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**Datasheet for the decision  
of 5 November 2025**

**Case Number:** T 0971/24 - 3.5.05

**Application Number:** 18834225.7

**Publication Number:** 3729237

**IPC:** G06F3/01, G06K9/00

**Language of the proceedings:** EN

**Title of invention:**

Augmented reality user interface control

**Applicant:**

Snap Inc.

**Headword:**

User interface for augmented reality/SNAP

**Relevant legal provisions:**

EPC Art. 56, 123(2)

**Keyword:**

Inventive step - main and 1st auxiliary request (no):  
distinguishing features relating to presentation of  
information

Added subject-matter - 2nd to 4th auxiliary requests (yes):  
combination of features not disclosed

**Decisions cited:**

T 0641/00, T 1143/06, T 1741/08, T 1802/13, T 0336/14



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Case Number: T 0971/24 - 3.5.05

**D E C I S I O N**  
**of Technical Board of Appeal 3.5.05**  
**of 5 November 2025**

**Appellant:** Snap Inc.  
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**Decision under appeal:** **Decision of the Examining Division of the  
European Patent Office posted on 6 March 2024  
refusing European patent application  
No. 18834225.7 pursuant to Article 97(2) EPC.**

**Composition of the Board:**

**Chair** K. Bengi-Akyürek  
**Members:** N. H. Uhlmann  
J. Hoppe

## Summary of Facts and Submissions

- I. The appellant appealed against the examining division's decision to refuse the present European patent application.

The examining division held that the claim requests then on file did not comply with, *inter alia*, Articles 56 and 123(2) EPC.

- II. The decision under appeal made reference to, *inter alia*, the following prior-art document:

**D1:** EP 2 759 909 A2.

- III. The board summoned the appellant to oral proceedings and set out its preliminary opinion indicating that none of the claim requests on file appeared to be allowable under Article 56 or 123(2) EPC.

- IV. The appellant submitted further arguments with a letter dated 31 October 2025.

- V. Oral proceedings before the board were held on 5 November 2025.

The appellant's final requests were that the decision under appeal be set aside and that a patent be granted on the basis of a set of claims according to the **main request** (as underlying the contested decision), or to the **first auxiliary request** (identical to the fourth auxiliary request on which the impugned decision is based) or to the **second to fourth auxiliary requests** (identical to respectively the first to third auxiliary

requests underlying the decision under appeal). All claim requests have been re-submitted with the statement of grounds of appeal.

At the end of the oral proceedings, the board's decision was announced.

VI. Claim 1 of the **main request** reads as follows (board's labelling):

"A method, comprising:

- (a) initiating (310), by one or more processors of a device (110), an augmented reality mode configured to present augmented reality elements within a graphical user interface (400, 800) presented on a display component of the device;
- (b) detecting (320) a face (402, 802) within a field of view of an image capture component coupled to the device;
- (c) sequentially presenting (300) a set of augmented reality elements within the graphical user interface (400, 800), such that a subset of augmented reality elements and the face are depicted within the graphical user interface contemporaneously
- (d) and wherein a first augmented reality element (406, 808) is presented as changing positions on the GUI in successively captured and presented frames;
- (e) detecting (340) a movement of a reference feature (408, 806) of the face (402, 802) relative to the first augmented reality element (406, 808) of the subset of augmented reality elements,
- (f) said movement of the reference feature (406, 808) being detected by identifying a first state of the reference feature (406, 808), the first state corresponding to first positions of a set of

landmark points corresponding to the reference feature in a first frame of the graphical user interface and

- (g) determining a change of the reference feature (406, 808) from the first state to a second state corresponding to second positions of at least one landmark point of the set of landmark points in a second frame of the graphical user interface; and
- (h) in response to detecting the movement of the reference feature (408, 806) of the face (402, 802) relative to the first augmented reality element (406, 808), modifying (350; 740) presentation of the first augmented reality element and causing (750, 1240) presentation of at least one second augmented reality element (410, 1010) of the subset of augmented reality elements."

VII. Claim 1 of the **first auxiliary request** is based on claim 1 of the main request to which the following feature has been added (board's labelling):

- (i) "wherein said modifying (350; 740) comprises modifying the first augmented reality element so as to depict the first augmented reality element as passing behind a portion of the user",

and feature (b) has been modified as follows:

- (b1) "detecting (320) a face (402, 802) of a user within a field of view of an image capture component coupled to the device".

VIII. Claim 1 of the **second auxiliary request** is based on claim 1 of the main request to which the following feature has been added (board's labelling):

(j) "determining that a spatial location of the first augmented reality element is within a proximity threshold of a spatial location of the reference feature",

and feature (h) has been modified as follows:

(h2) "in response to said determining, modifying (350; 740) presentation of the first augmented reality element and causing (750, 1240) presentation of at least one second augmented reality element (410, 1010) of the subset of augmented reality elements".

IX. Claim 1 of the **third auxiliary request** is based on claim 1 of the second auxiliary request to which the following feature has been added (board's labelling):

(k) "determining a spatial location of the reference feature in the second frame of the graphical user interface;  
determining a spatial location of the first augmented reality element in the second frame of the graphical user interface".

X. Claim 1 of the **fourth auxiliary request** is based on claim 1 of the third auxiliary request to which feature (i) (see point VII above) has been added.

## **Reasons for the Decision**

1. The present application concerns a method relating to augmented reality for displaying virtual objects and captured images on a device screen. More specifically,

a face of a user within an image is detected. Further, movement of a virtual object and of a part of the user's face are detected and the presentation of the virtual object is modified.

2. Document **D1** likewise discloses a method relating to augmented reality. Movement of parts of an image are detected and the presentation of a virtual object is modified.

**3. Main request - claim 1 - inventive step**

3.1 *Distinguishing features*

It is common ground that document **D1** discloses all features of claim 1 except **features (e) and (h)**.

3.2 *Technical effect and objective technical problem*

3.2.1 It has first to be determined whether or not the distinguishing features of claim 1 bring about a credible technical effect and hence solve a technical problem (see e.g. **T 336/14**, Reasons 1.2.2).

3.2.2 The appellant argued that the distinguishing features provided the technical effects of "*facilitating interactions between a user and an AR object, enabling real-time control of AR objects through real physical movements, and enabling control of functions of a device through real physical movements*" and providing "*an improved method of control for a computer device*".

3.2.3 As explained at the oral proceedings before the board, the board holds that none of these effects are *technical* effects caused by the distinguishing

features. In particular, it is not apparent which interactions would actually be facilitated. For instance, when the user's face does not move and the AR object moves, the presentation of the AR object will be modified, without any input by the user's face.

Furthermore, "real physical movements" do not lead to a control of AR objects; according to **feature (e)**, it is the relative movement which is detected. Moreover, controlling the presentation of (an) AR object(s) on a graphical user interface (GUI) is not *per se* a "technical task" performed on a device within the meaning of **T 336/14** (catchword) and **T 1802/13** (Reasons 2.1.5). Claim 1 does not refer to any other functions performed on the device except for the modification of the presentation of an AR object and the presentation of a further AR object. As discussed at the oral proceedings before the board, the relevant features concern the *presentation of information* as such and are considered to be non-technical (see also **T 1143/06**, Reasons 3.4; **T 1741/08**, Reasons 2.1.10 and **T 336/14**, Reasons 1.2.2). Lastly, paragraph [0025] of the application as filed, to which the appellant referred to, does not relate to the distinguishing features.

- 3.2.4 In view of the above, the board holds that the distinguishing features (e) and (h) do not lead to any technical effect.
- 3.2.5 Consequently, the board does not accept the objective technical problem submitted by the appellant, i.e. "*how to facilitate control of a device or GUI with a captured real world object*".

3.2.6 According to the established jurisprudence of the Boards of Appeal (see e.g. **T 641/00** referred to by the appellant and relating to the prominent COMVIK approach), features which do not lead to a technical effect may legitimately be included in the formulation of the objective technical problem. In the case at hand, the **objective technical problem** is therefore *to modify the method of D1 such that when relative movement between the face and the AR element in D1 is detected, the presentation thereof is modified and a further AR element is displayed.*

3.2.7 The appellant's arguments, relying on a number of decisions of the Boards of Appeal which are based on the assumption that a technical effect is actually provided by the distinguishing features, are not convincing. This is because, as set out above, the distinguishing features of present claim 1 do not lead to any technical effect.

### 3.3 *Obviousness*

3.3.1 The board considers that the skilled person would have effortlessly modified the method of D1 according to the above-mentioned problem and would thus have arrived at the method of claim 1. Indeed, the detection referred to in that problem does not pose any difficulties to the skilled person in the field of GUI design and the claimed subject-matter does not provide any additional information as regards the technical implementation of the presented information.

3.3.2 The appellant argued that document D1 taught away from the the use of the distinguishing features, because D1 detected simply the movement of two real objects, i.e.

it was just a mirror without any interaction between the user and the objects.

The board is not persuaded. As correctly argued in the decision under appeal, Reasons 2.4, in both the system of D1 and the present invention, movement of displayed objects is detected, *regardless* of whether they are AR objects or a video of real objects.

3.4 Hence, the subject-matter of claim 1 does not involve an inventive step. Thus, the main request is not allowable under Article 56 EPC.

#### **4. First auxiliary request - claim 1 - inventive step**

4.1 **Features (i) and (b1)** as amended (cf. point VII above) relate to a mere presentation of information, in particular to the manner *how* information is presented (cf. **T 1802/13**). Thus, they cannot contribute to an inventive step, either.

4.2 Claim 1 of the first auxiliary request is hence not allowable for the reasons given above with regard to the main request (Article 56 EPC).

#### **5. Second to fourth auxiliary requests - claim 1 - Article 123(2) EPC**

5.1 The board endorses the finding in the decision under appeal that claim 1 of the second to fourth auxiliary requests does not comply with Article 123(2) EPC.

5.2 In particular, the combination of **features (e) and (j)** extends beyond the content of the application as originally filed since **feature (j)** relates to a *separate* embodiment, namely the embodiment covered by

Figures 7 to 10 rather than that covered by Figures 3 to 6 of the application as filed.

- 5.3 In that regard, the appellant essentially argued that paragraphs [0061] and [0062] of the description as filed and Figure 7 provided a "*clear basis for claim 1 as a whole*".

The board disagrees. Rather, it is apparent that none of these passages actually discloses "***detecting a movement of a reference feature of the face relative to the first augmented reality element***" (board's emphasis) according to feature (e). The appellant's submission that these two paragraphs implicitly disclose that feature is not convincing because it refers merely to "*a movement [...] relative to*" and not to the "*detecting*" of this movement. Similarly, Figures 8 and 10 do not disclose any "detecting" or "determining".

- 5.4 The appellant pointed also to paragraph [0053] as filed which reads:

"FIG. 7 depicts a flow diagram illustrating an example method 700 for controlling a user interface with an object depicted the user interface, according to some example embodiments. The operations of method 700 may be performed by components of the augmented reality system 160. In some instances, certain operations of the method 700 may be performed using one or more operations of the method 300 or as sub-operations of one or more operations of the method 300, as will be explained in more detail below."

It further argued that, in view of this paragraph, the skilled person would combine operation 340 (cf. Figure 3) with the steps disclosed in Figure 7 and paragraphs [0061] and [0062].

However, according to paragraph [0053] as filed, "*certain operations of the method 700 may be performed using one or more operations of the method 300*". Yet, the description does not disclose, neither explicitly nor implicitly, which of the "*operations of the method 700 may be performed using*" operation 340, or one of the other operations set out in Figure 3. Crucially, the result of feature (e), i.e. that a relative movement is detected, does not play any particular role in claim 1 of these auxiliary requests. Thus, the combination of features (e) and (j) is not originally disclosed.

5.5 The board notes in that regard that, according to the settled jurisprudence of the Boards of Appeal, the combination of features as amended must be derivable for the skilled person, directly and unambiguously, from the application as originally filed. Yet, the criteria submitted by the appellant, in particular "*intention of the invention*", "*intuitive for the skilled person*", "*could be combined with operations of method 300 where this makes technical (or common sense)*", "*which operations can be combined*", "*a very natural and intuitive pairing of features*" are all no suitable arguments under Article 123(2) EPC.

5.6 Lastly, the board agrees that it is not excluded, in general, that embodiments of an invention could indeed be combinable. However, the specific features in question, i.e. features (e) and (j), are simply not

disclosed in combination in the original application at hand.

5.7 For these reasons, claim 1 of the second to fourth auxiliary requests does not comply with Article 123(2) EPC.

## Order

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

The appeal is dismissed.

The Registrar:

The Chair:



B. Brückner

K. Bengi-Akyürek

Decision electronically authenticated