Case Number: T 0622/09 - 3.5.05
Application Number: 04014306.7
Publication Number: 1607845
IPC: G06F 3/033
Language of the proceedings: EN
Title of invention: Method and apparatus for transitions in a user interface
Applicant: Sony Ericsson Mobile Communications AB
Headword: Transitions in a user interface/SONY ERICSSON
Relevant legal provisions (EPC 1973): EPC Art. 54(2), 56, 84
Keyword: "Clarity - main request (no)"
"Inventive step - first to fourth auxiliary requests (no)"
Decisions cited: 

Catchword: 

Case Number: T 0622/09 - 3.5.05

DECISION
of Technical Board of Appeal 3.5.05
of 6 September 2012

Appellant: Sony Ericsson Mobile Communications AB
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Decision under appeal: Decision of the Examining Division of the
European Patent Office posted 29 October 2008
refusing European patent application
No. 04014306.7 pursuant to Article 97(2) EPC.

Composition of the Board:
Chair: A. Ritzka
Members: M. Höhn
G. Weiss
Summary of Facts and Submissions

I. This appeal is against the decision of the examining division, dispatched on 29 October 2008, refusing European patent application No. 04014306.7 because it did not fulfil the requirements of Articles 84 EPC 1973 and 52(1) EPC 1973 in view of prior-art documents

D1: US 2001/050668 A1,
D2: US 5745710 A1 and
D3: GB 2365735 A.

II. The notice of appeal was received on 19 December 2008. The appeal fee was paid on the same day. The statement setting out the grounds of appeal was received on 6 March 2009. The appellant requested that the appealed decision be set aside and that a patent be granted on the basis of one of the sets of claims submitted as main request and as first to fourth auxiliary requests with the statement setting out the grounds of appeal. Oral proceedings were requested on an auxiliary basis.

III. A summons to oral proceedings to be held on 18 October 2012 was issued on 15 May 2012. In an annex accompanying the summons the board expressed the preliminary opinion that the sets of claims still did not fulfil the requirements of Articles 52(1) or 84 EPC 1973. The board gave its reasons for the objections and explained why the appellant's arguments were not convincing.

IV. By letter dated 26 July 2012 the board was informed that the appellant's representative would not be attending the oral proceedings and that the request for
oral proceedings was withdrawn. A written decision according to the state of the file was requested on the basis of the pending main request and the pending auxiliary requests. The appellant did not submit any comments on the objections raised in the annex accompanying the summons.

V. With a letter dated 4 September 2012 the board informed the appellant that the oral proceedings scheduled for 18 October 2012 were cancelled.

VI. Independent claim 1 according to the main request reads as follows:

"1. A method of operating an electronic device (1) comprising an input device (2) and an output device (3), the method comprising:
generating one or several parameters based on information from the input device in connection with a request for a transition from a first state to a second state of the output device (3), wherein said parameters affect the length of a transition time period between said first and second state, said transition time period involving rendering of a transition event, characterized in that said generating comprises determining a time period during which the output device (3) was in the first state before the request for the transition to the second state was received, said time period being one of said parameters."

Independent claim 1 according to the first auxiliary request reads as follows:
"1. A method of operating an electronic device (1) comprising an input device (2) and an output device (3), the method comprising:
generating one or several parameters based on information from the input device in connection with a request for a transition from a first state to a second state of the output device (3), wherein said parameters affect the length of a transition time period between said first and second state, a transition event being rendered by said output device during said transition time period, characterized in that said generating comprises determining a time period during which the output device (3) was in the first state before the request for the transition to the second state was received, said time period being one of said parameters."

Independent claim 1 according to the second auxiliary request reads as follows:

"1. A method of operating an electronic device (1) comprising an input device (2) and an output device (3), the method comprising:
generating one or several parameters based on information from the input device in connection with a request for a transition from a first state to a second state of the output device (3), wherein said parameters affect the length of a transition time period between said first and second state, a transition event being rendered by said output device during said transition time period, said transition event being selected from the group consisting of: animated or moving graphics; a video sequence; and MP3 or MIDI sound, characterized in that
said generating comprises determining a time period during which the output device (3) was in the first state before the request for the transition to the second state was received, said time period being one of said parameters.

Independent claim 1 according to the third auxiliary request reads as follows:

"1. A method of operating an electronic device (1) comprising an input device (2) and an output device (3), the method comprising:

generating one or several parameters based on information from the input device in connection with a request for a transition from a first state to a second state of the output device (3), wherein said parameters affect the length of a transition time period between said first and second state, a transition event being rendered by said output device during said transition time period, said transition event being selected from the group consisting of: animated or moving graphics; a video sequence; and MP3 or MIDI sound, characterized in that said generating comprises determining a time period during which the output device (3) was in the first state before the request for the transition to the second state was received, said time period being one of said parameters,

wherein said information comprises information of a sequence of selections of selectable items, said selections being made by means of the input device (2), and said items being presented within views on a display of the electronic device (1), and wherein said generating comprises comparing said sequence with at
least one stored sequence of previously executed selections, and if said sequence match any stored sequence determining the number of times said stored sequence has been executed, said number of times being one of said parameters."

Independent claim 1 according to the fourth auxiliary request reads as follows:

" 1. A method of operating an electronic device (1) comprising an input device (2) and an output device (3), the method comprising: generating one or several parameters based on information from the input device in connection with a request for a transition from a first state to a second state of the output device (3), wherein said parameters affect the length of a transition time period between said first and second state, a transition event being rendered by said output device during said transition time period, said transition event being selected from the group consisting of: animated or moving graphics; a video sequence; and MP3 or MIDI sound, characterized in that said generating comprises determining a time period during which the output device (3) was in the first state before the request for the transition to the second state was received, said time period being one of said parameters, wherein said generating comprises determining a mean value which is the sum of the time period during which the output device (3) was in the first state and the time periods of a predetermined number of previous states before the request for the transition to the second state was received divided by the total number
of time periods, said mean value being one of said
parameters, and
wherein the mean value is weighted and said generating
comprises weighting said time periods such that the
time period during which the output device (3) was in
the first state has the largest weight."

Reasons for the Decision

1. Admissibility

The appeal complies with Articles 106 to 108 EPC (see
Facts and Submissions, point II above). It is therefore
admissible.

Main request

2. Clarity - Article 84 EPC 1973

The board agrees with the examining division that it is
not clear how a time like the transition period can
"involve" rendering a transition event. It is rather
the output device which renders the transition event
and this is done during the transition time period.
Claims 1 and 12 therefore lack clarity and do not
fulfil the requirements of Article 84 EPC 1973.

First auxiliary request

3. Clarity - Article 84 EPC 1973

The board accepts that the wording of claims 1 and 12
of this request fulfils the requirements of Article 84
EPC 1973, because it specifies that it is the output
device which renders the transition event and that this
is done during the transition time period.

4. Novelty – Article 54(2) EPC 1973

The board accepts the appellant's argument that D1 does
not anticipate the subject-matter of independent
claims 1 and 12. In particular, the board agrees that
D1 does not disclose any form of transition event to be
rendered when a selected item is changed. D1 discloses
an adjustable transition time period, since the
scrolling speed is varied, but when the cursor moves
from one item to another, or another cell of the grid
is selected (see paragraph [0052] of D1), no additional
transition event is rendered. In the board's judgement
moving the cursor/grid cell cannot be considered to be
a transition event, because there is neither an
explicit nor an implicit disclosure in D1 that such
movement of the cursor/grid cell involves any
transitional element.

Since neither of the other prior-art publications D2
and D3 discloses all the features of independent
claim 1 or 12, the subject-matter of independent
claims 1 and 12 is novel.

5. Inventive step – Article 56 EPC 1973

D2 concerns the same technical field as the present
invention and involves generating animations between
different states of a display. D2 is therefore
considered to be more pertinent than D1 and, hence, the
closest prior art on file.
5.1 D2 discloses a method for operating an electronic device (see figure 1, set-top box 24) comprising an input device (see figure 1, remote control input device 30) and an output device (see figure 1, screen 29). For selecting a movie, items of different movies are presented on the screen (i.e. a first state of the output device) and a selection by the user is awaited (see figures 14a, 14b and corresponding description text, e.g. column 9, lines 30 to 53) for starting to display a movie (i.e. a second state of the output device). Two different transition events are foreseen which are rendered by the output device during the transition time period between the first and second state, a longer animation (see figure 14a, poster opening animation) and a shorter animation (see figure 14b, unrolled poster in foreground). According to D2, whether the shorter or longer animation is rendered depends on how often a user has interacted with the screen of movie items (see column 9, lines 47 to 53), i.e. a parameter which affects the length of the transition time period between the first and the second state of the output device.

Hence, D2 discloses all the features of the preamble of independent claim 1 of this request.

5.2 In contrast, according to the characterising portion of claim 1 the generating of the parameter for influencing the length of the transition time period comprises determining a time period during which the output device was in the first state before the request for the transition to the second state was received.
5.3 When starting from D2 as closest prior art, the underlying objective technical problem is considered to be generating an alternative parameter (in agreement with the reasoning in point 5.4 of the communication dated 28 May 2008 on which the decision under appeal is based). The board does not see why the claimed solution should be more precise than D2. Rather, it considers it to be an alternative approach for selecting such a parameter, depending on the needs of the designer of the method. This point of view is in accordance with the disclosure of the present invention (see e.g. paragraph [0049], "Alternatively or additionally, the parameter to affect the length of the transition time period may be a time period...").

5.4 D2 already discloses, in addition to counting the number of times an input is generated by a user, the alternative approach of determining a time period during which the output device has been in a specific state (see column 10, lines 7 to 25). If the determined time period exceeds 10 seconds in the previous state, another animation is activated (here the foot tapping animation, see figure 14b).

The board therefore considers the solution of the objective technical problem according to claim 1 to be an obvious design alternative in the light of this disclosure in D2.

5.5 It furthermore regards counting either a number of events or a time period in order to trigger events as falling within the common general knowledge of the skilled person, who would apply that knowledge according to his particular implementation needs.
The board therefore judges that it was obvious for the skilled person, when starting with D2 as closest prior art, to replace generating the parameter for influencing the length of the transition time period by determining a time period during which the output device was in the first state before the request for the transition to the second state was received, instead of counting the number of user interactions.

The subject-matter of claim 1 therefore lacks inventive step (Article 56 EPC 1973) with regard to the disclosure of D2 combined with the skilled person's common general knowledge.

Second auxiliary request

D2 also discloses the additional feature of claim 1 of this request that the transition event is *inter alia* an animated or moving graphic (see e.g. column 9, lines 37-40 "... generates an animation which displays the Poster coming off of the wall and appearing in the foreground").

The subject-matter of claim 1 of this request consequently lacks inventive step (Article 56 EPC 1973) with regard to the disclosure of D2 combined with the skilled person's common general knowledge, for the same reasons as those given for the preceding request.

Third auxiliary request

Claim 1 of this request further specifies that another parameter (in addition to the one based on the
determined time period) is generated, based on the number of times a stored sequence of previously executed selections is used. No relationship between the two kinds of parameters is defined, except for the fact that they both affect the length of the transition time period.

7.1 As shown in detail above (see point 5.1), D2 already discloses the use of information about the number of times a user has interacted with the screen (see D2, column 9, lines 47 to 53; figure 14a). This principle was therefore known to the skilled person from the closest prior art D2.

7.2 D2 does not explicitly disclose comparing the number of times with a stored sequence of executed selections. However, claim 1 does not define what that sequence looks like. It therefore encompasses very simple sequences as well as complex ones. Checking a user input for whether it touched a poster (as opposed to another region of the display) according to D2 can be regarded as a preset criterion, i.e. a stored criterion of which the number of executions is counted.

7.3 The board does not consider it to be inventive if such a criterion is more complex, because this is a mere design choice depending on the needs of the technical application for which the graphical interface is intended.

The subject-matter of claim 1 of this request consequently also lacks inventive step (Article 56 EPC 1973) with regard to the disclosure of D2 combined with the skilled person's common general knowledge.
**Fourth auxiliary request**

8. Claim 1 of this request further specifies that not only the time period in the first state is taken into consideration, but also previous states. For this purpose a mean value is calculated over the number of different states before the transition command is received. The mean value is weighted so that the first state, i.e. the latest state, has the largest weight.

8.1 In the appeal proceedings the appellant did not provide any arguments in support of claim 1 of this request, nor - not even in reaction to the board's negative preliminary opinion expressed in the annex to the summons to oral proceedings - did it provide any information as regards the technical effect of these measures and whether it makes a technical contribution which involves any inventive activity over the disclosure of D2 combined with the skilled person's common general knowledge. In the board's judgement, once the skilled person intends to consider more than the latest state before the transition request, no inventive activity is required. It is considered to be the application of straightforward mathematics, i.e. common general knowledge, to calculate mean values over a range of events - also in the technical field of electrical engineering. The way the mean values are weighted depends on psychological needs of the user rather than on technical considerations or requirements. In the absence of any convincing argument from the appellant, the board therefore has no reason to change its preliminary opinion, and therefore considers the
additional features to be obvious with regard to the common general knowledge of the skilled person.

The subject-matter of claim 1 of this request consequently also lacks inventive step (Article 56 EPC 1973) with regard to the disclosure of D2 combined with the skilled person's common general knowledge.

9. Similar objections apply to the corresponding independent device claim (i.e. claim 12, 11 or 10 respectively) of all requests, since the reasoning set out above applies *mutatis mutandis* to the corresponding apparatus features.

10. Thus, none of the requests fulfils the requirements of the EPC.

Order

*For these reasons it is decided that:*

The appeal is dismissed.

The Registrar:                                           The Chair:  

K. Götz                                               A. Ritzka