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**Datasheet for the decision
of 8 July 2026**

Case Number: T 0942/25 - 3.5.07

Application Number: 21865659.3

Publication Number: 4131027

IPC: G06F16/64, G06F16/61,
G06F16/68, G06F3/04886

Language of the proceedings: EN

Title of invention:

Audio preview method and apparatus, and storage medium

Applicant:

Beijing Zitiao Network Technology Co., Ltd.

Headword:

AUDIO PREVIEW METHOD/Beijing Zitiao

Relevant legal provisions:

EPC Art. 52(2) (d), 56

Keyword:

Inventive step - presentation of information - technical
effect (no)

Decisions cited:

G 0001/19, T 0115/85, T 0154/04, T 1143/06, T 1235/07,
T 1802/13, T 2276/13, T 0336/14, T 0543/18, T 1042/22



Beschwerdekammern

Boards of Appeal

Chambres de recours

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Case Number: T 0942/25 - 3.5.07

D E C I S I O N
of Technical Board of Appeal 3.5.07
of 8 July 2026

Appellant: Beijing Zitiao Network Technology Co., Ltd.
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Decision under appeal: **Decision of the Examining Division of the
European Patent Office posted/electronically
transmitted on 12 February 2025 refusing
European patent application No. 21865659.3
pursuant to Article 97(2) EPC**

Composition of the Board:

Chairman N. H. Uhlmann
Members: M. Jaedicke
P. Guntz

Summary of Facts and Submissions

- I. The appellant (applicant) appealed against the examining division's decision refusing European patent application No. 21865659.3.
- II. The documents cited in the contested decision were:
D1 US 9,087,061 B2, published on 21 July 2015
D2 WO 2017/140273 A1, published 24 August 2017
D3 US 2007/0061497 A1, published on 15 March 2007
D9 US 2011/0234480 A1, published on 29 September 2011
- III. The examining division decided among other things that the subject-matter of claim 1 of the main request and auxiliary requests 1 and 2 lacked inventive step in view of document D3.
- IV. In its statement of grounds of appeal, the appellant maintained auxiliary request 1 considered in the decision under appeal and refiled it as its **main request**. This main request is the appellant's sole request in the appeal proceedings.
- V. In a communication pursuant to Article 15(1) RPBA, the board informed the appellant *inter alia* that the subject-matter of claim 1 of its main request lacked inventive step (Article 56 EPC) over document D3.
- VI. By letter of 12 May 2026, the appellant informed the board that it would not be attending the oral proceedings scheduled for 9 June 2026. No substantive submissions were filed.

- VII. Following the appellant's announcement that it would not be attending the oral proceedings, the board cancelled the oral proceedings.
- VIII. The appellant's final requests were that the contested decision be set aside and that a patent be granted on the basis of the set of claims of the main request filed with the statement setting out the grounds of appeal.
- IX. **Claim 1** of the **main request** reads as follows (itemised by the board):
- "An audio previewing method, comprising
 - A playing (S201, S601, S801, S1001), on a target audio file set interface, an audio preview clip of at least one audio file in a target audio file set in response to a previewing request of previewing the target audio file set; and
 - A1 displaying (S202, S602, S 1002), on the target audio file set interface, information of an audio file corresponding to an audio preview clip that is currently played;
 - A2 wherein when playing (S201, S601, S801, S1001) the audio preview clip of the at least one audio file in the target audio file set, the method further comprises:
 - A3 switching (S603), on the target audio file set interface, the audio preview clip that is currently played in response to a switching request of switching the audio preview clip that is currently played, and playing a switched audio preview clip;
 - B wherein after playing (S201, S601, S801, S1001), on the target audio file set interface, the audio preview clip of the at least one audio file in

the target audio file set, the method further comprises:

- B1 calling, on the target audio file set interface, a player to play each audio file in the target audio file set in response to a playing request of playing entire target audio file set after completing previewing;
- B2 wherein after playing (S201, S601, S801, S1001), on the target audio file set interface, the audio preview clip of the at least one audio file in the target audio file set, the method further comprises:
- B3 jumping to an audio file set detailed interface from the target audio file set interface in response to an entering request of entering the audio file set detailed interface of the target audio file set after completing previewing, wherein the audio file set detailed interface comprises the information of each audio file in the target audio file set;
- C wherein when playing (S201, S601, S801, S1001), on the target audio file set interface, the audio preview clip of the at least one audio file in the target audio file set, the method further comprises:
 - C1 determining (S1003) a progress bar corresponding to the audio preview clip of the at least one audio file; and
 - C2 displaying the progress bar on the target audio file set interface, wherein the progress bar represents a play progress of the audio preview clip of the at least one audio file;
 - C3 wherein the progress bar comprises multiple segments, and each segment of the multiple segments corresponds to an audio preview clip of

one audio file in the at least one audio file,
and
C4 wherein a played progress is black, an unplayed
progress is gray."

X. The appellant's arguments relevant to the present
decision are discussed in detail below.

Reasons for the Decision

1. Admissibility of the appeal

The appeal complies with Articles 106 to 108 and Rule
99 EPC and is therefore admissible.

2. Decision in written proceedings

2.1 By letter of 12 May 2026, the appellant announced that
it would not be attending the oral proceedings
scheduled for 9 June 2026 and did not file any
substantive submissions.

2.2 According to the case law of the Boards of Appeal,
where oral proceedings are scheduled upon a party's
request and that party subsequently states that it will
not attend, such statement is generally interpreted as
a withdrawal of the request for oral proceedings (Case
Law of the Boards of Appeal, 11th edition, 2025, III.C.
5.3.2).

2.3 The board therefore cancelled the oral proceedings.
Since the case is ready for decision on the basis of
the written submissions, the decision is given in
written proceedings pursuant to Article 12(8) RPBA.

3. The invention

3.1 The application relates to the previewing of audio files. According to the application, a user can preview an audio file from a list of audio files by listening to a preview clip selected on the basis of the cursor's position in that list. A progress bar visualises the playback progress of the audio preview clip for users.

3.2 This progress bar comprises multiple segments, each segment corresponding to an audio file. A played progress is shown in black and an unplayed progress is shown in grey. Figure 12 of the application, which is reproduced below, shows a progress bar comprising four segments corresponding to four audio files in an audio file set (see the abstract, claim 1 of the main request, paragraphs [0120] to [0128] of the description and Figures 10 to 12).

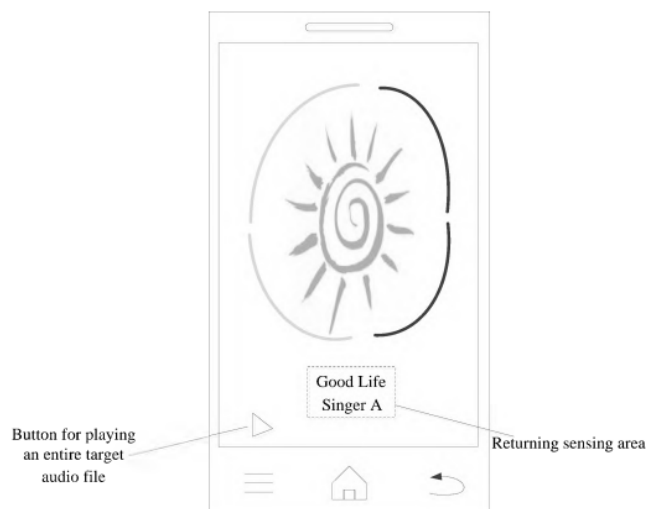


FIG. 12

4. Inventive step - Article 56 EPC

4.1 Interpretation of claim 1

Feature C3 of claim 1 refers to "one audio file in the at least one audio file". It is not immediately

apparent what is meant by an audio file being "in" "at least one audio file".

For the purpose of assessing inventive step, and in view of the wording of feature C ("the audio preview clip of the at least one audio file in the target audio file set"), the board interprets feature C3 as meaning that each segment corresponds to an audio preview clip of one audio file in the target audio file set. This interpretation is also the one most favourable to the appellant.

4.2 **The examining division's assessment**

4.2.1 The examining division assessed inventive step of the method of claim 1 starting from **document D3**. This was not contested by the appellant (see statement of grounds of appeal, page 2, section "Inventive step arguments in response to the grounds").

4.2.2 The examining division found that the **features distinguishing claim 1** over the prior art D3 were as follows (see decision under appeal, points II.12.1 and II.14.1; itemisation has been added by the board):

DF1 after switching to a player, playing the entire target audio file set (whereas in D3 the file set/list is played further starting from the last previewed content);

DF2 the progress bar is presented in the preview mode;

DF3 the unplayed progress is displayed in grey.

4.2.3 According to the examining division, distinguishing feature DF1 was the result of balancing various mental preferences of the user. The feature was not directed

to solving a technical problem. Moreover, the examining division considered that distinguishing features DF1 and DF2 concerned the state of playing audio and not an internal state of a machine. It was obvious to implement the progress bar also for the preview mode (see feature DF2). Distinguishing feature DF3 specified merely a non-technical presentation of information (see decision under appeal, points II.12.1 and II.14.1).

4.3 **The appellant's arguments**

The appellant argued that the distinguishing features of the method of claim 1 over document D3 were at least the features relating to the progress bar, i.e. features C to C4 of claim 1. In particular, document D3 did not disclose displaying a progress bar for an audio preview clip nor a progress bar including multiple segments (e.g. as in the progress bar shown in Figure 12 of the application at hand; see the reproduction of this Figure in point 3. above).

- 4.3.1 The appellant argued that the distinguishing features C to C4 achieved the technical effect that (see statement of grounds of appeal, page 4, second paragraph):
- an audio preview clip could be previewed on a target audio file set interface without entering an audio file set detailed interface;
 - the previewing progress could be clearly displayed by the progress bar on the target audio file set interface, and
 - by defining that "a played progress is black, an unplayed progress is gray" different colours were used to "more clearly distinguish played content and unplayed content and display a progress of the audio preview clip currently being previewed".

4.3.2 According to the appellant, the **objective technical problem** solved by the method of claim 1 was "how to simplify operation steps and improve the operation speed and efficiency".

4.3.3 The appellant argued that document D3 did not disclose or suggest the distinguishing features C to C4 of claim 1. Starting from document D3 and faced with the objective technical problem, the skilled person would not be motivated by common knowledge or any of the further prior art documents D1, D2 or D9 to modify the teaching of the closest prior art D3 to arrive at the subject-matter of claim 1 in attempting to solve the objective problem. Consequently, the subject-matter of claim 1 involved an inventive step over document D3.

4.4 **The board's assessment of inventive step**

4.4.1 **Document D3** as starting point

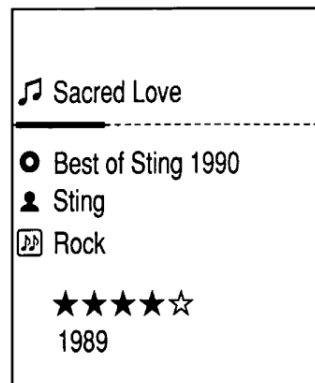
Document D3 discloses an audio player which can operate with a preview-play function. When the cursor remains at a position in a displayed list of audio content for at least a predetermined time, the audio player selectively plays a predetermined part of the content associated with the cursor position. For example, the beginning of contents data is played for a predetermined period of time (such as 10 seconds). The preview-play can start automatically (D3, paragraphs [0101], [0102], [0107], [0108]; Figures 6 and 7A to 7D).

When the preview-play of given contents ends, the preview-play of the contents positioned next may be automatically started. In the example of Figures 7A to 7D of document D3, when the preview-play of the

contents with name, "CCCCC", ends, and the cursor display 70 is not moved, the preview-play of the contents indicated by the next contents name, "DDDDD", may be automatically started (D3, paragraph [0110]). Figures 22A (reproduced below) and 22B of document D3 disclose a progress bar which displays the playback position of a currently played back complete song with title "Sacred Love" and further information of the played-back song.

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FIG. 22A



4.4.2 **Distinguishing features**

The board notes that the examining division considered that feature DF1 is the sole distinguishing feature among the features A to B3 of claim 1. The appellant did not contest this finding.

However, since claim 1 does not require the target audio file set to contain more than one audio file, it also encompasses the case in which the target audio file set consists of a single audio file. For such a case, the board considers that the functionality disclosed in D3 anticipates feature DF1 (i.e. the entire target audio file set is played).

- 4.4.3 In the following, the board reviews whether all of the features C to C4 of claim 1 are distinguishing features over document D3 as alleged by the appellant.
- 4.4.4 The examining division considered that document D3 disclosed in paragraphs [0197], Figures 22A and 22B as well as paragraph [0110] all aspects of features C to C4 apart from distinguishing features DF2 and DF3.
- 4.4.5 While the board accepts that features C to C2 express that the progress bar is displayed for preview clips on the target audio file set interface, the board considers that this distinction over document D3 is correctly and sufficiently reflected in distinguishing feature DF2.

The board agrees with the examining division that document D3 discloses all aspects of feature C3 except for the preview aspect, which is already reflected in distinguishing feature DF2. In particular, document D3 discloses that the progress bar comprises multiple segments, each of these segments corresponding to an audio clip of one audio file of the target audio file list. The progress bar shown in Figure 22A of document D3 consists of two segments: a first segment shown as bold black line and a second segment shown as dashed black line. These first and second segments both correspond to an audio clip of one audio file in the target audio file list.

The board considers that the wording of claim 1 does not exclude that two segments of the progress bar correspond to the same audio clip as it is shown in Figure 22A of document D3. For example, one segment can show the played progress and another segment the unplayed progress. Figure 12 of the application as

filed shows a progress bar with four segments. Two of these segments are black and the other segments are grey, which means that two segments have been played back completely and the other two segments have not been played back at all. In order to show, in an amended version of Figure 12, the progress of the playback of a single preview clip according to features C1 to C4 of claim 1, one of the four segments shown in Figure 12 of the application in hand would need to be split into a black and a grey (sub-)segment.

This assessment is consistent with the wording of claim 1 which specifies a progress bar comprising multiple segments also in the case of a target audio file set consisting of a single audio file (see the reference to "at least one audio file" in features C1 and C3 of claim 1).

Regarding feature C4, the board considers that Figure 22A of document D3 shows "a played progress" of an audio clip in black. Consequently, the board agrees that feature DF3 correctly reflects the distinguishing aspects of the claimed method based on feature C4.

- 4.4.6 In view of the above, the board concludes that the subject-matter of claim 1 differs from the disclosure of document D3 only on account of features DF2 and DF3.

The following assessment therefore proceeds on the basis that the only distinguishing features are the display of the progress bar in preview mode and the use of grey for unplayed progress.

4.4.7 **Technical effect**

The board does not recognise the alleged technical

effect and the objective technical problem as defined by the appellant.

In the board's assessment, feature DF2 merely specifies that playback-progress information is presented to the user also during preview mode. Consequently, feature DF2 concerns merely the content to be presented ("what" is presented). The same assessment would also apply to features DF1 and C3 even if these features were accepted as distinguishing features for the benefit of the appellant. Distinguishing feature DF3 concerns the form in which the playback progress of an audio preview clip is presented to users ("how" content is presented).

In accordance with established case law, the content to be presented ("what" is presented) and the form of presentation ("how" the content is presented) are both considered to be non-technical aspects, unless they contribute in rather exceptional cases to the solution of a technical problem (see the decisions **T 336/14**, Reasons 1.2, **T 1235/07**, Reasons 11 and 12; **T 543/18**, Reasons 5.4.2; **T 2276/13**, Reasons 3.6.1; **T 1802/13**, Reasons 2.1.5; **T 1143/06**, Reasons 5.4).

In view of the above cited case law, the board is not convinced that the features DF2 and DF3 achieve any technical effect over the whole scope of the claim. These features concern merely aspects of a non-technical presentation of information as such (Article 52(2)(d) EPC).

Regarding the alleged simplification of the operation and the alleged improvements of the operation speed and efficiency, the board recalls that in the absence of a tangible and credible technical effect beyond the realm

of the GUI, alleged ergonomic improvements in interaction with GUIs remain non-technical improvements in GUI design (see **T 1042/22**, Reasons 1.4).

In view of the above, the board is not convinced that the distinguishing features achieve any technical effect over the whole scope of the claim.

- 4.4.8 The board rejects the appellant's argument that the claimed presentation of information would display an internal state of a machine which contributed to a technical effect. The examining division correctly found that the playback progress of audio content indicates where the user is in the consumption of the selected audio content. It does not, as such, indicate a technical operating state of the apparatus in the sense of a condition relevant to its technical functioning.
- 4.4.9 The board is aware that in decision **T 115/85**, Reasons 7, the responsible board took "the view that giving visual indications automatically about conditions prevailing in an apparatus or system is basically a technical problem". However, according to decision **G 1/19**, Reasons 82 to 84, it is not decisive for inventive step that a claimed invention can be said to address "basically a technical problem"; rather, what matters is whether the claimed features credibly achieve a technical effect over the whole scope of the claim. Already for this reason, the above cited statement made in decision **T 115/85**, Reasons 7, is in the board's view insufficient to establish whether features relating to a presentation of information contribute to technical character and can be a basis for acknowledging inventive step.

4.4.10 The prevailing case law follows different criteria for examining whether features related to a presentation of information contribute to inventive step (see e.g. decisions **T 336/14**, Reasons 1.2 and **T 1802/13**, Reasons 2.1.5). It has to be analysed whether the graphical user interface together with the cognitive content presented and together with the manner in which this cognitive content is presented credibly assists the user in performing a technical task (related to "why" that content is presented) by means of a continued and/or guided human-machine interaction process.

4.4.11 In the case in hand, the playback progress of audio files does not assist the user in performing a technical task since, in the context of claim 1, listening to audio preview clips is an act of content consumption rather than the performance of a technical task. Moreover, the distinguishing features do not contribute to "a continued and/or guided human-machine interaction process". The distinguishing features are also not directed to any human-machine interaction.

4.4.12 **Inventive merit**

Since the distinguishing features do not contribute to a technical effect they do not enter into the assessment of inventive step (see decision **T 154/04**, Reasons 5).

4.5 It follows that the method of claim 1 lacks inventive step (Article 56 EPC) in view of document D3.

5. Conclusion

Since the appellant's sole request cannot form the basis for the grant of a patent, the appeal is to be dismissed.

Order

For these reasons it is decided that:

The appeal is dismissed.

The Registrar:

The Chairman:



G. Nachtigall

N. H. Uhlmann

Decision electronically authenticated