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**Datasheet for the decision  
of 12 December 2023**

**Case Number:** T 0676/22 - 3.5.03

**Application Number:** 15911154.1

**Publication Number:** 3383008

**IPC:** H04M1/725, G06F3/0481

**Language of the proceedings:** EN

**Title of invention:**

Method of displaying multiple application windows on mobile terminal and mobile terminal

**Applicant:**

Huawei Technologies Co., Ltd.

**Headword:**

Multiple application windows/HUAWEI

**Relevant legal provisions:**

RPBA 2020 Art. 12(6), 2nd sentence, 12(8)

**Keyword:**

Admittance of a claim request filed on appeal - (no): should have been filed earlier + "fresh case"



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Case Number: T 0676/22 - 3.5.03

**D E C I S I O N**  
**of Technical Board of Appeal 3.5.03**  
**of 12 December 2023**

**Appellant:** Huawei Technologies Co., Ltd.  
(Applicant) Huawei Administration Building  
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**Representative:** Goddar, Heinz J.  
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**Decision under appeal:** **Decision of the Examining Division of the  
European Patent Office posted on 15 October 2021  
refusing European patent application  
No. 15911154.1 pursuant to Article 97(2) EPC.**

**Composition of the Board:**

**Chair** K. Bengi-Akyürek  
**Members:** K. Schenkel  
R. Romandini

## Summary of Facts and Submissions

- I. The appeal is against the decision of the examining division to refuse the present European patent application, on the grounds of added subject-matter (Article 123(2) EPC), lack of clarity (Article 84 EPC) and lack of inventive step (Article 56 EPC) as regards a main request and first and second auxiliary requests.
- II. With its statement setting out the grounds of appeal, the appellant requested that the appealed decision be set aside and that a patent be granted on the basis of a **sole claim request** filed for the first time with the statement of grounds of appeal. This claim request replaced the main request and the first and second auxiliary requests underlying the appealed decision.
- III. In a communication annexed to the summons to oral proceedings pursuant to Article 15(1) RPBA, the board gave its (negative) preliminary opinion on the appeal.
- IV. In a letter of reply, the appellant indicated that it would not be attending the oral proceedings and that the "request for oral proceedings is withdrawn". It did not submit any comments on the substance of the board's communication either.
- V. Oral proceedings were then cancelled (cf. Article 12(8) RPBA 2020).
- VI. Claim 1 of the **sole claim request** reads as follows:

"A method for displaying multiple application windows by a mobile terminal, wherein the multiple application windows comprise at least a first

application window and a second application window that are used to respectively display, simultaneously on one display screen, a user interface of a first application and a user interface of a second application, a size of the first application window is capable of being adjusted by a user, and the method comprises:

obtaining (101) a current placement direction of the mobile terminal;

determining (102) a window width and a window height of the first application window in the current placement direction;

wherein:

the placement direction is a landscape direction or a portrait direction;

the window width of the first application window is a length or a projection of the first application window on a short side of the display screen, and the window height of the first application window is a length or a projection of the first application window on a long side of the display screen when the current placement direction is a portrait direction; and

the window width of the first application window is a length or a projection of the first application window on a long side of the display screen, and the window height of the first application window is a length or a projection of the first application window on a short side of the display screen when the current placement direction is a landscape direction;

determining (103) a value relationship between the window width and the window height;

determining (104) that the first application has a landscape resource and a portrait resource according to a display attribute of the first application, wherein the landscape display resource and the portrait display resource are different resources which are stored in a resource file corresponding to the first application;

if the value relationship between the window width and the window height is that the window width is greater than the window height, and a display resource status of the first application is that the first application has the portrait display resource and the landscape resource, loading (105c) the landscape display resource of the first application in the current placement direction when the user interface of the first application is displayed in the first application window;

if the value relationship between the window width and the window height is that the window width is less than the window height, and the display resource status of the first application is that the first application has the landscape display resource and the portrait display resource, loading (105c) the portrait display resource of the first application in the current placement direction when the user interface of the first application is displayed in the first application window;

if the value relationship between the window width and the window height is that the window width is equal to the window height, and the display resource status of the first application is that the first application has the landscape display resource and the portrait display resource, loading (105c) either the landscape display resource or the portrait display resource of the first application in the current placement direction when the user interface of the first application is displayed in the first application window;

wherein the user interface of the first application and the user interface of the second application fully occupy an area used to display an application interface on the display screen, and the user interface of the

first application and the user interface of the second application do not overlap."

## **Reasons for the Decision**

1. Admittance of the sole claim request
  - 1.1 The new claim request was filed for the very first time with the statement of grounds of appeal.
  - 1.2 The board considers that the filing of this request did not constitute an appropriate reaction to some unforeseen developments in the first-instance proceedings. Quite to the contrary: in the annex to the letter of summons dated 10 March 2021 the examining division raised a number of objections under Articles 54 and 56 EPC against the allowability of claims 1 to 15 of the request on file. As a reaction to this preliminary view, the applicant filed a main request (claims 1 to 7), a first auxiliary request (claims 1 to 12) and a second auxiliary request (claims 1 to 5) on 25 August 2021. It also provided a number of arguments in support of the allowability of those new claims. On 23 September 2021, the examining division issued a second preliminary opinion in which it considered these new claims. In that opinion, the examining division raised objections under Articles 123(2) and 56 EPC against the claims of the main request, under Articles 84 and 56 EPC against the claims of the first auxiliary request and under Articles 123(2), 84 and 56 EPC against the claims of the second auxiliary request, as explained in the decision under appeal itself.

The applicant did not respond to those observations.

Instead, it withdrew the request for the first-instance oral proceedings. In fact, the examining division's written decision merely repeated the objections under Article 123(2) EPC raised in the communication. Only for the sake of completeness did it further discuss the question of inventive step, which had also been raised in the previous communication. Against this background, the board finds that the request on file *could* and *should* have been filed earlier, e.g. already in preparation for the first-instance oral proceedings (Article 12(6), second sentence, RPBA 2020).

- 1.3 Furthermore, present claim 1 has in fact been substantially amended with completely new features, evidently taken exclusively from the present description (cf. paragraphs [0093], [0066], [0096], [0107], [0108], [0114] according to the statement of grounds of appeal). Also, the dependent claims were significantly amended by solely incorporating passages from the description. The new claim request thus apparently constitutes an entirely "**fresh case**".
- 1.4 In view of the above and in view of the primary object of the appeal proceedings to review the decision under appeal in a judicial manner (cf. Article 12(2) RPBA 2020), the board has decided not to admit this sole request into the appeal proceedings.
2. In the absence of any admissible claim request, the present appeal has to be dismissed.

**Order**

**For these reasons it is decided that:**

The appeal is dismissed.

The Registrar:

The Chair:



B. Brückner

K. Bengi-Akyürek

Decision electronically authenticated