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**Datasheet for the decision
of 31 March 2023**

Case Number: T 1785/20 - 3.5.06

Application Number: 13867968.3

Publication Number: 2857961

IPC: G06F9/44, G06F9/54, G06F3/048,
G06F3/0481, G06F3/0488,
H04M1/725

Language of the proceedings: EN

Title of invention:
TASK EVENT PROCESSING METHOD AND DEVICE

Applicant:
Huawei Device Co., Ltd.

Headword:
Notification events/HUAWEI

Relevant legal provisions:
RPBA 2020 Art. 12(4)

Keyword:
Amendment to case - reasons for submitting amendment in appeal proceedings (no)

Decisions cited:

Catchword:



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Case Number: T 1785/20 - 3.5.06

D E C I S I O N
of Technical Board of Appeal 3.5.06
of 31 March 2023

Appellant:
(Applicant)

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Decision under appeal:

**Decision of the Examining Division of the
European Patent Office posted on 20 February
2020 refusing European patent application No.
13867968.3 pursuant to Article 97(2) EPC.**

Composition of the Board:

Chairman M. Müller
Members: T. Alecu
K. Kerber-Zubrzycka

Summary of Facts and Submissions

- I. The appeal is against the decision of the Examining Division to refuse the application. The Examining Division refused the main request underlying the decision for a lack of inventive step, and did not admit the first (and sole) auxiliary request under Rule 137(3) EPC because it "*prima facie, [did] not meet the requirements of Article 123(2) EPC*" and because it "*[did] not prima facie, elude the objection under Article 56 EPC raised for the main request.*"
- II. With the grounds of appeal, the appellant requested that the decision of the Examining Division be set aside and that a patent be granted on the basis of the main request or of one of two auxiliary requests, filed with the grounds of appeal.
- III. In a communication accompanying a summons to oral proceedings the Board provided its provisional opinion that it was inclined to not admit all requests under Rule 12(4) RPBA 2020, as they were amended in a way for which no reasons were apparent or provided by the appellant, and which amendments also appeared to lack clarity and sufficient basis in the original application. Notwithstanding these concerns, the Board discussed inventive step and raised objections in this regard.
- IV. In its reply of 12 December 2022, the Appellant provided arguments concerning admittance, clarity, basis in the original application, and inventive step.
- V. With its further letter of 16 January 2023, the Appellant indicated its absence at the oral proceedings

and asked the Board "to issue a written decision on the basis of the documents on file". The Board subsequently cancelled the oral proceedings.

VI. Claim 1 of the main request defines (marked up version filed on 1 July 2020 showing the amendments in respect of the main request underlying the decision under appeal):

A method for processing a task event, the method comprising:

creating (S101) a first function button for a first task event and a second function button ~~a two function buttons for a task event~~ for the first task event, and adding the first and second ~~two~~ function buttons to a first status item, the first status item corresponding to the first task event, in a status bar, wherein the first task event is ~~comprises~~ a task event of a missed call ~~or a task event of an SMS message~~, the first function button being ~~two function buttons~~ comprise a callback function button and the second function button being a first reply button;

creating (S101) a third function button for a second task event, and adding the third function button to a second status item, the second status item corresponding to the second task event, in the status bar, wherein the second task event is a task event of a received SMS message, the third function button being a second reply button;

obtaining a contact number in the first task event as a called number when an operation on the callback function button is detected by invoking on a background, a function module of the first task event operated by the user; and calling the called number by invoking a callback module of a phone call application program on the background.

VII. The auxiliary requests contain the same amendments, while adding further features; the wording of these other features have no bearing on the present decision.

Reasons for the Decision

The application

1. The application relates to processing task events (such as received calls, messages, or system notifications) on an intelligent terminal (e.g. a smartphone) (paragraphs 1 and 2). It is said that in the prior art, if the user taps the task event, then the application interface of the corresponding program is brought to the foreground of the user interface. According to the application, this interface switching leads to a low efficiency of processing the task events (paragraphs 3 and 4). It is therefore proposed, in a series of embodiments, to provide function buttons, such as "call-back" (see e.g. method embodiment 1, paragraphs 40-46) and "reply" (see e.g. method embodiment 4, paragraph 68), and then to invoke corresponding modules "on the background". For the reply function an input bar is also provided, and its content will be sent to the reply module of the application (paragraphs 69-72).

The requests: admittance under Article 12(4) RPBA 2020

2. According to the Appellant, the "*filed main request is based on the main request on file during the first instance and on which the Examining Division based its decision to refuse the present patent application*". The Appellant considered this new main request to

relate to, and to detail, the subject matter of the former main request (grounds of appeal, end of page 3).

3. Article 12(2) RPBA 2020 provides that *"a party's appeal case shall be directed to the requests, facts, objections, arguments and evidence on which the decision under appeal was based."*

3.1 In comparison with claim 1 of the main request subject to the decision, present claim 1 of the main request is significantly amended. The new features, which are also contained in claims 1 of the auxiliary requests, were not addressed in the decision, nor had they been discussed during the examination proceedings. They were also not contained in claim 1 of the auxiliary request not admitted by the Examining Division.

3.2 As they also have not been *"admissibly raised and maintained"* before the examining division, they are *"amendments"* within the meaning of Article 12(4) RPBA 2020.

4. Article 12(4) RPBA 2020 also provides that *"Any such amendment may be admitted only at the discretion of the Board"*, and then requires, in its second paragraph, that *"The party shall clearly identify each amendment and provide reasons for submitting it in the appeal proceedings."*

4.1 The Appellant did not give any reason for submitting the amendments in question, nor are any apparent to the Board.

4.2 The Appellant expressly stated (reply of 12 December 2022, section I.1) that these amendments are a *"self-restriction of the appellant not influencing any*

inventive step issues at all. This self restriction does not have an effect on any novelty/inventive step argumentation at all.", and argued that they would not delay the proceedings, *"since the Board can quickly decide about the admissibility"* and stressed that *"the appellant does not abuse the appeal phase as a prolonged examination phase."* These statements do not provide justification for filing the amendments in question, but only considerations that the Board may take into account in the exercise of its discretion.

- 4.3 In its reply of 12 December 2022 (section I.1), the Appellant also referred to Article 12(6) RPBA 2020 and suggested that *"the circumstances of the appeal case justify [the] admittance"* of the new main request. The Board notes that its objection to the main request - and to the auxiliary requests insofar as they share the above features - was based on Article 12(4) RPBA 2020, but also appreciates that there is a degree of overlap between Articles 12(4) and 12(6) RPBA 2020 for those amendments filed only on appeal and that *"should have been submitted earlier"*, which however the Board did not argue in the present case.
- 4.4 Where the Appellant argued in favour of admitting the auxiliary requests (reply of 12 December 2022, section II.1), it did not consider the amendments made in the main request.
- 4.5 Therefore, the cited requirement of Article 12(4) RPBA 2020 is not complied with.
- 4.6 The absence of reasons is taken into consideration in the exercise of the Board's discretion. Other reasons might outweigh it, like, as provided in Article 12(4) RPBA 2020, last paragraph, the suitability of the

amendments to overcome objections, or considerations regarding procedural economy.

5. As noted above already, the Appellant expressly states (reply of 12 December 2022, section I.1) that these amendments are a "*self-restriction of the appellant not influencing any inventive step issues at all*".

5.1 Clearly, if the amendments do not influence any inventive step issues, they cannot be meant to overcome the inventive-step objection raised by the Examining Division.

6. Regarding procedural economy, the Board notes that the amendments introduce a number of new potential deficiencies which had to be addressed in substance if the amendments were admitted.

6.1 In claim 1 of the main request underlying the decision of the Examining Division, only one "*task event*" is referred to, which can be either a missed call event or, alternatively, an SMS message event, and "*for*" which two function buttons (callback and reply) are created in a single "*status item*". Claims 1 of the amended requests relate to "*processing a task event*" but then define two task events, corresponding to two "*status items*" (see the Appellants reply of 12 December 2022, point 3 in section I.1). Amended claims 1 also refer to the two task events separately, and specify separately the creation of function buttons in respective status items, two (call and reply) for a call event and one for an SMS message event.

6.2 This raises a number of questions: does the claimed method in fact define two different methods for two different task events, or should the method be con-

strued as implying an event classification step (see claim 2 of the previous main request); are the two task events somehow interdependent; and are the two status items (for two different events) always present, created independent of events and only populated when an event occurs, or created on the fly?

- 6.3 The embodiments of figures 2 and 6, cited by the Appellant as basis for the amendments, do not appear to provide any straightforward answers to these questions.
- 6.4 The amendments therefore raise new issues of claim construction which at least prima facie suggest a lack of clarity, Article 84 EPC, and a lack of compliance with Article 123(2) EPC.
7. In view of the foregoing the Board exercises its discretion under Article 12(4) RPBA 2020 to not admit any of the pending requests.

Order

For these reasons it is decided that:

The appeal is dismissed.

The Registrar:

The Chairman:



L. Stridde

M. Müller

Decision electronically authenticated