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**Datasheet for the decision
of 5 December 2023**

Case Number: T 1962/20 - 3.5.07

Application Number: 15815428.6

Publication Number: 3166024

IPC: G06F17/30, G06Q10/10

Language of the proceedings: EN

Title of invention:

METHOD FOR UNIFYING TOOL AND INFORMATION COMING FROM MULTIPLE
INFORMATION SOURCES, AND COMPUTER PROGRAM PRODUCT AND DEVICE
USING SAME

Applicant:

Able World International Limited

Headword:

Unifying tool and information/ABLE WORLD INTERNATIONAL Limited

Relevant legal provisions:

EPC Art. 84

RPBA 2020 Art. 12(6), 13(1), 13(2)

Keyword:

Claim 1 of the main request and claim 1 of the second auxiliary request - clarity (no)

Revised main request and first auxiliary request - admissibility (no)



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Case Number: T 1962/20 - 3.5.07

D E C I S I O N
of Technical Board of Appeal 3.5.07
of 5 December 2023

Appellant: Able World International Limited
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Decision under appeal: **Decision of the Examining Division of the
European Patent Office posted on 29 June 2020
refusing European patent application No.
15815428.6 pursuant to Article 97(2) EPC.**

Composition of the Board:

Chairman J. Geschwind
Members: C. Barel-Faucheux
P. San-Bento Furtado

Summary of Facts and Submissions

I. The appellant (applicant) appealed against the examining division's decision refusing European patent application No. 15815428.6.

II. The documents cited in the contested decision included the following (with D8 first having been cited in the telephone consultation of 26 May 2020):

D1: US 2014/0040178 A1, published on 6 February 2014

D2: US 6 199 195 B1, published on 6 March 2001

D3: WO 2005/053335 A1, published on 9 June 2005

D8: Wikipedia article, "Software development kit",
23 June 2014, https://en.wikipedia.org/w/index.php?title=Software_development_kit&oldid=614088564

III. The examining division decided that the subject-matter of the independent claims of the main request did not fulfil the requirements of Article 56 EPC with respect to the "commonly known networked general purpose computer system with interface capabilities", that the subject-matter of the independent claims of the first auxiliary request also failed to fulfil the requirements of Article 56 EPC with respect to "a networked general purpose computer system with a website platform (e.g. a web browser) able to execute an interface implementation and a software development kit", and that the subject-matter of the independent claims of the second auxiliary request also failed to fulfil the requirements of Article 56 EPC with respect

to a "networked general purpose computer system able to execute an interface implementation and a software development kit", as illustrated by documents D1, D2 and D8. Moreover, the first auxiliary request did not fulfil the requirements of Article 123(2) EPC.

- 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 either the main request considered in the contested decision, a new first auxiliary request, or the second auxiliary request considered in the contested decision.
- V. In a communication accompanying the summons to oral proceedings, the board informed the appellant of its preliminary opinion that claim 1 of the main request did not fulfil the requirements of Article 56 or 123(2) EPC, that it was inclined not to admit the new first auxiliary request, that claim 1 of the new first auxiliary request did not *prima facie* fulfil the requirements of Article 56 or 123(2) EPC and that claim 1 of the second auxiliary request did not involve an inventive step (Article 56 EPC).
- VI. With a letter dated 31 October 2023, the appellant filed a new main request and new first and second auxiliary requests, which were to replace all of the requests on file, "provided that a new request would be admitted into the procedure".
- VII. Oral proceedings took place as scheduled. During the oral proceedings, the appellant filed a revised main request. At the end of the oral proceedings, the chair announced the board's decision.

VIII. The appellant's final requests were that the decision under appeal be set aside and that a patent be granted on the basis of the main request filed with the letter of 31 October 2023, or on the basis of the revised main request filed at the oral proceedings before the board, or on the basis of the first or second auxiliary request filed with the letter of 31 October 2023.

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

"A computer-implemented method of unifying information and tool from different information sources to be operable in a workspace, characterized in that the method comprises steps of:

(i) retrieving attributes and an associated link of an original information from a first information source and attributes and an associated link of an original tool from a second information source by way of a matterizer; and

(ii) modeling a format of the original information into a unified information unit (14, 24) operable in a working environment of the workspace with a first unified data model (131, 231) through the matterizer (5, 13, 23) by re-organizing the attributes and the associated link of the original information, and modeling a format of the original tool into a unified tool (34, 44) operable in the working environment of the workspace with a second unified data model (331, 431) through the matterizer (5, 33, 43) by re-organizing the attributes and the associated link of the original tool,

wherein the original information is accessible in a workspace through the unified information unit without downloading the original information onto the workspace; and

wherein the original tool is executable in the workspace through the unified tool;

wherein if the original tool is compatible with the working environment of the workspace, the unified tool is directly produced according to the attributes and the associated link of the original tool,

wherein if the original tool is incompatible with the working environment of the workspace, the unified tool is indirectly produced via an adapter and a software development kit (SDK) of the original tool to drive the original tool,

wherein the workspace accesses the original tool by accessing the adapter based on the unified tool;

wherein the adapter is used to execute an interface implementation compatible with the workspace and drive the original tool to complete a task via the software development kit."

X. Claim 1 of the revised main request corresponds to claim 1 of the main request except that the wording "the unified tool is indirectly produced via an adapter and a software development kit (SDK) of the original tool to drive the original tool,

wherein the workspace accesses the original tool by accessing the adapter based on the unified tool" has been replaced by the wording

"the workspace accesses the original tool by accessing an adapter based on the unified tool, wherein unified [sic] tool includes a type, a link to access the adapter and a processible information type".

XI. Claim 1 of the first auxiliary request differs from claim 1 of the main request in that:

- the word "workspace" has been replaced by "website platform",

- the end of claim 1 starting with "wherein if the original tool is compatible with the working environment" has been replaced by

"the unified tool is directly produced according to the attributes and the associated link when the original tool (31) obtained from an information source is compatible with a working environment of the website platform, i.e., corresponding to the another unified data model, and

wherein the unified tool is indirectly produced via an adapter to execute an interface implementation compatible with the website platform and via a software development kit (SDK) of the original tool when the original tool (44) from the information source is incompatible with the working environment of the website platform;

wherein the website platform accesses the original tool by accessing the adapter based on the unified tool;

wherein the adapter is used to execute the interface implementation and drive the original tool to complete a task via the software development kit."

XII. Claim 1 of the second auxiliary request reads as follows:

"A computer-implemented method of unifying information and tool from different information sources in a working environment of a workspace, the method comprising steps of:

(i) retrieving attributes and an associated link of an original information from a first information source and attributes and an associated link of an original tool from a second information source by way of a matterizer (5, 13, 23); and

(ii) modeling a format of the original information into a unified information unit (14, 24) with a first

unified data model (131, 231) through the matterizer by re-organizing the attributes and the associated link of the original information, wherein basic attributes of the unified information unit include a first link indicating where the original information is located and a first type defining a data type according to a data content of the original information obtained through the first link, and

modeling a format of the original tool into a unified tool (34) with a second unified data model through the matterizer by re-organizing the attributes and the associated link of the original tool, wherein basic attributes of the unified tool include a second link indicating where the original tool is located and a second type defining a component type of the original tool, wherein a physical component essential to the unified tool for proceeding with, plugging in, managing or executing is obtained through the component type and the second link,

wherein if the attributes accessible from the original information correspond to the attributes to be unified in the unified information unit, the unified information unit is directly produced and if the attributes accessible from the original information do not correspond to the attributes to be unified in the unified information unit, before the step (ii), the method further comprises a step (i') of

firstly re-defining the original information by logically re-organizing the attributes and the link of the original information through the matterizer and then converting the original information into a new original information with attributes corresponding to the attributes to be unified in the unified information unit, so that the unified information unit is indirectly produced in the step (ii),

wherein if the original tool is compatible with the working environment of the workspace, the unified tool is directly produced according to the attributes and the associated link of the original tool and if the original tool is incompatible with the working environment of the workspace, the unified tool is indirectly produced via an adapter and/or a software development kit, SDK, of the original tool to drive the original tool, wherein the adapter provides an interface implementation compatible with the workspace; wherein the workspace accesses the original tool by accessing the adapter based on the unified tool; and wherein the adapter is used to execute an interface implementation compatible with the workspace and drive the original tool to complete a task via the software development kit".

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

Reasons for the Decision

The application

1. The application relates to a method of "unifying information and tool from a plurality of information sources". The purpose is to model and optionally re-define the scattered information and/or tool(s) from different information sources into one unified information unit(s) and/or unified tool(s) for the user to manage the scattered information and/or tool(s) conveniently (paragraphs [0001], [0008] and [0044] of the application as originally filed).

Admissibility of the main request and second auxiliary request

2. The main request and the second auxiliary request were filed with the letter of 31 October 2023, in reply to the board's communication.
- 2.1 The new main request addressed objections raised by the board in its communication. In particular, the wording "without installing the original tool in the workspace" had been deleted in response to the objection under Article 123(2) EPC to claim 1 of the main request as discussed in sections 7 to 7.5 of the communication. The further amendments were made in response to section 23.1 of the communication, which identified essential features that were missing from claim 1 of the main request (Article 84 EPC).
- 2.2 The new second auxiliary request addressed objections raised by the board in its communication. In particular, the amendments were made in response to section 23.1 of the communication, which identified missing essential features (Article 84 EPC). These were exceptional circumstances.
- 2.3 Therefore, the board has decided to admit both the main request and the second auxiliary request into the appeal proceedings (Article 13(1) and (2) RPBA 2020).

Lack of clarity of claim 1 of the main request and claim 1 of the second auxiliary request

3. Claim 1 of both the main request and the second auxiliary request contains the following feature: "if the original tool is incompatible with the working environment of the workspace, the unified tool is indirectly produced via an adapter and/or a software

development kit (SDK) of the original tool to drive the original tool".

Therefore, according to this feature the adapter and/or SDK are used to produce the unified tool.

An additional feature of claim 1 of the main request and the second auxiliary request, as compared with claim 1 of the respective previous requests filed with the statement of grounds of appeal and on which the board's communication was based, specifies that "the workspace accesses the original tool by accessing the adapter based on the unified tool". The appellant argued that the unified tool was used to access the adapter that drove the original tool. This was based on the wording "indirectly produced". The original tool was not directly accessed. Without parsing a file, it was possible to determine what kind of tool was needed. However, the board notes that, according to this feature, in order to access the adapter the unified tool is needed. This contradicts the feature mentioned above which implies that the adapter is used to produce the unified tool.

Claim 1 of both the main request and the second auxiliary request therefore lacks clarity (Article 84 EPC).

Admissibility of the revised main request

4. During the oral proceedings before the board, the appellant filed a revised main request. This amendment constitutes an amendment within the meaning of Article 13(2) RPBA 2020.

5. Claim 1 of the revised main request contains amended features of claim 1 of the main request as shown below (see also section X. above):

"wherein if the original tool is incompatible with the working environment of the workspace, the workspace accesses the original tool by accessing an adapter based on the unified tool, wherein unified tool [sic] includes a type, a link to access the adapter and a processible information type;
wherein the adapter is used to execute an interface implementation compatible with the workspace and drive the original tool to complete a task via a software development kit".
6. The appellant argued that the revised main request was admissible because new issues had been raised during the oral proceedings which had not previously been mentioned. Furthermore, the amendments were straightforward and did not give rise to any new objections, and no other party was affected.
7. The board notes, however, that the new objections raised at the oral proceedings against the main request, which had been filed in reply to the board's preliminary opinion, were a response to amendments introduced after the board's communication and that Article 13(2) RPBA 2020 also applies to *ex parte* cases. In view of this, the board does not consider there to be any exceptional circumstances under Article 13(2) RPBA 2020 justifying the admittance of the revised main request.
8. Furthermore, the amended features *prima facie* give rise to a new clarity objection, since it is not clear what a "processable information type" is.

9. Therefore, the board has decided not to admit the revised main request into the appeal proceedings (Article 13(1) and (2) RPBA 2020).

Admissibility of the first auxiliary request

10. The appellant stated that claim 1 of the first auxiliary request filed with the statement of grounds of appeal had been amended as compared with claim 1 of the first auxiliary request on which the contested decision was based in order to overcome the Article 123(2) EPC objection raised in section 5 of the grounds for the decision. In this claim, the expression "execution environment" had been replaced with "working environment".
11. The same feature is present in claim 1 of the pending first auxiliary request submitted with the letter of 31 October 2023, which was based on claim 1 of the first auxiliary request submitted with the grounds of appeal.
12. According to Article 12(6) RPBA 2020, the board shall not admit requests, facts, objections or evidence which should have been submitted in the proceedings leading to the decision under appeal, unless the circumstances of the appeal case justify their admittance. In view of Article 13(1) RPBA 2020, any amendment to a party's appeal case made after the filing of the grounds of appeal is subject to the party's justification for its amendment and may be admitted only at the discretion of the board.
13. The board notes that the Article 123(2) EPC objection against the "execution environment" feature had already been raised by the examining division in a consultation

of 26 May 2020 (see the annex to the result of consultation, dated 3 June 2020, section 4).

14. Oral proceedings were scheduled for 10 June 2020. By letter of 8 June 2020, the appellant withdrew its request for oral proceedings before the examining division and requested a decision "on the current state of the file". The examining division subsequently cancelled the oral proceedings.
15. In view of these events, the board is of the opinion that the first auxiliary request submitted with the grounds of appeal should have been filed after the consultation of 26 May 2020 but still during the examination proceedings. Instead, the appellant chose to withdraw its request for oral proceedings. In view of this, the board considers that the first auxiliary request submitted with the grounds of appeal would not have been admissible. Since the pending first auxiliary request is based on that inadmissible request, and maintains the feature which should have been amended in the first instance proceedings, this request is not admissible either.
16. Under these circumstances, the appellant's argument that the first auxiliary request should be admitted because it addresses objections raised in the board's communication is not convincing.
17. Therefore, the first auxiliary request is not admitted into the proceedings (Articles 12(6) and 13(1) RPBA 2020).

Order

For these reasons it is decided that:

The appeal is dismissed.

The Registrar:

The Chairman:



S. Lichtenvort

J. Geschwind

Decision electronically authenticated