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Datasheet for the decision
of 9 December 2025

Case Number:	T 0750/24 - 3.5.05
Application Number:	16823538.0
Publication Number:	3380916
IPC:	G06F3/048, G06F3/0485, G06F3/0488
Language of the proceedings:	EN

Title of invention:
Systems and methods for enabling transitions between items of content based on swipe gestures

Applicant:
OpenTV, Inc.

Headword:
Peek view and snap back/OPENTV

Relevant legal provisions:
EPC Art. 56

Keyword:
Inventive step - all claim requests (no): GUI-based presentation of information

Decisions cited:
T 0336/14, T 1681/18, T 1762/18, T 0896/22

Case Number: **T 0750/24 - 3.5.05**

D E C I S I O N
of Technical Board of Appeal 3.5.05
of 9 December 2025

Appellant: (Applicant)	OpenTV, Inc. 275 Sacramento Street San Francisco, CA 94111 (US)
Representative:	Santarelli Tour Trinity 1 bis Place de la Défense 92400 Courbevoie (FR)
Decision under appeal:	**Decision of the Examining Division of the European Patent Office posted on 15 February 2024 refusing European patent application No. 16823538.0 pursuant to Article 97(2) EPC.**

Composition of the Board:

Chair	K. Bengi-Akyürek
Members:	E. Konak
	C. Heath

Summary of Facts and Submissions

I.   The appeal is against the examining division's decision
        to refuse the present European patent application.

        The examining division decided that the **main request**
        and **auxiliary requests 1 and 2** did not comply with
        Article 56 EPC.

II.   With the statement setting out the grounds of appeal,
        the appellant re-filed the claim requests on which the
        contested decision is based. It requested that the
        decision under appeal be set aside and that a patent be
        granted on the basis of one of these claim requests.

III.   In the present decision, reference is made to the
        following documents:

        D5:   EP 2 613 232 A1,
        D7:   WO 2015/102250 A1,
        D8:   US 2014/022192 A1.

IV.   Oral proceedings were held before the board on
        9 December 2025. At the end of those oral proceedings,
        the board's decision was announced.

V.   Claim 1 of the **main request** reads as follows:

        "A method of facilitating access to items of content,
        the method comprising:
           causing (1902) a video presentation for a selected
        item of content to be rendered on a display
        window (904);
           determining (1906) whether touch event data
        corresponds to an initiation of an inside horizontal

swipe gesture starting with an initial touch inside an area enclosed by protrusions or indentations (744) on a touch panel;

causing (1914, 1916, 1918, 1920, 1922) initiation of a transition from the selected item of content to an adjacent item of content within an ordered set of items of content, upon determining that the touch event data corresponds to the initiation of the inside horizontal swipe gesture and a swipe distance of the inside horizontal swipe gesture exceeds a minimum distance, wherein a portion of the display window (904) identifies or previews the adjacent item of content when the swipe distance of the inside horizontal swipe gesture exceeds the minimum distance;

causing (1924, 1926) a change in presentation of the selected item of content to presentation of the adjacent item of content upon determining that the swipe distance of the inside horizontal swipe gesture exceeds a first threshold, and causing a return back to presentation of the video presentation of the selected item of content upon determining that the swipe distance of the inside horizontal swipe gesture does not exceed the first threshold;

determining (1908) whether touch event data corresponds to an initiation of an outside horizontal swipe gesture starting with an initial touch outside the area enclosed by the protrusions or indentations (744) on the touch panel; and

causing (1938, 1940) a transition from a current media service application to a different media service application, upon determining that the touch event data corresponds to the initiation of the outside horizontal swipe gesture and upon determining that a swipe distance of the outside horizontal swipe gesture exceeds a second threshold."

VI.   Claim 1 of **auxiliary request 1** differs from claim 1 of
        the main request as follows (with the deletions ~~struck
        through~~):

        "[...]
          causing (1914, 1916, 1918, 1920, 1922) ~~initiation of~~
        a transition from the selected item of content to an
        adjacent item of content within an ordered set of items
        of content, upon determining that the touch event data
        corresponds to the initiation of the inside horizontal
        swipe gesture and a swipe distance of the inside
        horizontal swipe gesture exceeds a minimum distance,
        wherein a portion of the display window (904)
        identifies or previews the adjacent item of content
        when the swipe distance of the inside horizontal swipe
        gesture exceeds the minimum distance;
        [...]".

VII.   Claim 1 of **auxiliary request 2** differs from claim 1 of
        auxiliary request 1 as follows:

        "wherein causing a transition from the selected item of
        content to an adjacent item of content includes causing
        a window associated with the adjacent item of content
        to be rendered on the display window (904), wherein the
        window is sized such it spans the height of the display
        window (904) and moves on the display window (904) in
        conjunction with the inside horizontal swipe gesture."

Reasons for the Decision

1.   Main request - Inventive step (Article 56 EPC)

1.1   Claim 1 of the **main request** includes the following
        features (board's labelling):

(a) A method of facilitating access to items of
    content, the method comprising:

(b) causing a video presentation for a selected item of
    content to be rendered on a display window;

(c) determining whether touch event data corresponds to
    an initiation of an inside horizontal swipe gesture
    starting with an initial touch inside an area
    enclosed by protrusions or indentations on a touch
    panel;

(d) causing initiation of a transition from the
    selected item of content to an adjacent item of
    content within an ordered set of items of content,
    upon determining that the touch event data
    corresponds to the initiation of the inside
    horizontal swipe gesture and a swipe distance of
    the inside horizontal swipe gesture exceeds a
    minimum distance,

(e) wherein a portion of the display window identifies
    or previews the adjacent item of content when the
    swipe distance of the inside horizontal swipe
    gesture exceeds the minimum distance;

(f) causing a change in presentation of the selected
    item of content to presentation of the adjacent
    item of content upon determining that the swipe
    distance of the inside horizontal swipe gesture
    exceeds a first threshold,

(g) causing a return back to presentation of the video
    presentation of the selected item of content upon
    determining that the swipe distance of the inside
    horizontal swipe gesture does not exceed the first
    threshold;

(h) determining whether touch event data corresponds to
    an initiation of an outside horizontal swipe
    gesture starting with an initial touch outside the
    area enclosed by the protrusions or indentations on
    the touch panel; and

(i) causing a transition from a current media service
application to a different media service
application, upon determining that the touch event
data corresponds to the initiation of the outside
horizontal swipe gesture and upon determining that
a swipe distance of the outside horizontal swipe
gesture exceeds a second threshold.

1.2   In the contested decision, the examining division
raised inventive-step objections starting from three
different documents, i.e. **D5, D7 and D8.** It is,
however, sufficient to discuss inventive step starting
from **D7.**

1.3   The appellant agrees with the contested decision that
the following features constituted distinguishing
features of claim 1 of the main request over D7:

-       The "horizontal swipe gestures" are inside and
outside gestures on a area enclosed by the
protrusions (the definition and mapping of the
inside and *outside horizontal swipe* gestures in
features (c) to (f), (h) and (i)).

-       The presentation of the "video presentation" of the
selected item of content returns back upon
determining that the swipe distance of the *inside
horizontal swipe* gesture does not exceed the first
threshold (**feature (g)**).

1.4   Regarding the *inside* and *outside horizontal swipe*
gestures, a particular gesture-to-function mapping is a
non-technical feature of a GUI design and cannot
contribute to the technical character of the claimed
invention. Furthermore, these particular "horizontal
gestures" defined by a movement with respect to an area

enclosed by protrusions are already known from
document **D5** (cf. Figures 10 and 12). In claim 1 of the
main request, these gestures are mapped to functions
other than those used in the system of D5. However,
mapping known *gestures* to another known *functionality*
does not involve any *technical* considerations but
belongs to the realm of GUI design (i.e. *non-technical*)
considerations based e.g. on user preferences and/or
skills, typically derived from extensive user-
experience studies.

1.5   Regarding **feature (g),** the appellant explained that it
allows a user to perform a "*peek view*" operation by
starting a horizontal swipe until the adjacent media
item is identified or previewed and to either continue
the horizontal-swipe operation to cause the change in
presentation to the adjacent content item, or to revert
back ("*snap back*") to cause the continued presentation
of the selected content item.

The board is not convinced that this is a technical
effect solving a technical problem. Providing a
particular user experience with a GUI might solve a
technical problem if it produces a technical effect
that goes beyond the straightforward or unspecified
implementation of that user experience on a standard
computer system or if it can credibly be demonstrated
that the provided user experience indeed assists the
user in performing a technical task (see e.g. **T 336/14,**
Reasons 1.2; **T 896/22,** Reasons 1.4; **T 1681/18,**
Reasons 2 and **T 1762/18,** Reasons 3). In the case at
hand, the user experiences of "*peek view*" and "*snap
back*" assist the user in selecting media items, which
can be argued to be a technical task. In this vein, the
appellant formulated at the oral proceedings before the
board the objective technical problem as assisting the

user in having a preview of the content to be selected.
Yet, the board deems it not to be credible that any
assistance to the user is provided in selecting media
items. On the contrary, a "*snap back*" might give the
user the impression that the touch screen does not
properly detect their gestures and fails to react to
them. Indeed, according to the original description,
paragraph [0112], last sentence, the threshold may be a
distance of approximately 35%-**60%** of the width of the
navigational area. A user inputting a swipe gesture
across almost 60% of the navigational area and seeing
that the adjacent media items "*snap back*" would rather
wonder why their input is not being accepted.
Therefore, the board does not consider feature (g) to
contribute to the technical character of the claimed
invention and thus this feature is to be disregarded in
the assessment of inventive step.

1.6   Therefore, the subject-matter of claim 1 of the main
         request does not involve an inventive step (Article 56
         EPC).

2.   Auxiliary request 1 - Inventive step (Article 56 EPC)

2.1   Claim 1 of **auxiliary request 1** differs from claim 1 of
         the main request merely in that the text "*initiation
         of*" was deleted in feature (d).

2.2   However, it is not apparent to the board how this
         different wording could effectively change the subject-
         matter of claim 1, as *causing the initiation* of an
         action indeed *causes* that action. In the statement of
         grounds of appeal, the appellant did not explain what
         the difference is, but merely referred to its arguments
         set out for the main request. At the oral proceedings
         before the board, it again referred to its written

submissions.

2.3   Therefore, for the same reasons as for claim 1 of the
        main request, the subject-matter of claim 1 of
        auxiliary request 1 does not involve an inventive step
        (Article 56 EPC).

3.   Auxiliary request 2 - Inventive step (Article 56 EPC)

3.1   Claim 1 of **auxiliary request 2** differs from claim 1 of
        auxiliary request 1 in the following additional feature
        (board's emphasis):

        (j) wherein causing a transition from the selected item
            of content to an adjacent item of content includes
            causing a window associated with the adjacent item
            of content to be rendered on the display window,
            wherein the window is sized such it spans the
            height of the display window and moves on the
            display window in conjunction with the inside
            horizontal swipe gesture.

3.2   In its statement of grounds of appeal, the appellant
        did not explain how this feature would overcome the
        above inventive-step objections. It mainly referred to
        its arguments presented for the main request and stated
        that this feature was not disclosed by the cited prior
        art. At the oral proceedings before the board, it
        argued that it further assists the user in previewing
        content. However, **feature (j)** merely defines the design
        of the "display window" during the transition from one
        content item to another. Yet, this is likewise a
        non-technical matter of GUI design and cannot
        contribute to the technical character of the claimed
        invention.

3.3   Hence, the subject-matter of claim 1 of auxiliary
        request 2 does not involve an inventive step, either
        (Article 56 EPC).

Order

For these reasons it is decided that:

The appeal is dismissed.

The Registrar: The Chair:

B. Brückner   K. Bengi-Akyürek

Decision electronically authenticated