reasons, the Board concludes that claim 1 lacks an inventive step over D1 (Article 56 EPC).

Auxiliary requests

19. The features added to claim 1 of the first auxiliary request merely clarify the wording of the main request, leaving the claimed subject-matter essentially unchanged. The claim is therefore not inventive, for the same reasons as for the main request.
20. With respect to the main request, claim 1 of the second auxiliary request further specifies that the message includes image or video content, and that said content is also deleted with the message.
 - 20.1 Generally, the cognitive content of a message does not have a technical character and therefore cannot establish an inventive step.
 - 20.2 Moreover, attaching image or video content is disclosed in D1 (page 1, lines 19 to 21). When deleting a message, it would be obvious to delete its whole content, including any image or video attachment.
 - 20.3 For these reasons, and for those provided for the main request, the Board concludes that claim 1 of the second auxiliary request is not inventive over D1.

Conclusion

21. As none of the requests is allowable, the appeal must be dismissed.

Order

For these reasons it is decided that:

The appeal is dismissed.

The Registrar:

The Chair:



T. Buschek

A. Wahrenberg

Decision electronically authenticated