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Datasheet for the decision
of 13 February 2018

Case Number: T 0912/12 - 3.5.07

Application Number: 07759675.7

Publication Number: 2002361

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Language of the proceedings: EN

Title of invention:
Expanded snippets

Applicant:
Google LLC

Headword:
Expanded snippets/GOOGLE

Relevant legal provisions:
EPC Art. 56

Keyword:
Inventive step - all requests (no)

Decisions cited:
T 0003/90, T 0641/00, T 0154/04, T 1143/06
Case Number: T 0912/12 - 3.5.07

DECISION
of Technical Board of Appeal 3.5.07
of 13 February 2018

Appellant: Google LLC
(Applicant)
1600 Amphitheatre Parkway
Mountain View, CA 94043 (US)

Representative: Anderson, Oliver Ben
Venner Shipley LLP
200 Aldersgate
London EC1A 4HD (GB)

Decision under appeal: Decision of the Examining Division of the European Patent Office posted on 31 October 2011 refusing European patent application No. 07759675.7 pursuant to Article 97(2) EPC

Composition of the Board:
Chairman R. Moufang
Members: M. Jaedicke
R. de Man
Summary of Facts and Submissions

I. The appeal lies from the decision of the Examining Division to refuse European patent application No. 07759675.7 for, inter alia, lack of inventive step (Articles 52(1) and 56 EPC) of the subject-matter of claim 1 of the main request, and of the first and second auxiliary requests, over the prior art disclosed in the following document:


The Examining Division also referred in its decision to the following document as evidence of the common general knowledge of the skilled person:


The Examining Division considered some of the claimed features of the second auxiliary request to be related to non-technical user requirements.

II. With the statement of grounds of appeal, the appellant requested that the decision be set aside and that a patent be granted on the basis of the main request or one of auxiliary requests I to IV submitted with the grounds of appeal.

III. In a communication under Article 15(1) RPBA accompanying the summons to oral proceedings, the Board expressed, inter alia, its provisional opinion that the subject-matter of claim 1 of all pending requests lacked inventive step in view of document D1 as closest prior art and, at least for some of these requests, in view of the common general knowledge concerning the processing of search requests over a network, as
exemplified in the following prior-art documents cited by the Board:


IV. In response to the Board's summons, the appellant informed the Board that it would not attend the oral proceedings, but that it maintained the main request and auxiliary requests I to IV. In reply, the Board informed the appellant that the oral proceedings had been cancelled.

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

"A method, comprising:
   providing search results,
      where at least one of the search results includes a reference and a text excerpt,
      where the reference specifies a search result document,
      where the text excerpt is obtained from the specified search result document, and
      where the text excerpt occurs in a structural component of the search result document, the structural component corresponding to a paragraph of the search result document;
   detecting selection of the text excerpt; and
providing, in response to the selection of the text excerpt, an expanded text excerpt for display with the search results,

where providing the expanded excerpt for display with the search results includes:

selecting, in response to the selection of the text excerpt, at least one of:

- text preceding the text excerpt to a beginning of the structural component or following the text excerpt to an ending of the structural component, or
- another structural component, in the search result document, that precedes or follows the structural component, the other structural component being selected based on the structural component in which the text excerpt occurs; and one of:
  - providing the expanded text excerpt superimposed on the search results,
  - providing the expanded text excerpt in a frame in connection with the search results, or
  - providing the expanded text excerpt inline within the search results,

the expanded text excerpt including the text excerpt and additional text from the specified search result document, the expanded text excerpt being less than all of the text in the specified search result document, and

the additional text including the selected at least one of the text or the other structural component."

VI. Claim 1 of auxiliary request I reads as follows:

"A method, comprising:

providing search results,
where at least one of the search results includes a reference and a text excerpt, 
where the reference specifies a search result document, and 
where the text excerpt is obtained from the specified search result document; 
detecting selection of the text excerpt; and 
providing, in response to the selection of the text excerpt, an expanded text excerpt for display with the search results, 
where providing the expanded excerpt with the search results includes: 
determining that the text excerpt occurs in a structural component of the search result document, the structural component corresponding to a paragraph of the search result document; 
selecting: 

text preceding the text excerpt to a beginning of the structural component or following the text excerpt to an ending of the structural component, and 
another structural component, in the search result document, that precedes or follows the structural component, the other structural component being selected based on the structural component in which the text excerpt occurs, the other structural component corresponding to another paragraph of the search result document; and 
one of: 

providing the expanded text excerpt superimposed on the search results, 
providing the expanded text excerpt in a frame in connection with the search results, or 
providing the expanded text excerpt inline within the search results,
the expanded text excerpt including the text excerpt, the selected text, and a portion of the selected other structural component, the expanded text excerpt being less than all of the text in the specified search result document, [sic]"

VII. Claim 1 of auxiliary request II reads as follows:

"A method, comprising:
   receiving user input relating to a manner for providing expanded text excerpts;
   providing search results for display,
      where at least one of the search results includes a reference and a text excerpt,
      where the reference specifies a search result document,
      where the text excerpt is obtained from the specified search result document, and
   where providing the search results includes providing an expanded text excerpt, corresponding to the text excerpt, with the search results when the user input indicates that expanded text excerpts are to be provided with search results, the expanded text excerpt being displayed only in response to the selection of the text excerpt being selected;
   detecting selection of the text excerpt after providing the search results;
   providing the expanded text excerpt for display with the search results in response to the selection of the text excerpt,
   where providing the expanded text excerpt for display includes at least one of:
      providing the expanded text excerpt to be superimposed on the search results,
providing the expanded text excerpt to be displayed in a frame in connection with the search results, or
providing the expanded text excerpt to be displayed inline within the search results,
the expanded text excerpt including the text excerpt and additional text from the specified search result document, where the expanded text excerpt includes less than all of the text in the specified search result document."

VIII. Claim 1 of auxiliary request III differs from auxiliary request I in that it replaces "providing search results" with:

"receiving a search query;
providing search results based on the search query,"

and in that it adds the following features at the end of claim 1 of auxiliary request I:

"where the text excerpt is visually distinguished within the expanded text excerpt, and
where one or more search terms, included in the search query, are visually distinguished within the expanded text excerpt in a manner that is different than a manner in which the text excerpt is visually distinguished within the expanded text excerpt."

IX. Claim 1 of auxiliary request IV reads as follows:

"A method, comprising:
receiving user input relating to a manner for providing expanded text excerpts;
forming a list of search results,
where at least one of the search results includes a reference and a text excerpt, where the reference specifies a search result document, where the text excerpt is obtained from the specified search result document, and where the text excerpt occurs in a structural component of the search result document, the structural component corresponding to a paragraph of the search result document or a section of the search result document; generating an expanded text excerpt for the text excerpt, where generating the expanded text excerpt includes:
selecting at least one of:
text preceding the text excerpt to a beginning of the structural component or following the text excerpt to an ending of the structural component, or another structural component, in the search result document, that precedes or follows the structural component, the other structural component being selected based on the structural component in which the text excerpt occurs, where the expanded text excerpt includes the text excerpt and the selected at least one of the text or the other structural component, the expanded text excerpt including less than all of the text in the specified search result document;
providing the list of search results for display, where providing the list of search results includes providing an expanded text excerpt with the list of search results when the user input indicates that expanded text excerpts are to be provided with the list of search results, the expanded text excerpt being
displayed only in response to the text excerpt being selected,
detecting selection of the text excerpt after providing the search results;
providing the expanded text excerpt for display with the list of search results in response to the selection of the text excerpt,
where providing the expanded text excerpt for display includes at least one of:
providing the expanded text excerpt superimposed on the list of search results,
providing the expanded text excerpt in a frame in connection with the list of search results, or
providing the expanded text excerpt inline within the list of search results."

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

Reasons for the Decision

1. The appellant's statement that it would not be attending the oral proceedings is, in the absence of any indication to the contrary, to be understood as a withdrawal of its request for oral proceedings (see T 3/90, OJ EPO 1992, 737, reasons 1, and the further decisions cited in Case Law of the Boards of Appeal, 8th edition, 2016, III.C.2.3.1). The decision can therefore be taken without holding oral proceedings.

2. The appeal complies with the provisions referred to in Rule 101 EPC and is therefore admissible.
The invention

3. The application relates to the presentation of search results from a known search engine for searching "documents" in a very broad sense, such as an internet search engine for searching web pages (see international publication of the application, description, page 1, lines 6 to 23, and page 3, last paragraph). Search results, e.g. web pages, are typically presented as a list that often includes search-result information such as the title, a snippet, and a link (e.g. the address of a web page). A snippet includes a small portion of a document that often contains one or more search terms from the search query. The snippet may not provide enough information to enable the user to make a meaningful decision about which search results to select from the list.

The invention addresses the problem of how to enable a user to choose more intelligently which search result document to access by providing a user interface which shows, in response to the user's selection of a snippet, further extracted information in the form of an expanded text excerpt of the document containing the snippet, so that the user is better informed before making his decision (see description, page 1, lines 25 to 29, page 9, lines 24 to 25, original claim 1).

All requests – added subject-matter

4. Even though the Board has doubts that the subject-matter of claim 1 of all requests meets the requirements of Article 123(2) EPC, it considers it more appropriate in the present case to base its decision for all requests on its assessment of the inventive step of claim 1.
Main request

5. Claim 1 of the main request relates to a method which comprises the following features, as itemised by the Board:
   (a) providing search results,
      (i) where at least one of the search results includes a reference and a text excerpt, where the reference specifies a search result document,
      (ii) where the text excerpt is obtained from the specified search result document, and
      (iii) where the text excerpt occurs in a structural component of the search result document, the structural component corresponding to a paragraph of the search result document;
   (b) detecting selection of the text excerpt; and
   (c) providing, in response to the selection of the text excerpt, an expanded text excerpt for display with the search results, where providing the expanded excerpt for display with the search results includes:
      (i) selecting, in response to the selection of the text excerpt, at least one of:
         (1) text preceding the text excerpt to a beginning of the structural component or following the text excerpt to an ending of the structural component, or
         (2) another structural component, in the search result document, that precedes or follows the structural component, the other structural component being
selected based on the structural component in which the text excerpt occurs;

(ii) and one of:

(1) providing the expanded text excerpt superimposed on the search results,
(2) providing the expanded text excerpt in a frame in connection with the search results, or
(3) providing the expanded text excerpt inline within the search results,

(d) the expanded text excerpt including the text excerpt and additional text from the specified search result document, the expanded text excerpt being less than all of the text in the specified search result document, and

(e) the additional text including the selected at least one of the text or the other structural component.

**Main request - inventive step**

6. The Board agrees with the Examining Division that document D1 is a suitable starting point for the assessment of inventive step, and the appellant has not contested this finding.

6.1 Document D1 discloses a system for information retrieval and user interfaces for the presentation of information regarding documents which may be relevant to a search query. D1 discloses that search results for a query (see e.g. Figures 4A and 4B) are displayed, each containing an excerpt from a search result document (see Figure 4B, reference signs 454 and 456). According to the implementation depicted in Figure 4B of D1, a search result includes two text excerpts of the search result document (see Figure 4B, reference
signs 454 and 456 and paragraph [0045]) and a link (reference sign 458 in Figure 4B) to other relevant excerpts in the document. Moreover, the document title and author information are presented (see Figure 4B, reference sign 452) and can be selected by a user (see D1, paragraphs [0045] and [0048]). Hence, D1 discloses features (a), (a)(i) and (a)(ii) of claim 1.

According to the contested decision, D1 does not disclose the reference defined in feature (a)(i). Apparently, the Examining Division interpreted this reference in the sense of a Uniform Resource Locator (URL) as disclosed in Figure 4A, reference sign 418. However, the Board considers that this feature has a broader meaning.

Feature (a)(iii) specifies that the text excerpt corresponds to all or part of a paragraph of a search result document such as (a part of) one or two sentences (see description of the application, page 7, lines 15 and 16; see also features (c)(i)(1) and (c)(i)(2) of claim 1 and page 8, lines 5 to 14). D1 does not disclose any restrictions with respect to the form of the excerpts and hence does not disclose feature (a)(iii).

Document D1 explains that the page number which is displayed in Figure 4B together with the text excerpt can be selected by a user and that, in response to the selection of the page number, an excerpt page associated with the corresponding excerpt is displayed (see D1, paragraph [0046], and, in particular, page 4, left-hand column, lines 1 to 4). Since the Board considers that the text excerpt is selected by selecting the page number and that the excerpt page of D1 shown in Figure 6 (paragraph [0059]) presents an
expanded excerpt, D1 discloses features (b), (c) and (c)(i) of claim 1.

Document D1 discloses in Figure 6 and paragraphs [0059] to [0064] that an excerpt is displayed in response to a selection of a search result document. This excerpt may include all or some of the text of one or more pages of the search result document that includes a search term from the search query (see paragraphs [0046] and [0062]). The text displayed on the excerpt page is limited to a part of the search result document and includes the selected text excerpt (see D1, paragraphs [0062] and Figure 6), but is not restricted to the content of one or more paragraphs. Hence, D1 discloses feature (d) of claim 1, but none of features (c)(i)(1), (c)(i)(2) or (e).

The Board agrees with the Examining Division that document D1 does not disclose any of features (c)(ii)(1) to (c)(ii)(3) of claim 1.

6.2 The method of claim 1 therefore differs from the method of document D1 in that it includes the following two groups of features:
- the features (a)(iii), (c)(i)(1), (c)(i)(2), and (e); and
- features (c)(ii)(1) to (c)(ii)(3).

6.3 The features in the first group of differences relate to the selection of textual content for the excerpt and the expanded excerpt from the search result document and have the effect that they restrict the selection of the presented content based on the paragraphs as structural components of the document.
The Board considers that these features specify which part of the document is selected for presentation to a human user. These features concern only the selection of cognitive content according to certain rules, i.e. they specify what is presented to the user. None of these features concerns the actual implementation of the selection rules in a computer system. These features solve the non-technical problem of determining what information should be presented as a text excerpt or as an expanded text excerpt to the user.

In general, when a computer program is developed, the algorithm underlying the program is first developed on a conceptual level before it is actually implemented in a computer system by means of program code. When the claimed solution is analysed with respect to its underlying algorithm on an appropriate conceptual level, the selection rules themselves can be conceived as rules that could provide a human user with instructions on selecting further text deemed to be informative. For the technical functioning of the computer system it is irrelevant according to what rules the content of the text excerpts or the expanded text excerpts is selected. Hence, the Board does not see that these features have a credible technical effect. As the Board does not consider that these features contribute to the solution of a technical problem, they cannot be taken into account in the assessment of inventive step (see decision T 154/04, OJ EPO 2008, 46, reasons, point 15).

6.4 The features in the second group of differences concern primarily the manner in which the expanded excerpt is presented on the display to the user, i.e. the question of how the information is presented. In this respect the Board refers to decision T 1143/06 of 1 April 2009,
reasons 5.4, which states "... a feature which relates to the manner how cognitive content is conveyed to the user on a screen normally does not contribute to a technical solution to a technical problem. An exception would be if the manner of presentation can be shown to have a credible technical effect." In the present case, there is no credible technical effect of a superimposed presentation according to feature (c)(ii)(1), of a presentation "in connection" with the search results according to feature (c)(ii)(2) or of an "inline" presentation according to feature (c)(ii)(3). Hence, the desired manner of presentation is a non-technical aim that may legitimately appear in the formulation of the technical problem to be solved.

The Board shares the view taken by the Examining Division that frames, superimposed windows and "inline" presentations were well-known techniques at the priority date and the appellant has not contested this.

The Board notes that only feature (c)(ii)(2), which mentions frames, defines a specific feature of an implementation. As this feature is well known in the context of implementing user interfaces, the Board considers that the implementation detail proposed in feature (c)(ii)(2) could be implemented by the skilled person as a matter of routine. Moreover, the Board observes that features (c)(ii)(1) to (c)(ii)(3) are claimed as alternatives in claim 1. Consequently, if one of these alternatives is considered to be obvious, the assessment of the inventiveness of the further alternatives is not decisive for the overall assessment of claim 1.

6.5 In the statement of grounds of appeal, the appellant argued that claim 1 of the main request contained
features (c)(i)(1), (c)(i)(2) and (d) that were new over D1 and were not suggested by D1, but did not provide a problem-and-solution approach or any argument with respect to the effect of the claimed method over document D1.

The Board does not dispute that features (c)(i)(1) and (c)(i)(2) are new, but considers that they do not contribute to inventive step. Feature (d) is considered to be disclosed in D1, as argued above, but here the Board relies on passages of D1 on which the appellant has not commented in the statement of grounds of appeal. In view of the Board's above considerations, the appellant's arguments in favour of claim 1 of the main request are not convincing.

6.6 It follows from the above that the method of claim 1 of the main request lacks inventive step over D1 (Article 52(1) EPC in combination with Article 56 EPC).

Auxiliary request I - inventive step

7. The amendments to claim 1 of auxiliary request I, when compared to claim 1 of the main request, do not add any features which could change the assessment, made above with respect to claim 1 of the main request, that the claimed subject-matter lacks inventive step.

In particular, the method of claim 1 of auxiliary request I differs from claim 1 of the main request in that it mentions features (c)(i)(1) and (c)(i)(2) not as alternatives, but in combination (see description, page 8, line 12, as a basis for this amendment). As both features are considered to specify non-technical rules for content selection in the context of
presenting text to a user, this amendment does not contribute to an inventive step of the subject-matter of claim 1.

A further amendment adds to feature (c)(i)(2) of claim 1 of the main request that the other structural component corresponds to another paragraph of the search result document. This amendment reflects a further non-technical rule for text selection. Hence, the amended feature (c)(i)(2) likewise does not contribute to inventive step.

Moreover, feature (a)(iii) of claim 1 of the main request has been replaced by adding the step "determining that the text excerpt occurs in a structural component of the search result document, the structural component corresponding to a paragraph of the search result document" to feature (c) of claim 1 of the main request.

This amendment clarifies that the property specified in feature (a)(iii) of claim 1 of the main request is determined by the method of claim 1 according to auxiliary request I when the expanded excerpt is provided with the search results. However, a skilled person would consider performing this step when the expanded excerpt is provided as a matter of routine when he starts with a non-technical requirement corresponding to feature (a)(iii). Hence, the appellant's argument that the added step of determining is inventive over D1 is not convincing.

Finally, the deletion of feature (e) broadens the scope of claim 1 and cannot be the basis for an inventive step.
Consequently, the Board considers that the method of claim 1 of auxiliary request I lacks inventive step over D1 (Article 52(1) EPC in combination with Article 56 EPC).

**Auxiliary request II - inventive step**

8. Apart from some deleted features, the method of claim 1 of auxiliary request II differs from claim 1 of the main request essentially as follows:

The expanded text excerpts are provided together with the search results if the user configures the method accordingly (see the following features of claim 1: "receiving user input relating to a manner for providing expanded text excerpts" and "providing an expanded text excerpt, corresponding to the text excerpt, with the search results when the user input indicates that expanded text excerpts are to be provided with search results, the expanded text excerpt being displayed only in response to the text excerpt being selected").

This configuration shortens the time taken to respond to the user's selection of the text excerpt compared to a retrieval of an expanded text excerpt in response to the user's selection of the corresponding excerpt in the displayed search results.

The claimed solution is a trade-off between, on the one hand, shorter response time and, on the other hand, additional costs of higher memory use and processing time at the server and the client and of increased network traffic (as, for each search result, the expanded text excerpt needs to be generated, stored,
transmitted and cached). Such a trade-off is within the normal development skills of the skilled person, who in the present case is a software engineer familiar with processing, on a search server such as a web search engine, search requests received over a network from remote clients. The skilled person is aware of slow response times for remote requests due to communication overhead and latency (see the abstracts of documents D3 and D4). For example, document D4 (see e.g. abstract and section 1.1) shows that caching and prefetching were well known in the context of web browsing. Hence, shipping the expanded text excerpts in advance (together with the search results) for caching at the client lacks inventive step. Moreover, it was generally well known at the priority date to configure software systems by means of user input to enhance flexibility with respect to different requirements.

In the statement of grounds of appeal, the appellant argued that the features relating to the configurability of the manner of providing expanded text excerpts were new and not suggested by documents D1 or D2.

The Board does not dispute that document D1 does not disclose the claimed configurability of the manner of providing expanded text excerpts. The appellant, however, has neither addressed the Board's arguments for lack of inventive step nor argued in detail why the claimed configurability features would not have been obvious to the skilled person. Hence, the Board is not convinced by the appellant's submissions.

Consequently, the Board considers that the method of claim 1 of auxiliary request II lacks inventive step
over D1 (Article 52(1) EPC in combination with Article 56 EPC).

**Auxiliary request III - inventive step**

9. Independent claim 1 of auxiliary request III differs from claim 1 of auxiliary request I essentially in that it adds the step of receiving a search query for which the results are provided and two last features concerning the manner in which the search terms and the text excerpt are displayed ("visually distinguished") within the expanded text excerpt.

9.1 As the Board has already interpreted claim 1 of the main request and auxiliary request I to mean that the search results are provided in response to a received search query and as this is known from document D1 (see Figure 3A, reference sign 305, the description, paragraph [0038], and claim 1, for example), the added step of receiving a search query cannot change the Board's assessment of inventive step.

9.2 The last two features of claim 1 concern how information (the text excerpt and the search terms) is visually distinguished when it is presented on the display. Displaying visually distinguished textual information to a human user does not, at least in the context of claim 1, serve a technical purpose, but aims to lower the cognitive burden on the user when he attempts to identify certain elements (e.g. the search terms, the excerpt) in the displayed information.

Consequently, the Board does not consider that these features contribute to a credible technical effect. Hence, it is legitimate to add the non-technical
requirement that the search terms and the selected text excerpt be visually distinguished by means of different manners of presentation in the expanded text excerpt to the objective technical problem to be solved (see decision T 641/00, COMVIK, OJ EPO 2003, 352).

9.3 Claim 1 does not define - apart from the mere automation - any technical features of an implementation of this requirement. As the mere automation by means of computing means was, at the priority date, a matter of routine for the skilled person, the Board considers that the method of claim 1 of auxiliary request III lacks inventive step over D1 (Article 52(1) EPC in combination with Article 56 EPC).

**Auxiliary request IV - inventive step**

10. Claim 1 of auxiliary request IV differs from claim 1 of the main request essentially in that it adds the features related to the configurable manner of providing the expanded text excerpt discussed above in the context of auxiliary request II.

As a further amendment, it adds that the structural component of the search result document where the text excerpt occurs corresponds to a paragraph or to a section of the search result document. However, the addition that the structural component may correspond to a section of the search result document is regarded as a further non-technical rule for text selection which does not contribute to inventive step.

It follows from the above considerations, including those concerning the main request and auxiliary request II, that claim 1 of auxiliary request IV lacks
inventive step in view of the prior art on file
(Article 52(1) EPC in combination with Article 56 EPC).

Conclusion

11. As none of the appellant's requests can form the basis for the grant of a patent, the appeal has to be dismissed.

Order

For these reasons it is decided that:

The appeal is dismissed.

The Registrar:                                      The Chairman:

I. Aperribay                                          R. Moufang

Decision electronically authenticated