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**Datasheet for the decision
of 14 June 2023**

Case Number: T 0399/21 - 3.5.05

Application Number: 10860419.0

Publication Number: 2650792

IPC: G06F12/00, G06F17/30

Language of the proceedings: EN

Title of invention:

INFORMATION PROCESSING DEVICE AND PROGRAM

Applicant:

Fujitsu Limited

Headword:

Unified location of personal data/FUJITSU

Relevant legal provisions:

EPC Art. 56

Keyword:

Inventive step - (yes)



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Case Number: T 0399/21 - 3.5.05

D E C I S I O N
of Technical Board of Appeal 3.5.05
of 14 June 2023

Appellant: Fujitsu Limited
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Decision under appeal: **Decision of the Examining Division of the
European Patent Office posted on 30 October 2020
refusing European patent application No.
10860419.0 pursuant to Article 97(2) EPC.**

Composition of the Board:

Chair A. Ritzka
Members: E. Konak
K. Kerber-Zubrzycka

Summary of Facts and Submissions

I. The appeal is against the examining division's decision to refuse the application on the grounds that the main request and auxiliary requests 1 and 2 then on file did not meet the requirements of Article 56 EPC with regard to the following document:

D2: US 2003/078961 A1

II. With the statement setting out the grounds of appeal, the appellant filed a main request (identical to the main request on which the contested decision is based) and auxiliary requests 1 to 3. It requested that the decision be set aside and that a patent be granted on the basis of one of these requests.

III. The board summoned the appellant to oral proceedings.

In its preliminary opinion pursuant to Article 15(1) RPBA, the board raised objections under Article 123(2) EPC but did not agree with the contested decision regarding Article 56 EPC.

In reply, the appellant filed auxiliary request 4.

IV. Oral proceedings were held before the board. At the oral proceedings, the appellant replaced auxiliary request 4 with an amended fourth auxiliary request. It withdrew the remaining requests on file. The appellant's final request was that the decision under appeal be set aside and a patent be granted based on the amended fourth auxiliary request submitted in the oral proceedings before the board.

V. Claim 1 of the amended fourth auxiliary request reads as follows:

"An information processing apparatus comprising:
location information obtaining means (1b) for obtaining first location information (5) indicating an identifier of a data storage device that the user specifies as a unified location of personal data of the user, the first location information (5) further indicating a location of a user-specified directory within the data storage device;
location information producing means (1c) for sending the data storage device a location information request including an identifier of an application and receiving second location information (6) indicating a location of a directory that is placed below the user-specified directory and uniquely assigned to the application as a response from the data storage device;
storage means (1d) for storing the second location information (6);
data processing means (1a) for executing the application, determining if there is a need to access the personal data of the user and producing, when it is determined there is the need to access the personal data of the user, first access target information (4) that is subordinated to the second location information (6) in the storage means (1d) and indicates a relative path and name of a target data file including the personal data of the user;
second access target information producing means (1e) for producing, based on the first access target information (4) and the second location information (6) in the storage means (1d), second access target information (7) indicating a storage location and name of the target data file; and

access means (1f) for making access to the target data file in the data storage device, based on the second access target information (7)."

Reasons for the Decision

1. Amended fourth auxiliary request corresponds essentially to the main request on which the contested decision is based with some amendments to address the added-matter objections raised by the board.
2. The location information obtaining means of the information processing apparatus according to claim 1 obtains first location information that the user specifies as a "unified location of personal data of the user".

In the closest prior art cited in the contested decision, D2, a proxy server provides access to each user to their personal instance or copy of a single application. The examining division stated that a user's copy of the application in D2 can be seen as their user-specific personal data. The URL at which this copy is located could thus be regarded as their user-specific directory. Accordingly, one of the distinguishing features of claim 1 as identified by the examining division (feature a) is that the user specifies their user-specific directory.

The examining division dismissed the inventive step involved in this distinguishing feature as being the result of an administrative decision of the user on the administrative organisation of their directories and files.

In the board's view, this analysis suffers from several errors. To start with, it is doubtful whether a user's personal copy of an application can reasonably be considered personal data within the meaning of claim 1. From the whole of claim 1, it is clear that what is meant by personal data is data which is stored and accessed later when needed. A running copy of an application does not fit this definition. Even if a copy of an application were to be considered such personal data, it is far-fetched to argue that the location where a copy of an application is stored or executed is an administrative decision. To the contrary, these are technical decisions the user would not even be aware of. Indeed, D2, [0036], last sentence states that the proxy server provides an illusion that the user is the only one working on the application. When the term "personal data" in claim 1 is interpreted properly as data generated and processed by the applications which is stored and accessed later when needed, D2 does not disclose how and where such data is stored.

Therefore, distinguishing feature a) goes beyond what was identified by the examining division. D2 indeed does not disclose location information obtaining means obtaining first location information indicating an identifier of a data storage device that the user specifies as a unified location of personal data of the user, the first location information further indicating a location of a user-specified directory within the data storage device.

Distinguishing feature b) identified by the examining division should also be revised accordingly. Namely, D2 does not disclose a location information producing means sending the data storage device a location

information request including an identifier of an application and receiving second location information indicating a location of a directory that is placed below the user-specified directory and uniquely assigned to the application as a response from the data storage device.

3. The board agrees with the appellant that these distinguishing features, namely having a user-specified directory as a unified location of personal data of a user with application-specific directories placed below this directory and uniquely assigned to applications, are not mere administrative decisions. When an application offers a user the possibility to decide on where to save data such as a file, the ensuing decision is administrative. However, a user is normally not aware of what data is stored by applications or where or how, these involving technical considerations.

Thus, these distinguishing features have a technical effect and solve the objective technical problem of centralising a user's personal data at a single location while avoiding problems of interference between different applications. The examining division noted in the contested decision that it was not derivable from the wording of claim 1 that different applications were involved. However, this is implicit in the wording "application-specific directory".

The solution suggested in claim 1 is not obvious in view of D2 since, as noted above, D2 is silent on how and where a user's personal data is stored.

4. For these reasons, claim 1 of amended fourth auxiliary request involves an inventive step over the cited prior art D2.

Order

For these reasons it is decided that:

1. The decision under appeal is set aside.
2. The case is remitted to the examining division with the order to grant a patent based on claims 1 to 11 submitted in the oral proceedings before the board as amended fourth auxiliary request and a description and drawings to be adapted.

The Registrar:

The Chair:



K. Götz-Wein

A. Ritzka

Decision electronically authenticated