

The examination is being carried out on the **following application documents**

Description, Pages

1-36 filed with entry into the regional phase before the EPO

Claims, Numbers

1-11 filed with entry into the regional phase before the EPO

Drawings, Sheets

1/14-14/14 filed with entry into the regional phase before the EPO

Reference is made to the following document; the numbering will be adhered to in the rest of the procedure.

D1 WO 2016/040721 A1 (MICROSOFT TECHNOLOGY LICENSING LLC [US]) 17 March 2016 (2016-03-17)

1 Clarity and Conciseness (Art. 84 EPC)

1.1 Claim 1 reads: " wherein the N second devices comprise a second device on which a second application is installed in the M second devices". This is not understood, rephrasing is required. From what it guessed that this sentence means, a possible rephrasing would be: "wherein the N second devices comprise a second device, in the M second devices, on which a second application is installed".

2 Novelty and Inventive Step (Art. 52(1), 54 and 56 EPC)

2.1 The present application does not meet the requirements of Article 52(1) EPC because the subject-matter of claim 1 is not new within the meaning of Article 54(1) and (2) EPC.

Document D1 discloses (the references in parentheses and italic applying to this Document D1): -For convenience, the text of claim 1 is copied in bold font type-

A device discovery method, wherein the method comprises:

(figure 6) (paragraph [00108] - paragraph [00117]: FIG. 6 illustrates a process flow of application discovery, activation, and control from a source device using a cross device application discovery and activation system. FIG. 6 illustrates a

process flow in which there is one source device and one target device, although this is just an example, and there may be more than one source device and/or more than one target device.)

displaying, by a first device, a first interface provided by a first application, wherein at least one control is displayed in the first interface;

(paragraph [00108] - paragraph [00117]: In various examples, a user, via input on a user interface can select the remote application file for activation and/or control)

detecting, by the first device, M second devices, wherein the second device comprises a device that is located in a same network as the first device, and/or a device that logs in to a same user account as the first device;

(paragraph [00108] - paragraph [00117]: At block 602, a remote device discovery module on a source device, such as device 102, 200, and/or 302 identifies remote devices via a network connection. Responsive to discovering remote devices, the remote device discovery module can request and receive remote device trust information, including a user profile, a group user profile, a user preference setting, or any other way to determine the trust of the remote device.

At block 604, the model remote control module on the source device, such as model remote control module 400 processes the remote device trust information, and determines if the remote device can be trusted. In some examples, a remote device sharing a user profile with the source device can be trusted.)

displaying, by the first device, identifiers of N second devices in response to an operation performed on one of the at least one control, wherein the N second devices comprise a second device on which a second application is installed in the M second devices, and the second application and the first application provide a same resource; and

(paragraph [00108] - paragraph [00117]: At block 606 the model remote control module on the source device can send an application discovery query message to one or more trusted remote devices. The application discovery query can include a request for application capability data on the one or more trusted devices, including the ability of an application to perform a particular task, the

speed of an application, and/or other application performance data. The application discovery query can further include a request for device capability data, such as device memory, speed, and/or display capability, for the one or more trusted devices.)

(paragraph [00108] - paragraph [00117]: At block 608, responsive to the application discovery query, the model remote control module on the source device receives a discovery response message. The discovery response message can include an indication of at least one application capable of performing the task on the one or more trusted remote devices, application capabilities for the at least one application, and/or device capabilities for the one or more trusted remote devices. In some examples, the one or more discovery response messages can include a notification that a remote device and/or application on a remote device is not capable of executing the task. At block 610, the model remote control module on the source device can receive a plurality of discovery response messages. A remote application discovery client can process the plurality of discovery response messages, and send remote application files to a remote application file limiter, such as remote application file limiter 408.)

detecting, by the first device, a first operation performed on one of the identifiers of the N second devices, and invoking a resource of a second device corresponding to the identifier on which the first operation is performed.

(paragraph [00108] - paragraph [00117]: At block 612, an application on the source device, via the remote application file limiter, can select a remote application file for activation and/or control. In various examples, a user, via input on a user interface can select the remote application file for activation and/or control)

(paragraph [00108] - paragraph [00117]: At block 614, responsive to the selection of the remote application file associated with an application, the model remote control module on the source device sends an application activation message to the remote device containing the application. In some examples the application activation message can be sent to one or more remote devices containing the application. The application activation message can include a direction for the particular remote device to activate the application and run the requested task from the application discovery query. In some examples, the model remote control module on the source device can send a background task activation message to the one or more remote devices.)

2.2 The subject-matter of independent claims 9, 10 and 11 corresponds in terms of, respectively, "device", "computer program" and "computer-readable storage with instructions" to that of claim 1. The objections raised in respect of this latter claim, therefore, also apply, mutatis mutandis, to independent claims 9, 10 and 11.

3 **Novelty and Inventive Step of the dependent claims**

3.1 Dependent claims 2-8 do not appear to contain any additional features which, in combination with the features of any claim to which it refers, meet the requirements of the EPC with respect to novelty / Inventive Step.

3.2 The extra features of claim 2 are obvious from D1, (D1 paragraph 112)

3.3 The extra features of claim 3 are disclosed in D1, (D1 paragraph 50)

3.4 The extra features of claim 4 are obvious from D1, (D1 paragraph 115)

3.5 The extra features of claim 5 are disclosed in D1, (D1 paragraph 116-117)

3.6 The extra features of claim 6 are obvious from D1, (D1 paragraph 115, 116-117)

3.7 The extra features of claim 7 are obvious from D1, (D1 paragraph 115, 116-117)

3.8 The extra features of claim 8 are disclosed in D1, (D1 figure 6, "610 NO")

4 **Further Objections**

4.1 Independent claim 1 is not in the two-part form in accordance with Rule 43(1) EPC. If, however, the applicant is of the opinion that the two-part form would be inappropriate, reasons therefor should be provided.

4.2 The features of the claims should be provided with reference signs placed in parentheses to increase the intelligibility of the claims (Rule 43(7) EPC). This applies to both the preamble and characterising portion (see EPC Guidelines F-IV, 4.18).

4.3 To meet the requirements of Rule 42(1)(b) EPC, D1 should be identified in the description and the relevant background art disclosed therein should be briefly discussed.

4.4 The statement in the description, page 1, 1st paragraph, concerning the incorporation of cited document by reference should be removed (GL. Part F, Chapter III-8).

5 **Procedure**

- 5.1 It is not at present apparent which part of the application could serve as a basis for a new, allowable claim. Should the applicant nevertheless regard some particular matter as patentable, an independent claim should be filed taking account of Rule 43(1) EPC.
The applicant should convincingly argue novelty and inventive step of the newly filed independent claims. A convincing argument should indicate the features of the newly filed independent claims that cannot be found in D1. In addition, the inventive concept underlying these distinctive features should be explained by using the problem-solution approach. Merely stating that the prior art documents disclose different features, solve another problem or belong to a different field will fail to prove novelty and inventive step.
- 5.2 In order to comply with the requirements of Rule 137(4) EPC, the applicant should clearly identify the amendments made, irrespective of whether they concern amendments by addition, replacement or deletion, and indicate the passages of the application as filed on which these amendments are based (see Guidelines H III, 2.1).
- 5.3 Amendments should be made by filing replacement pages. Unnecessary recasting of the description should be avoided. An amended abstract is not required. The applicant should also take account of the requirements of Rule 50(1) EPC. According to Rule 50(1) in conjunction with Rule 49(8) EPC, amendments shall be typed or printed.
- 5.4 When filing amended claims the applicant should at the same time bring the description into conformity with the amended claims. Care should be taken during revision, especially of the introductory portion and of any statements of problem or advantage, not to add subject-matter which extends beyond the content of the application as originally filed (Article 123(2) EPC).
- 5.4.1 The description should be amended where appropriate to fulfil the following requirements:
- The technical field of the invention (Rule 42(1)(a) EPC; Guidelines F-II.4.2) must correspond to the amended set of claims.
 - The summary of the invention (Rule 42(1)(c) EPC; Guidelines F-II.4.5) must correspond to the amended set of claims. Where appropriate, statements such as “The invention is set out in the appended set of claims” or “The invention is as defined in claim X” may be used instead of repeating the claims verbatim.

- Embodiments which are no longer covered by the claims must be deleted, unless they can reasonably be considered to be useful for highlighting specific aspects of the amended subject-matter. If this is the case, they must be clearly marked as not being part of the present invention (T 1808/06 and Guidelines F-IV, 4.3)
 - For example, independent claim X has been amended by limiting it to Feature A. Ways of carrying out the invention using features presented as alternatives to this feature must either be deleted or the fact that they are not encompassed by the claims must be clearly stated.
 - Any combinations of features which do not fall under the scope of the amended independent claims must be clearly marked as not being part of the present invention.
 - Statements such as “The following examples/aspects/embodiments X, Y, Z are not according to the invention and are present for illustration purposes only” may be used at the start of the description or in the list of figures.
- The technical features of the independent claims may not be presented as optional in the description. Where they precede a feature of an independent claim, terms such as “for example”, “may”, “can”, “exemplary”, “optionally”, “preferably” and the like must be removed.
- “Claim-like” clauses must be deleted prior to grant (Summary, page 1, line 19 to page 4, line 14). Claim-like clauses are clauses present in the description which use claim language such as “according to the preceding clause” or “characterised in that” (Guidelines F-IV, 4.4). Claim-like clauses include examples, embodiments or aspects which are presented as claim-like clauses. The simple conversion of these clauses into separate optional features will not be admitted either.