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Datasheet for the decision of 14 March 2023

Case Number: T 0213/21 - 3.5.07

Application Number: 11874650.2

Publication Number: 2771801

IPC: G06F15/16, G06F9/44, G06Q20/40, H04L12/24

Language of the proceedings: EN

Title of invention:
Application store interface for remote management of client devices

Applicant:
Hewlett-Packard Development Company, L.P.

Headword:
Managing software installations/HEWLETT-PACKARD

Relevant legal provisions:
EPC Art. 56

Keyword:
Inventive step - (no)

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Case Number: T 0213/21 - 3.5.07

D E C I S I O N
of Technical Board of Appeal 3.5.07
of 14 March 2023

Appellant: (Applicant)	Hewlett-Packard Development Company, L.P. 10300 Energy Drive Spring TX 77389 (US)
Representative:	Liesegang, Eva Boehmert & Boehmert Anwaltspartnerschaft mbB Pettenkoferstrasse 22 80336 München (DE)
Decision under appeal:	**Decision of the Examining Division of the European Patent Office posted on 3 November 2020 refusing European patent application No. 11874650.2 pursuant to Article 97(2) EPC**

Composition of the Board:

Chair	J. Geschwind
Members:	R. de Man
	C. Barel-Faucheux

Summary of Facts and Submissions

I. The appellant (applicant) appealed against the decision of the examining division refusing European patent application No. 11874650.2, which was published as international application WO 2013/062546.

II. The contested decision cited, *inter alia*, the following documents:

D2: EP 2 175 613 A1, 14 April 2010;
D3: "Quest KACE", Wikipedia, 22 September 2011, retrieved from https://en.wikipedia.org/w/index.php?title=Quest_KACE&oldid=451820031.

The examining division decided that the subject-matter of claim 1 of the main request and of the auxiliary request lacked inventive step over document D2 combined with either the common general knowledge or document D3.

III. With its statement of grounds of appeal, the appellant maintained the main request and the auxiliary request considered in the decision under appeal and filed copies of their claims.

IV. In a communication accompanying the summons to oral proceedings, the board expressed the preliminary opinion that the subject-matter of claim 1 of both requests lacked inventive step over document D2.

V. In response to the summons to oral proceedings, the appellant withdrew its request for oral proceedings and

requested a decision. It did not comment on the board's communication in substance.

VI. The board cancelled the oral proceedings.

VII. The appellant's final requests are that the decision under appeal be set aside and that a patent be granted on the basis of the claims of the main request or, in the alternative, of the auxiliary request.

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

"A server computing device (300) for remote management of client computing devices, the server computing device (300) comprising:

a processor to:

- provide to an administrator computing device (350) an application store user interface (391) that identifies a plurality of applications available for installation on a plurality of client computing devices (375) by the administrator computing device (350),
- displaying the application store user interface (230; 391) at the administrator computing device (350) and enabling a selection of a particular application to be installed on the plurality of client computing devices (375) within the application store user interface (230; 391);
- receive, from the administrator computing device (350), the selection of the particular application to be installed on said plurality of client computing devices (375) managed by the administrator computing device (350), and
- in response to receiving said selection, trigger installation of the particular application by an agent (380),

wherein the agent (380) is installed and executed on each of the plurality of client computing devices (375) managed by the administrator computing device (350),

wherein the processor provides an instruction to trigger installation of the particular application to a management console (330) of the server computing device (300),

wherein the management console (330) communicates with each agent (380) to manage installation of the particular application on each of the plurality of client computing devices (375)."

IX. Claim 1 of the auxiliary requests differs from claim 1 of the main request in that it adds the following text at the end of the claim:

"wherein one of the plurality of applications available for installation is the agent (380) to be executed on each of the plurality of client computing devices (375),
wherein the processor is additionally to:

- receive, from the administrator computing device (350), an instruction to install the agent (380) on each of the plurality of client computing devices (375), and
- transmit a message to a respective user of each of the plurality of client computing devices (375), the message providing instructions to the respective user for installing the agent (380)."

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

Reasons for the Decision

1. The application relates to remotely managing software installations on a plurality of client devices.

Main request

2. *The invention as defined by claim 1*

2.1 Claim 1 is directed to a server computing device for the remote management of a plurality of client computing devices.

2.2 The (processor of the) server computing device is configured to provide an administrator computing device with an application store user interface. This interface allows an administrator to select an application from a plurality of applications available for installation.

2.3 When the server computing device receives the selection, it triggers the installation of the selected application on the plurality of client computing devices via a "management console" at the server computing device. The management console communicates with an agent installed and executed on each client device to "manage installation" of the selected application.

3. *Inventive step*

3.1 Document D2 discloses a mobile wireless communications system comprising a plurality of mobile wireless communications devices 31 and an application catalog

server 34 connected via a carrier network 32 (paragraphs [0015] and [0028]; Figure 1).

3.2 The application catalog server 34 is configured to provide an interface 35 through which mobile device application identification files can be uploaded (paragraph [0028]).

The interface 35 allows the carrier to modify the mobile device application identification files and to thereby make available new applications, publish updated versions of applications and remove old or unsupported applications (paragraphs [0028] and [0030]).

The interface may be a web interface through which an administrator may upload application listings (paragraph [0043]; Figure 4). The administrator may prepare the listing offline by means of an application directory utility (paragraph [0045]).

3.3 The application catalog server 34 includes a processor to generate a list of approved mobile device applications to be presented on a mobile device 31 based on the application identification files and to direct the mobile device to the application storage server to download and install a mobile device application selected from the list of approved mobile device applications (paragraph [0029}; Figure 2).

3.4 A mobile device 31 is configured to run an "application center" application 55, which retrieves updated lists of available applications at regular intervals and provides the user with a list of applications available for installation (paragraphs [0026], [0036] and [0039]). The application center downloads applications

selected by the user for installation (paragraph [0041]).

3.5 An application listing may indicate that an application is mandatory, in which case "an auto-load will be required by the device" (paragraph [0040]).

In its statement of grounds of appeal, the appellant argued that this "auto-load" feature merely resulted in the application being downloaded to the mobile device, and that the user still had to confirm its installation.

However, paragraph [0029] of document D2 discloses that the application catalog server directs the mobile device to download and install a mobile device application selected from the list of approved mobile device applications. Although this refers to an application selected by the user of the mobile device, in the board's view the skilled person would understand that the same applies to "mandatory" applications, i.e. they are not only automatically downloaded to the mobile device but also installed.

3.6 The appellant also argued that document D2 did not disclose that the "auto-load" functionality mentioned in paragraph [0040] was carried out by the application center 55 described in paragraphs [0036] to [0043].

However, paragraph [0040] is part of the description of the application center 55 in paragraphs [0036] to [0043]. Paragraph [0040] itself states that application listings are accessed by the application center 55. In the board's view, the skilled person reading document D2 would have no doubt that it is the application center 55 that takes action in response to the

"mandatory" status of an application listed in a retrieved application listing.

3.7 In the board's view, the application catalog server 53 is a server computing device for remote management of a plurality of client computing devices. It provides an administrator computing device with a web-based user interface to upload application listings.

The application catalog server 53 also serves as "management console" in that it communicates with "application center" agents installed and executed on mobile client computing devices to manage installation of applications.

3.8 The subject-matter of claim 1 therefore differs from the disclosure of document D2 only in that:

(a) the user interface provided by the server computing device allows the administrator to select an application from a plurality of available applications for (mandatory) installation;
(b) in response to the selection, the server computing device communicates with each client device agent to manage installation of the selected application.

3.9 As for features (a), in the system of document D2 the administrator may mark an application as "mandatory" by using the offline application directory utility mentioned in paragraph [0043] to generate an application listing with the "mandatory" field for that application set to "true" (see paragraphs [0040] and [0106]). This application listing can then be uploaded to the server computing device by means of a web interface.

In the board's view, at the priority date it would have been obvious to provide a web-based user interface that allowed the administrator to configure a selected application as mandatory within that user interface.

3.10 As for features (b), in the system of document D2 the client device agent downloads updated application listings from the server computing device at regular intervals (see paragraph [0025]). The board agrees with the examining division that it would be obvious to replace this "pull model" with a "push model", i.e. to let the application server push updated application listings to the client devices by initiating communication with the client agent.

3.11 Hence, the subject-matter of claim 1 lacks an inventive step over document D2 (Article 56 EPC).

3.12 For the sake of completeness, the board notes that even if mandatory "auto-loaded" applications in document D2 were not automatically installed, it would have been obvious to modify the client device agent of document D2 to automatically install automatically downloaded applications without requiring prior user confirmation or some other user interaction.

Moreover, the board is not convinced that "to trigger installation" and "to manage installation" in claim 1 rule out the need for user confirmation or user interaction.

Auxiliary request

4. *Inventive step*

4.1 Claim 1 of the auxiliary request adds to claim 1 of the main request that the client agent application is one of the applications which can be selected for installation by the administrator. When this application is selected, the server computer device transmits a message to each user with instructions on how to install the client agent application.

4.2 It is evident that if the client agent application is not already installed on a mobile device, it cannot download and install itself (nor any other selected applications). Hence, the client agent application will have to be installed in a conventional manner, e.g. by the users themselves. Providing users with instructions on how to do this, e.g. by email, is then obviously helpful.

4.3 The appellant argued that the added feature allowed the client agent application to be removed from the client device, which reduced storage requirements.

In the board's view, however, the added feature is unrelated to the possibility or impossibility of deleting the client agent application from the client device.

4.4 The appellant further argued that the added feature achieved the technical effect of "on demand providing the agent for installing a particular application on the client devices".

The board notes that the agent is provided "on demand" only in the sense that the administrator "demands" users to install the agent application. Sending users a message asking/demanding that they do something does not achieve a technical effect and is anyway well known.

4.5 Hence, the subject-matter of claim 1 lacks inventive step (Article 56 EPC).

5. Since neither request is allowable, the appeal is to be dismissed.

Order

For these reasons it is decided that:

The appeal is dismissed.

The Registrar: The Chair:

S. Lichtenvort J. Geschwind

Decision electronically authenticated