

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

PCT

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY
(PCT Rule 43bis.1)**

To: see form PCT/ISA/220

Date of mailing (day/month/year) see form PCT/ISA/210 (second sheet)

Applicant's or agent's file reference see form PCT/ISA/220	FOR FURTHER ACTION See paragraph 2 below
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International application No. PCT/EP2018/083894	International filing date (day/month/year) 06.12.2018	Priority date (day/month/year)
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International Patent Classification (IPC) or both national classification and IPC INV. H04L29/06 H04L29/08

Applicant TELEFONAKTIEBOLAGET LM ERICSSON (PUBL)

1. This opinion contains indications relating to the following items:


- Box No. I Basis of the opinion
- Box No. II Priority
- Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- Box No. IV Lack of unity of invention
- Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step and industrial applicability; citations and explanations supporting such statement
- Box No. VI Certain documents cited
- Box No. VII Certain defects in the international application
- Box No. VIII Certain observations on the international application

2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

Name and mailing address of the ISA:  European Patent Office P.B. 5818 Patentlaan 2 NL-2280 HV Rijswijk - Pays Bas Tel. +31 70 340 - 2040 Fax: +31 70 340 - 3016	Date of completion of this opinion see form PCT/ISA/210	Authorized Officer Karavassilis, Nick Telephone No. +31 70 340-0
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Box No. I Basis of the opinion

1. With regard to the **language**, this opinion has been established on the basis of:
 - the international application in the language in which it was filed.
 - a translation of the international application into , which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1 (b)).
2. This opinion has been established taking into account the **rectification of an obvious mistake** authorized by or notified to this Authority under Rule 91 (Rule 43bis.1(a))
3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, this opinion has been established on the basis of a sequence listing:
 - a. forming part of the international application as filed:
 - in the form of an Annex C/ST.25 text file.
 - on paper or in the form of an image file.
 - b. furnished together with the international application under PCT Rule 13ter.1(a) for the purposes of international search only in the form of an Annex C/ST.25 text file.
 - c. furnished subsequent to the international filing date for the purposes of international search only:
 - in the form of an Annex C/ST.25 text file (Rule 13ter.1(a)).
 - on paper or in the form of an image file (Rule 13ter.1(b) and Administrative Instructions, Section 713).
4. In addition, in the case that more than one version or copy of a sequence listing has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that forming part of the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
5. Additional comments:

Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	<u>6, 15, 16</u>
	No: Claims	<u>1-5, 7-14, 17-20</u>
Inventive step (IS)	Yes: Claims	
	No: Claims	<u>1-20</u>
Industrial applicability (IA)	Yes: Claims	<u>1-20</u>
	No: Claims	

2. Citations and explanations

see separate sheet

Box No. VII Certain defects in the international application

The following defects in the form or contents of the international application have been noted:

see separate sheet

1 **Re Item V**

Reasoned statement with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

Reference is made to the following documents:

- D1 WO 2008/154953 A1 (ERICSSON TELEFON AB L M [SE]; LINDBLAD INGEMAR [SE] ET AL.) 24 December 2008 (2008-12-24)
- D2 WO 2005/029809 A1 (ERICSSON TELEFON AB L M [SE]; BELLORA MAURO [IT] ET AL.) 31 March 2005 (2005-03-31)
- D3 US 8 612 993 B2 (GRANT EUAN [US]; RIORDAN-BUTTERWORTH BRENDAN [US] ET AL.) 17 December 2013 (2013-12-17)

1.1 The present application does not meet the criteria of Article 33(2) PCT, because the subject-matter of independent claims 1-5, 7-14, 17-20 is not new for the following reasons:

1.1.1 With respect to independent method claim 1 (method in a server), document D1 discloses (references in parentheses applying to D1):

A method of operating an application server (Figure 1, "Telephony Server -110") of a network for controlling handling of a communication session, the method comprising:
generating a script executable by a first user equipment (Figure 1, "Client-100"), wherein execution of the script at the first user equipment controls handling of a communication session between the first user equipment and a second user equipment (page 7, lines 8-25); and transmitting an establishment request to the first user equipment for the establishment of the communication session between the first user equipment and the second user equipment, wherein the establishment request comprises the script for execution at the first user equipment (page 7, line 26 - page 8, line 16).

Thus D1 fully anticipates the subject matter of claim 1.

1.1.2 The same reasoning applies, mutatis mutandis, to the subject-matter of corresponding independent claims 8 (Application server device), 9 (method in the UE), 17 (UE device), 19 (network) and 20 (computer program product), which therefore are also considered not new.

1.1.3 The additional subject matter of dependent claims is also anticipated explicitly or implicitly by D1:

-for "*indication of capabilities of user equipment*" (claims 2, 10) : This feature is implicitly disclosed by D1, since D1 teaches a SIP-based telephony system and the negotiation of the capabilities of UEs is a standard and integral part of the SIP session establishment.

- for "*registration request which includes the UE capabilities*" (claims 3, 11) : This feature is also implicitly disclosed by D1, since D1 teaches a SIP-based telephony system and in such systems, the registration of UEs and their capabilities is standard and mandatory.

-for "*generating the script based on a condition*" (claim 4) : the generic feature "condition" is fully anticipated by D1, which teaches that the executable code, which is sent to the client in a SIP message, is generated whenever the WEB page content shared by the clients needs to be updated. The need to update the shared WEB content is certainly a "condition".

-for the option "*the condition being one or more communication sessions established in the network*" (claim 5) : this feature is one of the alternative options of claim 5 and is fully anticipated by D1 which teaches that the executable code is generated and transmitted to the client when a session has been established.

- claim 7 relates to SIP messages and HTTP sessions, which are features explicitly disclosed by D1 (for example see D1, page 7, lines 1-32).

-claim 12 relates to a "*multipart establishment request*". D1 certainly relates to a "multipart" session, since the session of D1 consists of both a voice/telephony part and a WEB content sharing part.

-for the option "*render media at a user interface of the first UE*" (claim 13) : this feature is one of the alternative options of claim 13 and is fully anticipated by D1 which teaches that the executable code relates to sharing WEB content to be presented to the user.

- for the generic feature "*receive user input*" (claims 14, 18): This feature is implicitly disclosed by D1, since D1 teaches a UE with a WEB browser (see D1, figure 1, "Browser-104") . A WEB browser is by default a User Interface which allows user interaction.

1.2 The present application does not meet the criteria of Article 33(3) PCT, because the subject-matter of claims 6, 15, 16 does not involve an inventive step.

1.2.1 The additional feature of dependent claim 6, which is not explicitly disclosed by D1, is that the the application server, AS, first checks if the UE is trusted before the AS transmits the message comprising the script to the UE. The problem solved by this feature is: how to ensure that no unauthorised user receives executable script.

However, this feature of claim 6 has already been employed for the same purpose in a similar system and method, as for example is shown by document D2. D2 teaches an IMS AS which creates a vXML script and inserts it in a SIP INVITE message which it then sends to a UE. The script relates to a weShare application. The AS first verifies if the UE is authorised to receive the INVITE message comprising the script (see D2: page 7, lines 11-17). It would be obvious to the person skilled in the art, namely when the same result is to be achieved, to apply this feature of D2 with corresponding effect to a a method and system according to D1, thereby arriving at the subject matter of claim 6.

1.2.2 The additional features of dependent claims 15 and 16, which are not explicitly disclosed by D1, is that the user caches the script it received from the server and that the cached script is purged if its validity expires. However, caching at a client executable scripts received from a server and then checking the expiry time of the cached scripts, is a trivial and obvious implementation option for the skilled person. A skilled person would not need to exercise inventive skill in order to implement client-side caching of any type of received executable script (e.g. Java, cookies, etc.), so that the script can be re-used by the client without the need to be repeatedly re-sent by the server, as for example shown by document D3. D3 teaches a system in which a server sends an identity script to a user. The user receives the identity script, if the script is not already cached, and executes the identity script. The client checks if the validity of the cached identity script has expired, in which case it requests an updated version of the script from the server (see D3: claim 1). It would thus be obvious to the person skilled in the art, to apply these features of D3 with corresponding effect to a method and system according to D1, thereby arriving at the subject matter of claims 15, 16.

2 **Re Item VII**

Certain defects in the international application

- 2.1 The independent claims are not in the two-part form in accordance with Rule 6.3(b) PCT, which in the present case would be appropriate, with those features known in combination from the prior art document D1 being placed in the preamble (Rule 6.3(b)(i) PCT) and the remaining features being included in the characterising part (Rule 6.3(b)(ii) PCT).
- 2.2 Contrary to the requirements of Rule 5.1(a)(ii) PCT, the relevant background art disclosed in documents D1-D3 is not mentioned in the description, nor are these documents identified therein.
- 2.3 The description must always be in conformity with the claims as required by Rule 5.1(a)(iii) PCT.