Intellectual Property Office

BL O/253/16

19 May 2016

PATENTS ACT 1977

APPLICANT	Blyk Services Oy
ISSUE	Whether patent application number GB1110006.2 complies with sections 1(1)(b) and 1(2)(c)
HEARING OFFICER	Phil Thorpe

DECISION

1 This decision concerns whether the invention set out in patent application GB1110006.2 relates to excluded matter and whether it involves an inventive step. The examiner has maintained throughout the examination of this application that the claimed invention is excluded from patentability under section 1(2)(c) of the Patents Act 1977 as a program for a computer and a scheme, rule or method for doing business. The claims have been amended in response to novelty objections but an obviousness objection under section 1(1)(b) remains outstanding. The applicant has not been able to overcome the objections, despite amendments to the application.

2 The matter came before me at a hearing on 17th March 2016, at which Dr Tim Norris, Mr Christian Bunke and Ms Natalia Korek, all of Basck, appeared on behalf of the applicant.

The Patent Application

3 GB1110006.2 is entitled “Multimedia Message Delivery Platform”. It was filed on 15th June 2011 and was published on 26th December 2012 as GB 2492060 A.

4 The invention relates to a multimedia message delivery platform for use in providing multimedia messages to mobile communication devices, such as mobile telephones or PDAs. The application notes that as the complexity and functionality of mobile devices has increased, Short Message Service (SMS) functionality has been superseded by Multimedia Messaging Services (MMS). However MMS has greater data flows than those used with SMS which has placed severe demands on communications infrastructures as these can be required to store and communicate multiple occurrences of large MMS data files. It goes on to note that it can be necessary to stack the MMS communications when the customer wireless devices are switched off, and then to download the MMS communications to the customer wireless devices when they are switched on or otherwise activated. It is said that the accumulation of MMS data for delivery places great demands on data storage capacity. Further with conventional approaches to providing MMS data the network

needs to be designed for greater data communicating capacity, increasing the cost and complexity of the network. The application further notes that these problems will only get worse as more complex multimedia content is developed.

5 The present invention is said to overcome these problems by providing a multimedia message platform employing multicasting which is capable of removing, or at least reducing, content multiplication within a given communication network. Multimedia content will appear in a communication network only once, even when delivered to hundreds of thousands of recipients. This lack of duplication will according to the application reduce data loads on communication networks, such as Internet Protocol (IP) networks. Intelligent content selection can also be provided, by the separation of the initial message delivery and multicast multimedia content download. This means that the final content to be served to wireless devices can be varied based on the time of content retrieval. This is different it is claimed to conventional approaches in which selected content to be served is fixed at the time of multimedia message service submission such as when multicast multimedia content is provided to a multimedia message service centre (MMSC). The version of delivered multimedia content can also be adapted to be compatible with capabilities and functionality of the wireless communication devices using the present invention.

6 More specifically and with reference to figure 1 of the application, the multimedia message delivery platform 10 of the invention comprises a platform 10 which includes a control server arrangement (BMS) 20, a conventional short message service centre (SMSC) 30, a conventional multimedia message service centre (MMSC) 40 and a communications data switch (DSW) 50. According to the description the communications data switch (DSW) 50 is preferably implemented as a server capable of performing layer-7 switching or performing HTTP proxying. The platform 10 interfaces with a contact source, such as an advertising campaign content server (AD EXEC) 60. The platform is operable to deliver a multimedia content supply service to one or more wireless telephones and their users (USRS) 70.

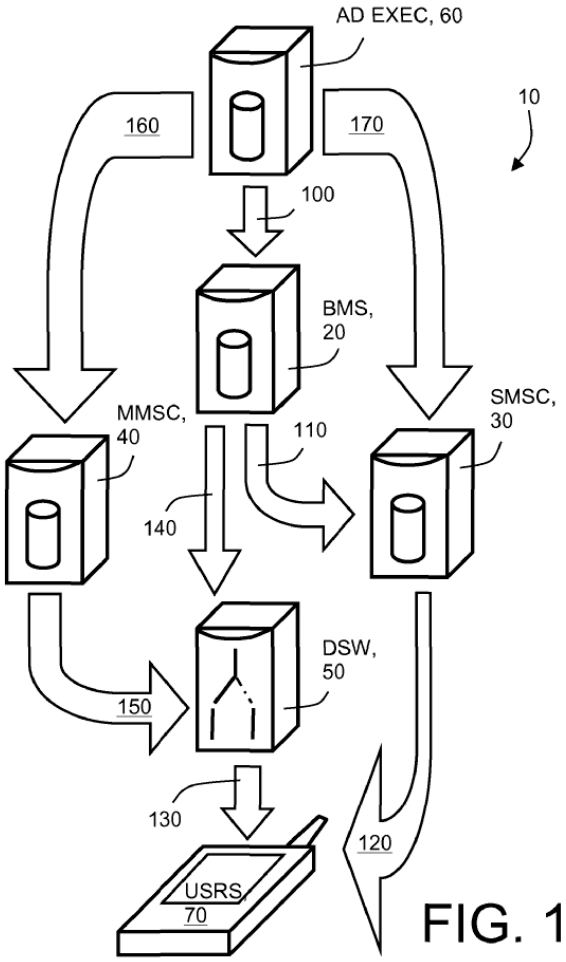

FIG. 1

7 In operation, the advertising campaign server 60 sends a multimedia batch sending request to the control server arrangement 20. This causes multimedia content to be made available at the control server arrangement 20. There can be more than one version of the content downloaded. For example in addition to the main content, there might also be a version to be sent out if the response from the user's device is received after a particular period of time. A multimedia notification is then sent from the control server arrangement 20 to the short message service centre (SMSC) 30. A short message service (SMS) communication is sent from the short message service centre (SMSC) 30 to at least one user (USRS) 70. An instruction is then sent from the user (USRS) 70 to the communications data switch (DSW) 50 which directs the instruction to the control server arrangement (BMS) 20. Multimedia data content is then sent from the control server arrangement (BMS) 20 to the user (USRS) 70, with a response message being sent from the user (USRS) 70 to the control server arrangement (BMS) 20 via the communications data switch (DSW) 50 to confirm the successful delivery of the multimedia data content to the user (USRS) 70. In the embodiment, the user (USRS) 70 can also respond to the multimedia data content and generate a response signal which can be a "multicast media service" (MMS) reply message directed through a multimedia message service centre (MMSC) 40 to the advertising campaign content server (AD EXEC) 60.

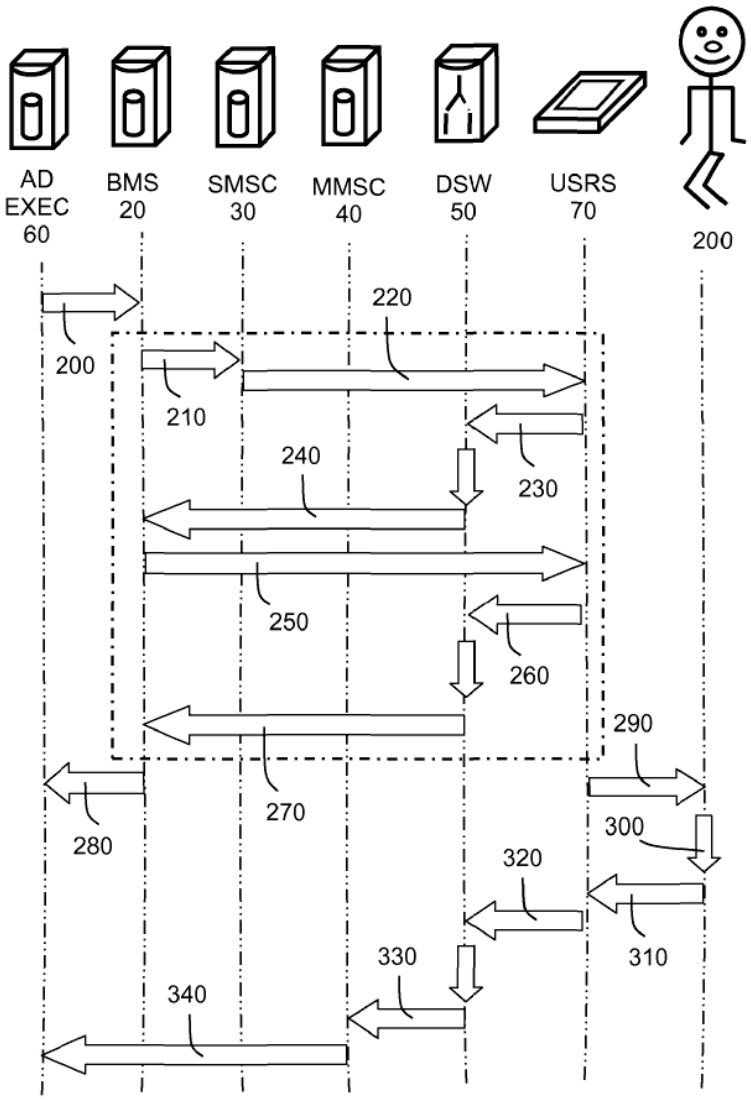

FIG. 2

8 Importantly, since the multimedia data content does not have to be fixed at the time the control server arrangement (BMS) 20 notifies the short message service centre (SMSC) 30 of the availability of multimedia content via the multimedia notification, the multimedia content supplied to the user by the control server arrangement (BMS) 20 can be varied according to when the content is retrieved. This means that the multimedia data content supplied to the user can vary with respect to a number of parameters including time, geographic location, the preferences profile of the user, the number of delivered multimedia data content, and the order of data content being collected.

9 The description mentions additional benefits that the invention provides including:

- the triggering of educational messages regarding the MMS settings of their wireless communications device to the user in the event that a response to the user does not respond to the multimedia content notification SMS;
- data collection regarding message transaction, user behaviour and wireless communication device functional capability;

- over-the-air (OTA) handset setting support can be initiated by the control server arrangement (BMS) 20 to undertake a recovery process or arrange an educational message delivery.

10 In the latest set of claims, filed 15th December 2015, there are two independent claims: claim 1 to a multimedia message delivery platform and claim 11 to a method of operating a multimedia message delivery platform. In the course of examination the applicant and the examiner have concentrated their efforts on claim 1, with amendment to claim 11 being deferred until a form for claim 1 has been agreed upon. I would add that on the question of excluded matter, claim 11 will stand or fall with claim 1. I will therefore concentrate upon the invention of claim 1.

11 Claim 1 reads as follows:

> *A multimedia message delivery platform (10) for providing multimedia content (K1, K2, Kn) to one or more users (70) coupled in communication with the platform (10), wherein said platform (10) includes a data server arrangement (30, 40) for receiving and storing the multimedia content (K1, K2, Kn), and for communicating said multimedia content (K1, K2, Kn) to the one or more users (70), said one or more users (70) including wireless communication devices,*
>
> *characterized in that*
>
> *said platform (10) includes the data server arrangement consisting of a short messaging service centre (SMSC) (30), a multimedia content server (BMS) (20), a multimedia message service centre (MMSA) (40), and a communication data switch (DSW) (50), wherein the short messaging service centre (SMSC) (30) is adapted to receive notification from a content provider (AD EXEC) (60) regarding availability of multimedia content (K1) and to generate said one or more notification messages (210, 220; 600) for the one or more users (70) indicating availability of the multimedia content (K1),*
>
> *the multimedia message service centre (MMSC) (40) is adapted to be selectively coupled via said communication data switch (DSW) (50) to said one or more users (70),*
>
> *the multimedia content server (BMS) (20) is adapted to be selectively coupled via the communication data switch (DSW) (50) to deliver the multimedia content (K1) to the one or more users (70) responding with response messages (230, 240) in response to said one or more notification messages (210, 220; 600), and to direct said one or more response messages (230, 240) selectively to a portion of the data server arrangement (20) for initiating supply of the multimedia content (K1) to the one or more users (70),*
>
> *said multimedia content server (BMS) (20) is adapted to communicate with said short messaging service centre (SMSC) (30) for indicating availability of the multimedia content (K1) at the multimedia content server (BMS) (20); wherein*
>
> *said platform (10) is operable to apply said parameter-limited regime as a time limit regime in respect of the platform (10) for receiving the one or more*

response messages (230, 240) to the one or more notification messages (210, 220), wherein said multimedia content (K1) is selected based upon information included in the one or more notification messages (210, 220; 600) sent to the one or more users (70),

and wherein said platform (10) is adapted to provide alternative multimedia content (K2, ... Kn) in an event that said one or more response messages (230, 240) are received temporally outside said time limit regime.

12 The applicant has also submitted an auxiliary claim set comprising amended independent claims 1 and 11. These are set out in Annex 1. I will return to these in the event I find the existing claim 1 to be either excluded or obvious.

Excluded Matter

The Law

13 The examiner has raised an objection under section 1(2) of the Patents Act 1977 that the invention is not patentable because it relates inter-alia to one or more categories of excluded matter. The relevant provisions of this section of the Act are shown with added emphasis below:

1(2) It is hereby declared that the following (amongst other things) are not inventions for the purpose of the Act, that is to say, anything which consists of –

(a) a discovery, scientific theory or mathematical method;

(b) a literary, dramatic, musical or artistic work or any other aesthetic creation whatsoever;

(c) ***a scheme, rule, or method for*** *performing a mental act, playing a game or* ***doing business****, or a* ***program for a computer****;*

(d) the presentation of information;

but the foregoing provisions shall prevent anything from being treated as an invention for the purposes of the Act only to the extent that a patent or application for a patent relates to that thing as such.

14 As explained in the notice published by the UK Intellectual Property Office on 8th December 2008[1], the starting point for determining whether an invention falls within the exclusions of section 1(2) is the judgment of the Court of Appeal in *Aerotel/Macrossan*[2].

15 The interpretation of section 1(2) has been considered by the Court of Appeal in *Symbian*[3]. *Symbian* arose under the computer program exclusion, but as with its previous decision in *Aerotel/Macrossan*, the Court gave general guidance on section

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[1] http://www.ipo.gov.uk/pro-types/pro-patent/p-law/p-pn/p-pn-computer.htm

[2] *Aerotel Ltd v Telco Holdings Ltd and Macrossan's Application* [2006] EWCA Civ 1371; [2007] RPC 7

[3] *Symbian Ltd v Comptroller-General of Patents*, [2009] RPC 1

1(2). Although the Court approached the question of excluded matter primarily on the basis of whether there was a technical contribution, it nevertheless (at paragraph 59) considered its conclusion in the light of the *Aerotel/Macrossan* approach. The Court was quite clear (see paragraphs 8-15) that the structured four-step approach to the question in *Aerotel/Macrossan* was never intended to be a new departure in domestic law; that it remained bound by its previous decisions, particularly *Merrill Lynch*[4] which rested on whether the contribution was technical; and that any differences in the two approaches should affect neither the applicable principles nor the outcome in any particular case.

16 Subject to the clarification provided by *Symbian*, it is therefore appropriate to proceed on the basis of the four-step approach explained at paragraphs 40-48 of *Aerotel/Macrossan* namely:

> *(1) Properly construe the claim.*
>
> *(2) Identify the actual contribution (although at the application stage this might have to be the alleged contribution).*
>
> *(3) Ask whether it falls solely within the excluded matter.*
>
> *(4) If the third step has not covered it, check whether the actual or alleged contribution is actually technical.*

17 I should note that at the hearing Dr Norris referred to the Strasbourg Convention and its influence on the EPC Art. 52(2) and section 1(2) of the Patents Act 1977. It was nevertheless accepted that the correct approach to be used is that set out in *Aerotel/Marcossan.*

Applying the Aerotel test

Step 1 – Properly construe the claim

18 The first step is to construe claim 1. There are a number of minor issues within claim 1. However, it is first worth noting that I believe that some of the reference numerals in the claim may be incorrect. Given that the use of references does not influence the construction of the claim, this is not material. It is also apparent that often when “users” is referred to in the claim, it is users’ wireless communication devices that are actually meant. There is also a constructional point in that “multimedia content server” is not a term used in the description apart from within the consistory clauses relating to the claims. However, it is clear from the embodiments that the skilled person would understand that it is the “control server arrangement” that is being defined in the claims as the “multimedia content server”. There is also a further constructional issue regarding the “content provider” which again is not defined in the description outside of the consistory clauses. However, again, the skilled person would have no issue in understanding that this refers to the advertising campaign content server/content server.

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[4] *Merrill Lynch's Appn*. [1989] RPC 561

19 There is a slight construction issue in relation to what is meant by "*and to direct said one or more response messages (230, 240) selectively to a portion of the data server arrangement (20) for initiating supply of the multimedia content (K1) to the one or more users (70)*". In light of the description, especially at page 12, and the matter later in the claim, this is taken to mean that supply of the multimedia content to the user devices is initiated by the multimedia content server. It is also noted that the "said parameter-limited regime" defined in claim 1 has no previous antecedence, but this is not a major constructional issue.

20 Other than the points mentioned above the claim is generally clear.

Step 2 – Identify the actual contribution

21 Guidance on how to identify the contribution is given in paragraph 43 of *Aerotel* where the court accepted the proposition that identifying the contribution is an exercise in judgment probably involving the problem said to be solved, how the invention works, what its advantages are. What has the inventor really added to human knowledge perhaps best sums up the exercise.

22 As I have already discussed, the problem addressed by the invention relates to data communication capacity in the network and in particular the problem of unnecessary content duplication with conventional approaches to providing MMS data via a wireless communication network.

23 Mr Bunke gave the example that previously when sending out high volumes (hundreds of thousands) of messages at the same time the network might crash as it could not handle this high volume of messages. He also mentioned that the present invention ensured that the network was "ready" to deliver the data package, ensuring that queues do not form in the network which in turn, overloads the network. Mr Bunke also stated that while the number of messages sent by the present invention is not reduced, the content of the messages that are sent can be changed, such that irrelevant data is not sent to users. He went on to note that the claimed invention used network data switching to manage how data packages are sent over the network such that messages are sent only when the network is ready to receive them.

24 In the examination report of 6th August 2014 the examiner defined the actual contribution as: "supplying alternative multimedia content to users if their responses to an availability notification are received outside a time limit".

25 I believe that Mr Bunke is perhaps a little closer to what I believe to be the actual contribution.

26 Firstly I do not believe that there is any contribution arising from the hardware of the invention. Although Mr Bunke and Dr Norris stated at the hearing that the invention could be implemented via hardware (or software), there is no specific teaching in the application regarding this and how this would be achieved. For example both the short message service centre and the multimedia message service centre are described as being conventional. Further it is stated that the data switch is preferably of a known type. I also note page 16, line 14 of the description which states:

"A conventional communication network is capable of being reconfigured to implement the platform 10. No changes are needed to wireless communication devices of the one or more users (USRS) 70 and existing settings are optionally employed. In other words, a wireless communication device of the at least one user (USRS) 70 would attempt to retrieve content from a standard multimedia message service center (MMSC), but the data switch (DSW) 50 in the case of the platform 10 causes the data content K1 to be sent from the control server arrangement (BMS) 20 included in the platform 10."

27 Whilst the data switch may route the data retrieval request to the control server arrangement, this is the conventional function of a data switch. So while the present invention as claimed uses a data communication network of the type defined and the routing of data or messages, these are entirely conventional.

28 Taking the above into account, I believe that the actual contribution that the claimed invention makes is:

> A multimedia message delivery platform configured to inform the user or users of wireless communication devices of the availability of multimedia content by a notification message sent via a short messaging service centre, to receive a request for the multimedia content from a user device via a response message and provide either the requested or alternative multimedia content to the user device on the basis of when the response message is received.

Steps 3 & 4 – Does the contribution fall solely within excluded matter and is it actually technical in nature

Program for a computer

29 There is no doubt in my mind that the contribution identified above relates to a computer program but this of itself is not determinative. Rather what I need to determine is whether the computer program makes a "technical contribution". To help in identifying whether a technical contribution exists, it can be useful to consider the five signposts set out in *AT&T Knowledge Ventures/Cvon Ltd*[5] [2009] EWHC 343 (Pat) and *HTC Europe Co Ltd v Apple Inc*[6]. *HTC v Apple* clarified the fourth of five signposts first set out in *AT&T/Cvon*. The signposts are:

> i) whether the claimed technical effect has a technical effect on a process which is carried on outside the computer;
>
> ii) whether the claimed technical effect operates at the level of the architecture of the computer; that is to say whether the effect is produced irrespective of the data being processed or the applications being run;
>
> iii) whether the claimed technical effect results in the computer being made to operate in a new way;

[5] *AT&T Knowledge Ventures/Cvon Ltd* [2009] EWHC 343 (Pat)
[6] *HTC Europe Co Ltd v Apple Inc* [2013] EWCA Civ 451

iv) whether the program made the computer a better computer in the sense of running more efficiently and effectively as a computer;

v) whether the perceived problem is overcome by the claimed invention as opposed to merely being circumvented.

Whilst they can be useful, it is important to remember that these signposts are just guidelines to help decide if the invention makes a technical contribution.

30 Dr Norris and Mr Bunke explained why the present invention either satisfied the signposts, or that particular signposts were not relevant. On the first signpost their argument seemed to be that the invention relates to a network and network switching rather than any individual computer and hence this particular signpost did not apply. Even if it did apply, then it was satisfied since the invention avoids network overloading. The latter point is I believe more relevant to the later signposts. On any possible technical effect outside of the computer then whilst notification messages, response messages and content are transferred in the network of the present invention there is no technical effect outside of the computer. For example the invention does not provide a technical effect on the user's communication device or on the content provider. Rather all that these components experience is the transfer of data in a standard manner.

31 Dr Norris' and Mr Bunke's contentions on the second and third signposts were somewhat difficult to follow. They appeared to accept that the invention did not operate at the system architecture level yet still appeared to suggest signpost two applied. On the third signpost the argument seemed to be that the invention allowed the network to switch data in a more efficient manner and thus avoid the duplication of data. I am not persuaded that either signpost applies here. Whilst the system is not tied to the specific content to be downloaded it is specific to the general application(s) used to implement the multimedia content distribution and hence it does not operate at the sort of level envisaged in my opinion by signpost two. I am also not persuaded that there is any technical effect that causes the computer providing the platform to operate in a new way in any other way than would be expected from any computer running a new program.

32 They further stated that the benefits given by the invention regarding the reducing of content multiplication in the network and the fact that multimedia message service centres are not overloaded is sufficient to satisfy the fourth signpost. However as discussed it does this by using a different messaging method to the systems that are affected by the problems described. The fact that relevant content can always be supplied to the user by the invention and so network resources are not wasted may have benefits for the content supplier and the user, but these are not considered to be technical effects.

33 The fifth signpost is perhaps the most relevant. Dr Norris stated that the invention solved the network loading issues outlined in the specification as filed and consequently this signpost is satisfied. Again I am not persuaded. The problem that the invention addresses is particular to systems that use MMS messaging to deliver content to a large number of users since the MMS messages contain the content itself. Neither the present invention as claimed, nor the actual contribution identified

above use MMS and instead SMS messages are used to notify the user device of the availability of content at the multimedia content server. Therefore it seems that the perceived problem is circumvented rather than being solved. The fact that the content provided to the user can be varied with respect to time does not alter this. It too is not a technical consideration as the system is unaffected by the nature or form of the content. Therefore this signpost is not satisfied.

34 Therefore none of the signposts appears to be satisfied by the present invention. As I have indicated that is not necessarily fatal as these signposts are mere guidelines at best. What I need to still do is to take a step back and ask more broadly whether the contribution made by the invention is technical.

35 Mr Bunke in particular was at pains during the hearing to say that the invention related to switching of data content within a network. He referred to a number of international standards relating to how telecommunication systems distribute data. Mr Bunke and Dr Norris brought to my attention a number of granted UK patents[7] which they purported had greater similarity to the present invention than any of the previously cited prior art brought to their attention through the prosecution of the patent application. Dr Norris especially expressed concern regarding the consistency of approach between IPO examiners.

36 I do not propose to discuss these other patents in any detail. Each application must be considered on its individual merits. I would note that a cursory examination of these other patents would seem to show that although some are related to delivering Multimedia Messages and content they relate to quite different inventions to the one in issue here. The examiners who considered those applications obviously considered that the inventions in issue there did involve a technical contribution. What the applicant has not done here, and the onus is on it to do so, is to show what aspect of these other inventions gave them the necessary technical contribution and then to use that to frame its arguments in relation to the particular invention here. It is not sufficient just to say the IPO granted these patents and therefore it should grant this patent.

37 Hence even if I take a step back from the signposts I cannot see any technical contribution made by the invention. Therefore I have reached the conclusion having carefully considered the matter that the invention in issue here is excluded as being a program for a computer, as such.

Scheme, rule or method for doing business

38 The examiner also considered that the invention relates to a scheme, rule or method for doing business, as such, given that the implementation of the time limit regime is essentially business consideration.

39 In this regard, it is noted that the embodiments of the invention given in the specification often relate to the provision of advertising campaigns and possibly providing users with notifications that inform a user that a discount offer has now expired "*but nevertheless by animation providing the at least one user (USRS) 70*

[7] Patents referred to at hearing were GB2460651B, GB2465799B, GB2440775B, GB2439691B, GB2462256B.

with a lasting impression which will influence positively the at least one user (USRS) 70, namely the person 200, regarding making a future purchase for services and/or products". (Page 14, lines 20-23 of specification as filed.) However, I also note that the invention is not limited to the delivery of any particular type of content, though it can be advertising content.

40 At the hearing, Mr Bunke and Dr Norris maintained that any suggestion that the present invention related to a scheme, rule or method for doing business was too simplistic since the present invention involved the sending of SMS messages and command signals.

41 The decision regarding the nature of the content to provide to a user is however in my opinion an administrative decision of the content provider. There is nothing to suggest that the time limit-regime is required for technical reasons rather it is because the initial content may no longer be relevant. This is either an administrative or commercial decision. Equally the decision to use SMS messaging in the Multimedia delivery platform is also tied to the method of providing content albeit driven by constraints that are technical in nature. For the avoidance of doubt I would again stress that these constraints are not overcome by the invention, merely circumvented.

42 Hence on balance I am of the view that the invention is also excluded as being a scheme, rule or method for doing business as such.

The auxiliary claims

43 The auxiliary claim set submitted with the agent's skeleton arguments were discussed briefly at the hearing. Although worded slightly differently these claims reflect the invention as presently claimed but add some additional features. The first of these relates to the inclusion of additional possible regimes based upon which multimedia content can be supplied to a user. The additional regimes are a "spatially location limited regime" (explained to me at the hearing as being geographic location), a "number limited regime" relating to the number of times the first multimedia content has been previously delivered to users and user preferences. These additional regimes add no technical contribution to the invention: they are merely extra factors that the multimedia content server uses to determine what content to provide to the user.

44 The auxiliary claims also state that the data switching arrangement performs layer-7 switching to selectively route the response messages from the user device to the multimedia content server, to reduce data multiplication in the platform. I have considered the data multiplication issue above: the reduction in data multiplication is a result of the use of different, entirely conventional, messaging techniques. It does not provide a technical contribution of itself. I asked Mr Bunke the purpose of adding the "layer-7 switching" element to the claims. His response was that because the examiner had stated that the invention was not technical, they were adding more technical features. This misses the point of the *Aerotel* test where the crucial factor is the nature of the actual contribution and whether or not actual contribution provides a contribution that is not excluded. Adding conventional technical features to a claim where the actual contribution relates to excluded matter will not change the actual contribution and so will not take the claimed invention out of the excluded categories

of section 1(2). The auxiliary claims are therefore also excluded from patentability by virtue of section 1(2).

Inventive step

45 Given my conclusion above with respect to section 1(2)(c), it is strictly not necessary for me to go into detail on inventive step. I would however note that Dr Norris and Mr Bunke whilst arguing that the invention did involve an inventive step also raised some concerns about the level of detail in the inventive step objection made by the examiner. This consisted of a reference to three pieces of prior art[8] together with a statement that the features set out in claim 1 were common in multimedia delivery platforms in these documents such any of these documents in combination with the common general knowledge would show the invention to be obvious. Whilst the examiner may have decided to focus his efforts on the issue of excluded matter it would nevertheless have been beneficial to provide more discussion on inventive step in particular by explaining what was the common general knowledge at the time and how this related to the disclosures in the prior art. Having considered these documents, I do not think it is readily apparent how they relate to the issue of inventive step. Hence I am not persuaded that a case of lack of inventive step has been made on the basis of these three documents.

Decision

46 I have found that the contribution made by the invention defined by the claims falls solely in matter excluded from patentability by virtue of section 1(2)(c) of the Act, namely a program for a computer and a scheme, rule or method for doing business.

47 I have also concluded that the invention is not rendered obvious by the three documents cited by the examiner.

48 Having carefully considered the specification as a whole as well as the auxiliary claims, I can see nothing that could be reasonably expected to form the basis of a valid claim. I therefore refuse this application under section 18(3).

Appeal

49 Any appeal must be lodged within 28 days after the date of this decision.

Phil Thorpe

Deputy Director acting for the Comptroller

[8] WO 2005/070176, US 2007/0124452 & US 2010/0042471

Annex 1 – Auxiliary claims

*1. A multimedia message delivery platform (**10**) for providing a plurality of multimedia content (K**1**, K**2**, . . . Kn) to one or more users (**70**) coupled in communication with the platform (**10**), said one or more users (**70**) including wireless communication devices, wherein said platform (**10**) includes:*

*a content provider (AD EXEC) **(60)** configured to store the plurality of multimedia content (K**1**, K**2**, . . . Kn);*

*a multimedia content server (BMS) **(20)** configured to host at least one multimedia content (K**1**, K**2**, . . . Kn) of the plurality of multimedia content (K**1**, K**2**, . . . Kn);*

*a short messaging service center (SMSC) (**30**) configured to receive one or more multimedia notification messages (**210**, **220**) from the multimedia content server BMS **(20)** regarding availability of a first multimedia content (K**1**) of the plurality of multimedia content (K**1**, K**2**, . . . Kn), and to generate one or more SMS short messaging service notifications (**600**) for the one or more users (**70**), regarding availability of the first multimedia content (K**1**); and a data switching arrangement (DSW) (**50**) configured to selectively couple the multimedia*

*content server (BMS) (**20**) to the one or more users (**70**) and further configured to receive one or more response messages (**230**, **240**) from said one or more users (**70**) for receiving the first multimedia content (**K1**) in response to said one or more multimedia notification messages (**210**, **220**), and to perform layer-7 switching to selectively route said one or more response messages (**230**, **240**) to the multimedia content server BMS (**20**) for causing the multimedia content server BMS (**20**) to initiate supply of the first multimedia content (K**1**) to the one or more users (**70**) on their demand, thereby reducing data multiplication in the platform (**10**),*

*wherein the supply of the first multimedia content (K**1**) is initiated based upon information included in the one or more multimedia notification messages (**210**, **220**), the information being at least one of: time for which the first multimedia content (K**1**) is available at the multimedia content server BMS (**20**), number of times the first multimedia content (K**1**) has been previously*

*delivered to the one or more users (**70**), location of the at least one user (USRS) (**70**), and preferences of the at least one user (USRS) (**70**),*

*wherein said platform (**10**) is configured to apply a parameter-limited regime in respect of the platform (**10**) for receiving the one or more response messages (**230**, **240**) to the one or more multimedia notification messages (**210**, **220**), and said platform (**10**) is configured to provide a second multimedia content (K**2**) of the plurality of multimedia content (K**1**, K**2**, . . . Kn), in an event that said one or more response messages (**230**, **240**) are received outside said parameter- limited regime,*

*wherein said platform (**10**) is configured to apply said parameter-limited regime as at least one of: time limited regime, spatially location-limited regime, and number-limited regime,*

*wherein said platform (**10**) is configured to provide the second multimedia content (K**2**) in an event that said one or more response messages (**230**, **240**) are received temporally outside said time limit regime,*

*and wherein said platform (**10**) is configured to provide the second multimedia content (K**2**) in an event that said one or more response messages (**230**, **240**) are received spatially outside said spatially location-limited regime.*

50 Claim 11 reads:

*11. A method for operating a multimedia message delivery platform (**10**) for providing a plurality of multimedia content (K**1**, K**2**, . . . Kn) to one or more users (**70**) coupled in communication with the platform (**10**), said one or more users (**70**) including wireless communication devices, wherein said platform (**10**) includes a content provider (AD EXEC) **(60)**, a multimedia content server (BMS) **(20)**, a short messaging service center (SMSC) (**30**), and a data switching arrangement (DSW) (**50**), the method comprising:*

*(a) using the content provider (AD EXEC) **(60)** for storing the plurality of multimedia content (K**1**, K**2**, . . . Kn); (b) using the multimedia content server (BMS) **(20)** for hosting at least one multimedia content (K**1**, K**2**, . . . Kn) of the plurality of multimedia content (K**1**, K**2**, . . . Kn);*

*(c) using the SMSC short messaging servicing center (**30**) for receiving one or more multimedia notification messages (**210**, **220**) from the BMS multimedia content server **(20)** regarding availability of a first multimedia content (K**1**) of the plurality of multimedia content (K**1**, K**2**, . . . Kn), and generating one or more SMS short messaging service notifications (**600**) for the one or more users (**70**), regarding availability of the first multimedia content (K**1**); and*

*(d) using a the data switching arrangement (DSW) (**50**) for selectively coupling the multimedia content server (BMS) (**20**) to the one or more users (**70**) and receiving one or more response messages (**230**, **240**) from said one or more users (**70**) for receiving the first multimedia content (**K1**) in response to said one or more notifications messages (**210**, **220**; **600**); and performing layer-7 switching for selectively routing said one or more response messages (**230**, **240**) to the BMS multimedia content server (**20**) for initiating supply of the first multimedia content (K**1**) to the one or more users (**70**),*

*wherein the supply of the first multimedia content (K**1**) is initiated based upon information included in the one or more multimedia notification messages (**210**, **220**), the information being at least one of: time for which the first multimedia content (K**1**) is available at the multimedia content server BMS (**20**), number of times the first multimedia content (K**1**) has been previously delivered, location of the at least one user (USRS) (**70**), and preferences of the at least one user (USRS) (**70**),*

*wherein said platform (**10**) is configured to apply a parameter-limited regime in respect of the platform (**10**) for receiving the one or more response messages (**230**, **240**) to the one or more*

*multimedia notification messages (**210**, **220**), and said platform (**10**) is configured to provide a second multimedia content (K**2**) of the plurality of multimedia content (K**1**, K**2**,. . . Kn), in an event that said one or more response messages (**230**, **240**) are received outside said parameter- limited regime,*

*wherein said platform (**10**) is configured to apply said parameter-limited regime as at least one of: time limited regime, spatially location-limited regime, and number-limited regime,*

*wherein said platform (**10**) is configured to provide the second multimedia content (K**2**) in an event that said one or more response messages (**230**, **240**) are received temporally outside said time limit regime,*

*and wherein said platform (**10**) is configured to provide the second multimedia content (K**2**) in an event that said one or more response messages (**230**, **240**) are received spatially outside said spatially location-limited regime.*