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Datasheet for the decision of 27 June 2023

Case Number: T 2773/19 - 3.4.03

Application Number: 15724485.6

Publication Number: 3143571

IPC: G06Q20/02, G06Q20/32, G06Q20/42

Language of the proceedings: EN

Title of invention:
METHOD, APPARATUS, AND SYSTEM FOR OPERATING AN ELECTRONIC ACCOUNT IN CONNECTION WITH AN ELECTRONIC TRANSACTION

Applicant:
Advanced New Technologies Co., Ltd.

Relevant legal provisions:
EPC Art. 52(1), 56, 123(2)

Keyword:
Amendments - added subject-matter (no)
Inventive step - main request, first and second auxiliary requests - (no)

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Case Number: T 2773/19 - 3.4.03

D E C I S I O N
of Technical Board of Appeal 3.4.03
of 27 June 2023

Appellant: (Applicant)	Advanced New Technologies Co., Ltd. Cayman Corporate Centre 27 Hospital Road George Town, Grand Cayman KY1-9008 (KY)
Representative:	McKinnon, Alistair James WP Thompson 138 Fetter Lane London EC4A 1BT (GB)
Decision under appeal:	**Decision of the Examining Division of the European Patent Office posted on 21 May 2019 refusing European patent application No. 15724485.6 pursuant to Article 97(2) EPC.**

Composition of the Board:

Chairman	T. Häusser
Members:	M. Ley
	D. Prietzel-Funk

Summary of Facts and Submissions

I. The appeal is against the decision of the examining division to refuse European patent application No. 15 724 485 pursuant to Article 97(2) EPC.

II. The following document was cited in the impugned decision:

D1 US 2012/0209749 A1

III. The examining division decided that claims 1 and 6 according to the main request did not meet the requirements of Article 123(2) EPC and that the subject-matter of the claims according to the main request and the first and second auxiliary requests did not involve an inventive step (Article 56 EPC) over the disclosure of D1.

IV. The appellant requests that the decision under appeal be set aside and a European patent be granted on the basis of the sets of claims filed with the statement setting out the grounds of appeal, these requests corresponding to those underlying the impugned decision.

Moreover, the appellant requests that the decision be set aside and that the application be "remitted back to the Examining Division with directions indicating that it relates to a patentable invention, and directions to the Examining Board to find an acceptable form of claim".

V. The board issued a summons to attend oral proceedings. In a communication pursuant to Article 15(1) RPBA 2020,

the board informed the appellant *inter alia* about its preliminary opinion that the subject-matter of respective claim 1 of all requests lacked an inventive step (Article 56 EPC).

In a letter dated 22 May 2023, the appellant informed the board that they would not attend the oral proceedings. No further arguments on substantive matter were provided.

The board then cancelled the oral proceedings.

VI. Claim 1 of the **main** request has the following wording (board's labelling):

A method, comprising:
(a) receiving (210), by one or more merchant servers (503), a payment platform display page acquisition request from a first client terminal (502);
(b) providing (220), by the one or more merchant servers (503), a payment platform display page to the first client terminal (502),
(c) wherein the payment platform display page includes a first script code,
(c1) the first script code includes a storage address of a second script code in a payment server (504), and
(d) in response to executing the first script code, the first script code causes the first client terminal (502) to:
(d1) acquire a second script code from the payment server (504);
(d2) execute the second script code, and
(d3) in response to executing the second script code, sending upcoming payment sum information to the payment server (504);

(d4) obtain a payment page including a digital object unique identifier from the payment server (504),
(d5) wherein the digital object unique identifier indicates an upcoming payment sum; and
(d6) display the payment page;
(e) receiving (230), by the one or more merchant servers (503), verification information,
(e1) wherein the verification information is generated, by the payment server, based on receiving, by the payment server, a confirmation associated with the upcoming payment sum from a second client terminal,
(f) and the second client terminal is provided with the digital object unique identifier from the first client terminal; and
(g) sending (240), by the one or more merchant servers (503), the verification information to the payment server (504) to instruct the payment server (504) to execute a deduction operation on an electronic account.

Claim 1 according to the **first** auxiliary request corresponds to claim 1 according to the main request, wherein the following feature is added before feature (c1):

(c0) the first script code is JavaScript embedded in the payment display page

and wherein features (d) and (d1) are amended as follows:

d') in response to accessing the payment platform display page, the first script code is executed and in response to executing the first script code, the first script code causes the first client terminal (502) to:
(d1') redirect to the payment server and acquire a second script code from the payment server (504);

Claim 1 according to the **second** auxiliary request corresponds to claim 1 according to the first auxiliary request, wherein the following feature is added before feature (b):

(a1) wherein the payment platform display acquisition request being triggered in response to a user selecting to complete an electronic purchase on a website associated with the one or more merchant servers, and in response to receiving the payment platform acquisition request, the one or more merchant servers generate a first script code and a payment platform display page that includes the first script code;

and wherein feature (d3) is amended as follows:

(d3') in response to executing the second script code, sending upcoming payment sum information to the payment server (504), wherein execution of the second script code triggers the payment server to generate a digital object unique identifier.

VII. The appellant argued that D1 did not disclose features (d), (d1) to (d5).

The objective technical problem was not an "alternative loading mechanism", as argued by the examining division, but features (d), (d1) to (d6) cured "deficiencies of the related art associated with the need to invoke a URL and the transmission of sensitive information to the payment server".

Reasons for the Decision

1. The invention concerns a method for performing online shopping, said method involving a client terminal, a merchant server and a payment server.

A conventional method is described in paragraphs [0003] to [0022] of the description of the application and shown in Figures 1A and 1B of the application and has deficiencies. The payment server needs to invoke a URL in order to cause the client terminal to display a payment page; the process of invoking a URL uses a relatively long period of processing time which lowers the overall efficiency of the payment process. Moreover, the conventional method requires that sensitive information from the user be transmitted to the payment server and thus runs the risk of leaking sensitive information.

2. Procedural issues

In preparation for the oral proceedings the board issued its preliminary opinion on the case raising objections against all requests under Article 52(1) EPC in combination with Article 56 EPC.

The appellant's declared intention not to attend the oral proceedings is considered by the Board as equivalent to a withdrawal of its request for oral proceedings (see *Case Law of the Boards of Appeal of the European Patent Office*, 10th edition 2022, III.C. 4.3.2).

As the appellant chose not to comment on the preliminary opinion issued by the board in preparation

of the oral proceedings and as it withdrew its request for oral proceedings, the board does not see any reason to deviate from its preliminary opinion and concludes that the case is ready for decision.

Main request

3. Amendments - Article 123(2) EPC

The board notes that the wording of (e), (e1) and (f) only requires that:

- a confirmation associated with the upcoming payment sum is received by the payment server from the second client terminal
- the payment server then generates verification information
- said verification information is then received by the one or more merchant servers

and

- the second client terminal is provided with the digital object unique identifier from the first client terminal

Claim 1 does not define any relation between the "confirmation" and the "digital object unique identifier" and, hence, leaves it open when the digital object unique identifier is provided to the second client terminal. The board does not agree with the examining division that claim 1 would require that the receiving step according to feature (e) preceded a step of providing the digital object unique identifier to the second client terminal according to the feature (f).

As pointed out in section 5. of the board's communication pursuant to Article 15(1) RPBA 2020,

Figure 2 and paragraphs [0049] to [0071] of the description of the application provide a basis for the method according to claim 1. Claim 1 of the main request thus complies with Article 123(2) EPC.

4. Inventive step - Article 56 EPC

4.1 Document D1 discloses (in the wording to claim 1 of the main request) a method (Figures 4A to 4D, paragraphs [0046] to [0073]), comprising:
receiving (Figure 4A, 413, "Checkout request", [0046]), by one or more merchant servers (403), a payment platform display page acquisition request ("Checkout request") from a first client terminal (402, "Client device");
providing (Figure 4A, 417), by the one or more merchant servers (403), a payment platform display page (Figure 4A, 413 to 417, [0048] to [0056]) to the first client terminal (402), wherein the payment platform display page includes a first script code ([0055]: "... the merchant server may provide a HyperText Markup Language ('HTML') page including a reference to the QR code image ..."; HTML <img> tag is a first script code with storage address to a QR code),
the first script code includes a storage address of a QR code ~~second script code~~ ([0055]) in a payment server (406, "PayNetwork Server", Figure 4A, steps 416b to 416d), and
in response to executing the first script code, the first script code causes the first client terminal to:
~~acquire a second script code from the payment server;~~
~~execute the second script code, and~~
~~in response to executing the second script code,~~
~~sending upcoming payment sum information to the payment server;~~

obtain a payment page including a digital object unique identifier from the payment server (Figure 4A, 417, [0050], [0052]), wherein the digital object unique identifier indicates an upcoming payment sum; and display the payment page ([0056], Figure 4A, 418).

D1 further discloses receiving (Figures 4B and 4C, 433, 433b, [0068], [0069]), by the one or more merchant servers (403), verification information ("Autorization success message"), wherein the verification information is generated, by the payment server (406, Figure 4B), based on receiving, by the payment server (406, Figure 4B), a confirmation (Figures 4A and 4B, 421, [0058] to [0060]) associated with the upcoming payment sum from a second client terminal (405, "User Device"), and [wherein] the second client terminal (405) is provided with the digital object unique identifier (Figure 4A, 420, [0056] to [0058]) from the first client terminal (402); and
sending, by the one or more ~~merchant~~ issuer servers (Figure 4B, 408a to 408n, [0065] to [0067]), the verification information to the payment server (406) to instruct the payment server (406) to execute a deduction operation on an electronic account ([0063], [0068]).

4.2 The appellant argued that D1 failed to disclose that "in response to executing the first script code, the first script code causes the first client terminal (502) to ... obtain a payment page including a digital object unique identifier from the payment server (504), wherein the digital object unique identifier indicates an upcoming payment sum". Rather, paragraph [0050] of D1 disclosed that a merchant server could generate QR_data. By construing the QR code of D1 as corresponding to both the "first script code" and the

"digital object unique identifier", the impugned decision improperly conflated the "first script code" and the "digital object unique identifier".

4.3 The board is of the view that in step 417 of Figure 4A, an HTML page ("first script code") with reference to a QR pay code ("digital object unique identifier") is provided to the client device 402 ("first client device"). Executing said first script code causes the first client terminal 402 to obtain the digital object unique identifier from the pay network server 406 ("payment server"), which has generated the QR pay code (Figure 4A, steps 416b, 416c, 416d), see [0050], [0052].

The board agrees with the appellant that the QR pay code is not a second script within the meaning of claim 1.

4.4 Hence, the subject-matter of claim 1 differs from D1 in that:

(i) in response to executing the first script code, the first script code causes the first client terminal to:
acquire a second script code from the payment server;
execute the second script code, and
in response to executing the second script code, sending upcoming payment sum information to the payment server;
and
(ii) the verification information is sent by the one or more merchant servers to the payment server.

4.5 Both distinguishing features correspond to the ones identified by the examining division.

The board agrees with the examining division that no synergistic effect is obtained by said distinguishing features so that a partial objective technical problem is to be formulated for each of them.

4.6 Regarding (i), the appellant argued that the objective technical problem was not an "alternative loading mechanism", but features (d), (d1) to (d6) cured "deficiencies of the related art associated with the need to invoke a URL and the transmission of sensitive information to the payment server", see paragraphs [0004] to [0024] of the application. The technical effect was not only an alternative path of payment but also a more efficient transaction and a more secure transaction by reducing the amount of sensitive information transmitted by the user to the payment server.

4.7 The board notes that claim 1 of the application does not define what happens with the "upcoming payment sum information" sent to the payment server after executing the second script file code (features (d1) to (d3)). No technical problem is solved by features (d1) to (d3), because they merely define that unspecific "upcoming payment sum information" are sent to the payment server, wherein providing said information has no further purpose or effect.

Even accepting - as apparently did the examining division - that the second script file code, in response to being executed by the first client terminal, triggers the payment server to generate the digital object unique identifier, the board is of the view that a more efficient and a more secure transaction is not necessarily achieved.

Paragraph [0024] of the description of the application mentions issues related to the method shown in Figure 1B and disclosed in paragraphs [0004] to [0022] of the application. However, there is no indication in D1 that the payment server 406 needs to invoke an URL in order to cause the client terminal 402 to display a payment page or that a large amount of sensitive information was transmitted to the payment server 406. In other words, the problems that might exist for the method of Figure 1B of the application are not necessarily relevant for the method of D1. Anyhow, the board is of the view that including additional steps (d1) to (d3) in the process of D1 would not necessarily result in a higher transaction speed. The board also notes that the method of claim 1 does not exclude that sensitive information is provided from the user to the payment server. On the contrary, the payment server executes a deduction operation on a user's electronic account and thus "sensitive information" (user's identity, account details, etc.) must be transmitted to the payment server.

In other words, the distinguishing features (i) do not achieve the technical effects mentioned in sections 5. and 6. of the statement setting out the grounds of appeal.

Rather, distinguishing features (i) merely provide an alternative way of sending the QR pay code to the first client terminal 402, i.e. an alternative loading mechanism. The board opines that using a second script after executing a first script appears to be an obvious way for the skilled person using its common general knowledge, as also argued by the examining division. Acquiring a second script code from the payment server

necessarily implies that the first client redirects to the payment server.

4.8 The appellant did not formulate an associated objective technical problem or provide any arguments why an inventive step should be acknowledged based on distinguishing feature (ii).

The board is of the view that no technical effect is achieved by sending verification information by the merchant server to the payment server (feature (g)), when said verification information was anyhow generated by said payment server (see feature (e) and (e1)). No technical problem is solved by distinguishing feature (ii).

4.9 Therefore, the subject-matter of claim 1 according to the main request does not involve an inventive step (Articles 52(1) and 56 EPC).

First auxiliary request

5. Inventive step - Article 56 EPC

The board shares the examining division's view that JavaScript is an obvious alternative to an HTML code, see also paragraph [0152] of D1. Feature (c0) appears to be obvious for the skilled person.

Feature (d') is disclosed in D1, because the HTML code in D1 is executed by the browser, which means that when interpreting the HTML code and arriving at the <img> tag it will query the URL to get such image.

Feature (d1') has already been discussed in the context of the main request, see section 4.6 above.

Therefore, the subject-matter of claim 1 of the first auxiliary request does not involve an inventive step (Article 56 EPC).

Second auxiliary request

6. Inventive step - Article 56 EPC

Document D1 discloses feature (a1), see Figure 4A, step 411, user 401, paragraphs [0046]. Feature (d3') has already been discussed in the context of the main request, see section 4.6 above.

Therefore, the subject-matter of claim 1 of the second auxiliary request does not involve an inventive step (Article 56 EPC) for the reasons already given for the main request and for the first auxiliary request.

Conclusion

7. The board is not aware of any special reasons within the meaning of Article 11 RPBA 2020 that would justify a remittal to the examining division with "directions indicating that it relates to a patentable invention", or "directions ... to find an acceptable form of claim", as requested by the appellant.

As no allowable request is on file, the appeal must fail.

Order

For these reasons it is decided that:

The appeal is dismissed.

The Registrar: The Chairman:

B. Atienza Vivancos T. Häusser

Decision electronically authenticated