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**Datasheet for the decision
of 10 December 2020**

Case Number: T 2004/17 - 3.5.05

Application Number: 11182963.6

Publication Number: 2402851

IPC: G06F3/048, H04M1/725

Language of the proceedings: EN

Title of invention:

Document scaling on a touch-screen display

Applicant:

Apple Inc.

Headword:

Zooming on touch screen/APPLE

Relevant legal provisions:

EPC Art. 56

Keyword:

Inventive step - (yes)

Decisions cited:

Catchword:



Beschwerdekammern
Boards of Appeal
Chambres de recours

Boards of Appeal of the
European Patent Office
Richard-Reitzner-Allee 8
85540 Haar
GERMANY
Tel. +49 (0)89 2399-0
Fax +49 (0)89 2399-4465

Case Number: T 2004/17 - 3.5.05

D E C I S I O N
of Technical Board of Appeal 3.5.05
of 10 December 2020

Appellant: Apple Inc.
(Applicant) One Apple Park Way
Cupertino CA 95014 (US)

Representative: COPA Copenhagen Patents
Rosenørns Allé 1, 2nd floor
1970 Frederiksberg C (DK)

Decision under appeal: **Decision of the Examining Division of the
European Patent Office posted on 28 March 2017
refusing European patent application No.
11182963.6 pursuant to Article 97(2) EPC.**

Composition of the Board:

Chair A. Ritzka
Members: P. Cretaine
E. Mille

Summary of Facts and Submissions

I. This appeal is against the decision of the examining division, posted on 28 March 2017, refusing European patent application No. 11182963.6. The application was refused for lack of inventive step (Article 56 EPC) of the main request and the second to fourth auxiliary requests over the disclosure of

D3: WO 2006/020305.

A first auxiliary request was refused for not fulfilling the requirements of Article 123(2) EPC.

A fifth auxiliary request was not admitted into the proceedings.

II. Notice of appeal was received on 23 May 2017, and the appeal fee was paid on the same day. The statement setting out the grounds of appeal was received on 4 August 2017. The appellant requested that the decision under appeal be set aside and that a patent be granted on the basis of a main request or one of the first to sixth auxiliary requests filed with the statement setting out the grounds of appeal. The main request was identical to the main request on which the decision was based. Oral proceedings were requested in case the main request was not allowed.

III. A summons to oral proceedings was issued on 17 September 2020. In a communication pursuant to Article 15(1) RPBA, sent on 6 November 2020, the board gave its preliminary opinion, namely that the main request and the first to fifth auxiliary requests did

not meet the requirements of Article 56 EPC in light of the disclosure of D3, alone or in combination with

D2: EP 0 701 220.

- IV. With a letter of response dated 27 November 2020, the appellant filed seventh and eight auxiliary requests.
- V. Oral proceedings were held on 10 December 2020. The appellant withdrew the first to eighth auxiliary requests, and requested that the decision under appeal be set aside and a patent be granted on the basis of the claims of the main request submitted with the statement setting out the grounds of appeal. The decision of the board was announced at the end of the oral proceedings.
- VI. Claim 1 of the main request reads as follows:
- "A device (100), comprising:
a touch screen display (112);
one or more processors (120);
memory (102); and
one or more programs, wherein the one or more programs are stored in the memory (102) and configured to be executed by the one or more processors (120), the one or more programs including instructions for:
displaying at least a first portion of an electronic document at a first magnification (1102);
detecting a gesture on or near the touch screen display corresponding to a command to zoom in by a user-specified amount (1104);
displaying decreasing portions of the electronic document at increasing magnifications, in response to detecting the gesture (1106); and
characterized in that

the one or more programs further include instructions for:
displaying a respective portion of the electronic document at a predefined magnification if, upon detecting termination of the gesture, the magnification exceeds the predefined magnification (1112)."

The main request comprises further independent claims directed to a corresponding method (claim 8) and computer-readable storage medium (claim 15).

Reasons for the Decision

1. The appeal is admissible (see point II above).
2. Prior art
 - 2.1 D3 discloses a device for magnifying an electronic document in response to a user's gesture to that end. In particular, D3 discloses (see Figures 1, 10, 11A to 11H) a device comprising:
 - a touch screen display (68 in Figure 1),
 - one or more processors (56 in Figure 1;
 - memory (58 in Figure 1), and
 - one or more programs (88 in Figure 1), wherein the one or more programs are stored in the memory and configured to be executed by the one or more processors, the one or more programs including instructions for:
 - displaying at least a first portion of an electronic document at a first magnification (see the map in Figure 11A),

- detecting a gesture on or near the touch screen display corresponding to a command to zoom in by a user-specified amount (step 352 in Figure 10), and
- displaying decreasing portions of the electronic document at increasing magnifications, in response to detecting the gesture (step 356 in Figure 10; Figures 11A to 11H).

The board agrees with the appellant that, in the absence of any teaching to the contrary, it is implicit that no further zooming in is permitted in D3 once a maximum zoom-in level is reached, and that the document is then persistently displayed at this maximum zoom-in level after termination of the user's gesture. This corresponds to the standard implementation at the time of filing of the present application, designated as "hard stop" in the technical field.

D2 discloses a device for displaying an electronic document in a predetermined format and allowing pages of the document to be read in the direction of their content flow. In one embodiment, the device allows zooming in within the document, wherein the user sets a maximum zoom level. This maximum zoom level may be scaled back to a current zoom level by the device itself (see page 8, lines 3 to 27) to optimise reading.

3. Inventive step

3.1 D3 was considered as the closest prior art in the impugned decision.

The difference between claim 1 and D3 is that there are instructions for displaying a respective portion of the electronic document at a predefined magnification if,

upon detecting termination of the gesture, the magnification exceeds the predefined magnification.

In other words, the zoom-in level reached during the user's gesture does not persist, upon termination of the user's gesture, if this zoom-in level exceeds a threshold value; instead, the document is then displayed at a zoom-in level equal to this threshold value. In contrast, D3 implements a hard stop, wherein if a maximum zoom-in level is reached during the gesture, the zooming-in action is stopped during the gesture and the document is persistently displayed at this maximum zoom-in level even if the user's gesture is continued.

3.2 The technical effect of this distinguishing feature is that feedback is provided continuously to the user, in that there is an uninterrupted response to the user's continued touch, and that an internal state of the device, namely that it has reached the maximum zoom-in level for persistent display, is indicated to the user by providing the zoom bounce-back effect. In contrast, the device of D3 does not respond to the user's gesture when the hard stop is reached, and the user does not know whether the fact that zooming has stopped is due to a malfunction of the device or not.

3.3 The objective technical problem can thus be formulated as how to indicate to the user that the maximum allowable persistent zoom-in level has been reached while providing continuous visual feedback to indicate that the device is responding to the user's gesture.

Nothing in D3 itself prompts the skilled person to provide an over-zooming feature and a zoom bounce-back feature as defined in claim 1.

Nor would the skilled person be prompted to look at D2, since this document does not disclose a touch-screen display wherein continuous zooming in a document is performed by a user's continuous gesture. There is thus no disclosure in D2 of over-zooming and zoom bounce-back in response to a user's gesture.

Moreover, the appellant argued persuasively that in D3 the absence of feedback when the hard stop is reached may confuse the user, who may then repeatedly attempt to perform the zoom-in gesture without receiving any response before understanding that the document cannot be viewed at a greater zoom level. In contrast, the zoom bounce-back in claim 1 definitely provides clear feedback that the maximum zoom level has been reached and that no additional input is required.

- 3.4 For these reasons, the board finds that the subject-matter of claim 1, and that of the corresponding method of claim 8 and computer program of claim 15, involves an inventive step over the prior art on file (Article 56 EPC). Claims 2 to 7 and 9 to 14 are dependent claims and, as such, also meet the requirements of Article 56 EPC.

Order

For these reasons it is decided that:

1. The decision under appeal is set aside.
2. The case is remitted to the department of first instance with the order to grant a patent on the basis of the following documents:
 - claims 1 to 15 of the main request,
 - description and figures to be adapted.

The Registrar:

The Chair:



K. Götz-Wein

A. Ritzka

Decision electronically authenticated