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**Datasheet for the decision
of 7 April 2025**

Case Number: T 0126/24 - 3.5.07

Application Number: 19732455.1

Publication Number: 3776273

IPC: G06F17/22

Language of the proceedings: EN

Title of invention:

SYSTEMS AND METHODS FOR DOCUMENT DEVIATION DETECTION

Applicant:

Thomson Reuters Enterprise Centre GmbH

Headword:

Document deviation detection/THOMSON REUTERS

Relevant legal provisions:

EPC Art. 84

Keyword:

Claims - clarity - main request and first to fifth auxiliary requests (no)



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Case Number: T 0126/24 - 3.5.07

D E C I S I O N
of Technical Board of Appeal 3.5.07
of 7 April 2025

Appellant: Thomson Reuters Enterprise Centre GmbH
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Representative: IPrime Rentsch Kaelin AG
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Decision under appeal: **Decision of the Examining Division of the
European Patent Office posted on
19 September 2023 refusing European patent
application No. 19732455.1 pursuant to
Article 97(2) EPC**

Composition of the Board:

Chair R. de Man
Members: C. Barel-Faucheux
G. Decker

Summary of Facts and Submissions

- I. The appellant (applicant) appealed against the examining division's decision refusing European patent application No. 19 732 455.1, published as international application No. WO 2019/215663 A1.
- II. The examining division decided that the subject-matter of all the claims of the main request and of the first to fourth auxiliary requests lacked an inventive step.
- III. With its statement of grounds of appeal, the appellant maintained the main request and first to fourth auxiliary requests, and filed a new, fifth auxiliary request.
- IV. In a communication under Article 15(1) RPBA, the board expressed its provisional opinion that, among other things, claim 1 of the main request was unclear (Article 84 EPC).

The board also stated that, for the sake of brevity, it would mention each objection only for the first claim of the highest-ranking request to which the objection in question applied. However, unless stated otherwise, raised objections applied, *mutatis mutandis*, also to the further claims (and lower-ranking requests), provided that they contained the same or similar features.

- V. In a letter dated 5 March 2025, the appellant commented on the board's communication.

- VI. By letter dated 1 April 2025, the appellant informed the board that neither the appellant nor its representative would be attending the oral proceedings.
- VII. The oral proceedings were held in the absence of the appellant. At the end of the oral proceedings, the chair announced the board's decision.
- VIII. The appellant's final requests were that the decision under appeal be set aside and that a patent be granted on the basis of the claims according to the main request on which the decision under appeal was based, or according to one of the first to fourth auxiliary requests on which the decision under appeal was based, or according to the fifth auxiliary request filed with the statement of grounds of appeal.
- IX. Claim 1 of the main request reads as follows (itemisation of the features added by the board):
- "A computer-implemented method for detecting one or more deviations by a tool in a document, comprising:
- A extracting digital text from a first document to be analyzed;
 - B extracting one or more facts from the first document, including at least a document type;
 - C abstracting one or more groupings of the digital text from the first document;
 - D receiving a standard document based on the type of the first document;

- E performing by the tool a first level deviation analysis on the standard document and the first document

- E1 including at least one of long string matching and textual similarity mapping to obtain an identification of any identical groupings of text, any similar groupings of text, any groupings of text that have been deleted from the standard in the first document and any groupings of text that have been added to the standard in the first document;

- F and performing by the tool a second level deviation analysis on any similar groupings of text that are identified to obtain similarity data indicating a degree to which a text grouping from the standard document is similar to a grouping of text from the first document,

- F1 wherein the second level deviation analysis includes tokenizing a text grouping from the standard and a text grouping from the first document, generating semantically similar representations of groups of one or more tokens from the text grouping from the standard and the text grouping from the first document through consultation of a language model and comparing semantically similar representations of tokens in the text grouping from the standard and the text grouping from the first document; and the method further comprising

G providing a visual comparison result to a user in which the text grouping from the standard and the text grouping from the first document are presented to the user and in which token groups in the first document are shaded with a shade density that reflects a level of similarity between those token groups and token groups in the standard as determined by the second level deviation analysis."

- X. In the first to fifth auxiliary requests, further features have been replaced or added. Feature C is present and unamended in all the auxiliary requests.
- XI. The appellant's arguments relevant to the present decision are discussed in detail below.

Reasons for the Decision

- 1. The application relates to tools for detecting deviations between documents. One practical field of use of these concepts is in the review of legal contracts and the differences between the clauses that they contain (paragraphs [0003] and [0004] of the application as published).

Claim 1 of the main request - Lack of clarity

- 2. In its communication under Article 15(1) RPBA, the board stated that the term "abstracting", in the context of claim 1 of the main request, i.e. in "abstracting one or more groupings of the digital text from the first document" (see feature C), was not clear and that claim 1 of the main request did not therefore meet the requirements of Article 84 EPC. For example, it was not clear whether the term "abstracting"

corresponded to "detecting" (some groupings) or to "creating" (some groupings) by editing the document (or to something else).

3. In its reply to the board's communication dated 5 March 2025, the appellant argued that the term "abstracting" corresponded neither to "detecting" nor to "creating". Figure 2 showed a comparison between standard indemnification clauses and a clause "abstracted" from a document being reviewed. The appellant did not provide any further definition or interpretation of the term "abstracting" in the context of the claim.
4. According to established case law (see Case Law of the Boards of Appeal of the European Patent Office, 10th edition, 2022, section II.A.3.1, with further references cited there), claims lack clarity within the meaning of Article 84 EPC if the exact distinctions which delimit the scope of protection cannot be derived from them. Claims must be clear in themselves when read by the person skilled in the art, without any reference to the content of the description. The meaning of the essential features should be clear to the person skilled in the art from the wording of the claim alone. It follows from the requirement of legal certainty that a claim cannot be considered clear within the meaning of Article 84 EPC if it comprises an unclear (technical) feature for which no unequivocal, generally accepted meaning exists in the relevant art.
5. The board holds that the term "abstracting" in feature C, "*abstracting one or more groupings of the digital text from the first document*", is not clear in itself. Nor does this term have an unequivocal, generally accepted meaning in the relevant art. From

the wording of the claim alone, the person skilled in the art cannot clearly understand the exact meaning of the term at issue. As indicated by the board in its communication, a possible interpretation of the term "abstracting" could be, e.g. "detecting", but also, e.g., "creating". The appellant brought up a further possible interpretation, simply referring in this connection to Figure 2 (and possibly the corresponding parts of the description). However, this reference is not suitable to overcome the lack of clarity objected to, since the claims must be clear in themselves. For this reason alone, the requirements of Article 84 EPC are not met.

6. Merely for the sake of completeness, the board notes that Figure 2 and its description in paragraph [0044] do not describe a step of "abstracting one or more groupings of the digital text from a document". They do mention a "clause abstracted from a document being reviewed", but they do not explain in what sense the clause is "abstracted".

Paragraph [0037] appears to be more relevant to feature C. When this paragraph is read in combination with paragraph [0036], the understanding is that the extracted digital text of a document may be analysed to separate the document's text into labelled groupings for comparison with similar groupings in a standard document and that groupings may contain one or more sentences, and even one or more paragraphs. In a contract document, for example, the text of the contract may be separated and labelled on the basis of the clauses of the contract, such as the "termination" clause, the "assignment" clause, etc. The reader could therefore derive from this paragraph that the term "abstracting" corresponds to "creating" one or more

groupings of text by separating the extracted digital text into textual units. However, as explained above, this is not an interpretation of the "abstracting" of groupings of text which is clear from the wording of claim 1 alone.

Claim 1 of auxiliary requests 1 to 5 - Lack of clarity

7. The board notes that claim 1 of all the auxiliary requests comprises step C. The amendments made in claim 1 of the first to fifth auxiliary requests concern other steps in the claimed method, and the appellant did not argue that any of these amendments overcame the clarity objection to feature C. The board therefore concludes that the clarity objection raised against claim 1 of the main request applies to claim 1 of all the auxiliary requests (Article 84 EPC).
8. The question of the admittance of the fifth auxiliary request under Article 12(4) RPBA can therefore be left undecided.

Conclusion

9. Since none of the requests on file is allowable, the appeal is to be dismissed.

Order

For these reasons it is decided that:

The appeal is dismissed.

The Registrar:

The Chair:



S. Lichtenvort

R. de Man

Decision electronically authenticated