

**Internal distribution code:**

- (A) [ - ] Publication in OJ
- (B) [ - ] To Chairmen and Members
- (C) [ - ] To Chairmen
- (D) [ X ] No distribution

**Datasheet for the decision  
of 19 August 2025**

**Case Number:** T 1274/24 - 3.5.05

**Application Number:** 18215851.9

**Publication Number:** 3484135

**IPC:** H04M7/00, H04M1/247, H04L29/06,  
H04L29/08

**Language of the proceedings:** EN

**Title of invention:**  
System and method for processing telephony sessions

**Applicant:**  
Twilio Inc.

**Headword:**  
Call router resources/TWILIO

**Relevant legal provisions:**  
EPC Art. 56, 84  
RPBA 2020 Art. 12(6), 13(2)

**Keyword:**

Inventive step - main request and 2nd auxiliary request (no)  
Admittance of non-admitted claim request - 1st auxiliary  
request (no): correct exercise of discretion by the examining  
division  
Clarity - 3rd auxiliary request (no)  
Admittance of claim request filed after Art. 15(1)  
communication - 4th auxiliary request (no): at least not *prima  
facie* allowable



**Beschwerdekammern**  
**Boards of Appeal**  
**Chambres de recours**

Boards of Appeal of the  
European Patent Office  
Richard-Reitzner-Allee 8  
85540 Haar  
GERMANY  
Tel. +49 (0)89 2399-0

Case Number: T 1274/24 - 3.5.05

**D E C I S I O N**  
**of Technical Board of Appeal 3.5.05**  
**of 19 August 2025**

**Appellant:** Twilio Inc.  
(Applicant) 548 Market St 14510  
San Francisco, CA 94104 (US)

**Representative:** Müller-Boré & Partner  
Patentanwälte PartG mbB  
Friedenheimer Brücke 21  
80639 München (DE)

**Decision under appeal:** **Decision of the Examining Division of the  
European Patent Office posted on 13 June 2024  
refusing European patent application  
No. 18215851.9 pursuant to Article 97(2) EPC.**

**Composition of the Board:**

**Chair** K. Bengi-Akyürek  
**Members:** K. Schenkel  
C. Heath

## 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 ground that the subject-matter of claims 1 of a main request and a first auxiliary request were not inventive (Article 56 EPC) and claim 1 of a second auxiliary request was not clear (Article 84 EPC). A third auxiliary request was not admitted into the proceedings on the ground that its claim 1 *prima facie* lacked an inventive step.
- II. In this decision, reference is made to the following prior-art documents:
- D2:** EP 1 168 766 A2  
**D3:** WO 2007/147151 A2.
- III. With the statement of grounds of appeal, the appellant requested that the appealed decision be set aside and that a patent be granted on the basis of one of a main request and first to third auxiliary requests. The main request and the second and third auxiliary requests corresponded to the main request and the first and second auxiliary requests underlying the appealed decision. The first auxiliary request corresponded to the third auxiliary request which was not admitted by the examining division.
- IV. In response to the board's communication pursuant to Article 15(1) RPBA, the appellant filed a new main request and new first to fourth auxiliary requests. The claim requests filed with the statement of ground of appeal will be referred to hereinafter as "former" requests.

- V. Oral proceedings were held before the board on 19 August 2025.

The appellant's final requests were that the appealed decision be set aside and that a patent be granted on the basis of the **new fourth auxiliary request**, filed with letter dated 16 July 2025, or on the basis of the **former main request**, or one of the **former first to third auxiliary requests**, filed 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 **former main request** reads as follows (board's labelling):

- (a) "A method for processing a telephony session comprising:
- (b) communicating (S110) with an application server using an application layer protocol, comprising:
- (c) initiating (S1) the telephony session;
- (d) mapping (S3) the telephony session to a uniform resource identifier - URI, the URI being associated with the application server (26);
- (e) sending (S5) to the application server (26) state information from the telephony session; and
- (f) receiving (S9) a response from the application server (26), the response comprising telephony instructions for sequential processing;
- (g) converting (S120) the server response into telephony actions during the telephony session;
- (h) creating (S130) a call router resource accessible through an Application Programming Interface - API - of a call router, the call router resource being accessible by outside devices at the URI."

VII. Claim 1 of the **former first auxiliary request** differs from claim 1 of the former main request in that the wording of features (g) and (h) now reads as follows (board's labelling and underlining of added text):

(g') "converting (S120) the server response into telephony actions during the telephony session, wherein the telephony actions include calling a number;

(h') creating (S130) a call router resource accessible through an Application Programming Interface - API - of a call router, the call router resource being accessible by outside devices at the URI and using the call router resource to initiate calling."

VIII. Claim 1 of the **former second auxiliary request** differs from claim 1 of the former main request in that the wording of feature (c) now reads as follows (board's labelling and underlining of added text):

(c') "initiating (S1) the telephony session to accept an incoming message;".

IX. Claim 1 of the **former third auxiliary request** differs from claim 1 of the former second auxiliary request in that the following features have been added at the end (board's labelling):

(i) "receiving a call router API request as a communication message from the application server to interface with the call router resource; and

(j) responding to the request with a representation of the requested call router resource".

X. Claim 1 of the **new fourth auxiliary request** differs from claim 1 of the former third auxiliary request in that the wording of features (h) and (i) now reads as follows (board's labelling):

(h'') "creating (S130) a call router resource accessible through a representational state transfer - REST - Application Programming Interface - API - of a call router, the call router resource being accessible by outside devices at a URI;

(i') receiving a call router REST API request as a communication message from the application server to interface with the call router resource; and".

## **Reasons for the Decision**

1. Background of the invention

The present invention relates to the handling of telephone sessions by means of an "application server" and a "call router" including a "call router resource".

2. Former main request - inventive step (Article 56 EPC)

2.1 **Features (d) and (h)** are understood such that the URI of the "application server" and the URI of the "call router resource" may be different in order to allow a meaningful understanding of claim 1 since, in the context of internet communications, URIs have typically to be unique.

- 2.2 Document **D2** describes a controller for converting messages from a telephone into internet messages to allow a telephone user to access information on the internet (cf. abstract). Upon receipt of an SMS message at a "CTW converter 140", a URI taken from a table is assigned and an HTTP request is formed and sent to an "application server 150" which, in response, creates an XML page (paragraphs [0063] to [0065]). This XML page is further received by the "CTW converter 140" and converted into an SMS response which is then sent to the telephone (paragraphs [0067] and [0068]). Moreover, the HTTP request and the XML response comply with an internet protocol (paragraph [0037]) and, in one alternative, are exchanged via the internet (see paragraph [0039] and figure 3).
- 2.3 It is not disputed that document D2 discloses a method that comprises **features (a) to (g)**.
- 2.4 As to **feature (h)**, in the method of D2, the XML response from the "application server" is transmitted according to the internet protocol. This implies that the "CTW converter" is accessible by the "application server" via an IP address. Moreover, the "CTW converter" includes implicitly several components which are involved in converting the telephone messages into internet messages and *vice versa* and which can be regarded as a "call router resource". In that context, it is noted that neither the term "call router resource" *per se* nor claim 1 further specify what it actually is. A "call router resource", in the board's view, can be any piece of software or firmware acting as an interface between the telephone and the "application server" and providing the aforementioned conversion. Likewise, the term "application programming interface" (API) is very broad and encompasses any

interface for accessing a piece of software from another software like, for example, client-side or server-side web APIs as the one necessarily implemented in the "CTW converter" for processing the XML response from the "application server". In addition, the call router API according to an embodiment of the present application also constitutes a "web API" (see the application as published, e.g. column 10, lines 26 to 29 and column 11, lines 33 to 36).

2.5 The method of claim 1 thus differs from the disclosure of D2 in that the "call router resource" is accessible by "outside devices" at a URI (Universal Resource Identifier). There is however no link between the "call router resource" and the method steps recited in features (a) to (g). The fact that the "call router resource" is accessible by "outside devices" at a URI has no bearing on the handling of the respective "telephony sessions". In addition, even after lengthy discussions at the oral proceedings before the board, it was not clear to the board whether or not the claimed "application server" is supposed to fall within the category of "outside devices".

2.6 These distinguishing features in fact provide extended possibilities for "outside devices" to communicate with the "call router resource" and to do so also proactively. The argument of the appellant, namely to provide a cooperation between the "application server" and the "call router" to build more complex telephony systems, is not acknowledged since the "CTW converter" in the system of D2 likewise cooperates with an application server. The effect of enabling the development of a complex system is also not acknowledged as far as it refers to the handling of "telephony sessions". This is because the "call router

resource" recited in feature (h) is not involved in it (see point 2.5 above).

- 2.7 The underlying objective technical problem can therefore, in the appellant's favour, be seen in "how to enable more complex communications with the call router resource used in the system of D2".
- 2.8 In the board's view, the skilled person in the field of telephone and internet communications would have been fully aware at the relevant date that the "CTW converter" of the system of D2, which is already connected to the internet and configured to generate *HTTP requests* and to process *HTTP responses*, can easily be upgraded by additional software, e.g. an HTTP server application, to be accessible by "outside devices" via a URI to enable more complex communications. Thus, the skilled person, starting from the method of D2 and faced with the above-mentioned problem, would have readily made the necessary modifications to the "CTW converter" merely applying their common general knowledge to make it accessible for "outside devices" via a URI without having to exercise inventive skills.
- 2.9 The appellant argued that D2 did not provide this capability, namely to provide a URI at the "CTW converter" to implement a "call router resource", and that the "CTW converter" could only handle HTTP responses. In other words, the skilled person had no motivation to provide an URI for accessing the "call router resource". On page 7 of its statement of grounds of appeal, the appellant further argued that D2 did not provide the skilled person with a motivation to create URI-accessible "call router resources" at least because document D2 failed to disclose a "call router".

2.10 The board is not convinced, for the following reasons:

The "CTW converter" used in the system of D2 may not be accessible via a URI and may only handle HTTP responses. However, it is already implemented in D2 (see point 2.4 above). Moreover, claim 1 does not specify *when* and by *whom* the URI-accessible "call router resource" is actually created. Also the "CTW converter", which in the board's view implicitly includes a "call router resource", has to be created at some point in time. The only difference to the "call router resource" of feature (h) is that it is accessible by outside devices via a URI. As to the "call router", claim 1 only specifies the "call router" as a device that hosts the "call router resource". However, the same can be said about the "CTW converter" used in the system of D2 which includes some sort of soft- or firmware.

Following the well-established problem-solution approach for assessing inventive step, the motivation for amending the known solution of D2 is assumed to primarily arise from a validly formulated objective technical problem. An explicit incentive in D2 is not necessary. Otherwise, prior-art solutions without apparent deficiencies would never incentivise any technical improvements.

2.11 Consequently, the former main request is not allowable under Article 56 EPC.

3. Former first auxiliary request - admittance (Article 12(6), first sentence, RPBA)

3.1 Claim 1 of the **former first auxiliary request** corresponds to the then third auxiliary request

underlying the appealed decision which was filed as "auxiliary request 0" during the first-instance oral proceedings.

- 3.2 The request was not admitted by the examining division on the ground that it lacked, *prima facie*, an inventive step (Article 56 EPC).
- 3.3 According to Article 12(6), first sentence, RPBA, the board shall not admit requests which were not admitted in the first-instance proceedings, unless the decision not to admit them suffered from an error in the use of discretion or unless the circumstances of the appeal case justify their admittance.
- 3.4 The amendments to **features (g) and (h)** specify that the "telephone action" includes calling a "number".

In that regard, the board firstly notes that also for sending an SMS to a mobile telephone, as done in D2, a "number" has implicitly to be dialled or called since mobile telephones are typically addressed by their number (see paragraph [0035]). Hence, the amendments are implicitly disclosed in D2 and cannot contribute to an inventive step having regard to D2. Furthermore, even if "calling a number" was understood as limiting the method to "telephone actions" involving voice messages, this would not contribute to an inventive step. As pointed out in the appealed decision, a skilled person would have considered extending the method of D2 also to voice messages applying their common general knowledge.

- 3.5 The appellant further argued that the examining division incorrectly disregarded this claim request, since its filing constituted a legitimate reaction to

the changed interpretation of the claims adopted by the examining division during the first-instance oral proceedings. Furthermore, sending an SMS message as disclosed in D2, did not imply calling a "number". Rather, sending an SMS message was asynchronous and was distinct from calling a "number" corresponding to voice communications. This was therefore a distinguishing feature which contributed to the effect that the "call router" enables complex telephony functions using an API.

3.6 The board is not convinced for the following reasons:

An SMS message is directed to a specific mobile terminal identified by its number which needs to be indicated or, in other words, actually called to deliver the respective SMS message. This further implies that, for sending the SMS message, this process of sending the SMS message, including calling the terminal number, has to be initiated. Whether transmitting an SMS message is asynchronous is however not relevant in that context.

3.7 Hence, claim 1 of the former first auxiliary request is indeed *prima facie* not inventive having regard to document D2. For this reason alone, the examining exercised its discretion not to admit this claim request in a correct way.

3.8 Since also the circumstances of this appeal case fail to justify its admittance, the board did not admit this claim request into the appeal proceedings.

4. Former second auxiliary request - inventive step (Article 56 EPC)

- 4.1 Claim 1 of the **former second auxiliary request** differs from claim 1 of the former main request in that, in feature (c), initiating the telephony sessions now includes accepting an "incoming message" (i.e. feature (c')); cf. point VIII above).
- 4.2 Amended **feature (c')** is however already disclosed in document D2 by paragraphs [0017] ("[...] a protocol converting controller that receives a first upstream mobile terminal message [...]") and [0063] ("The CTW converter 140 receives the initial SMS message [...]").
- 4.3 Consequently, the added limitation cannot contribute to an inventive step. The former second auxiliary request is therefore not allowable under Article 56 EPC, either.
5. Former third auxiliary request - clarity (Article 84 EPC)
- 5.1 Claim 1 of the **former third auxiliary request** differs from claim 1 of auxiliary request 1 in that, in feature (j), the wording "representation of the requested call router resource" was added.
- 5.2 The board agrees with the decision under appeal (see Reasons 22) in that it is unclear what "a representation of the requested call router resource" (emphasis added) in **feature (j)** should actually mean. The term "representation" usually denominates some sort of place holder or image and it is unclear what this could be for the claimed "call router resource" which is understood to be a functional block.

5.3 The appellant argued that the context of claim 1 was the World Wide Web (WWW) and that the skilled reader would understand that a "representation" of the "call router resource" referred to the format of the resource or the format in which information has to be provided. This was known in the context of REST (Representational State Transfer) systems mentioned in the present application.

The board, however, considers that the "call router resource" used in claim 1 is rather generic and includes any type of software or hardware solution for routing calls. Even if in the context of a "call router resource" according to REST, which is indeed mentioned in the present description, the term "representation" had some meaning, it would not resolve the lack of clarity as to all the other possible implementations of the "call router resource" outside the context of REST.

5.4 Hence, claim 1 of the former third auxiliary request is unclear. The former third auxiliary request is therefore not allowable under Article 84 EPC.

6. New fourth auxiliary request - admittance (Article 13(2) RPBA)

6.1 The **new fourth auxiliary request** was filed *after* the notification of the board's communication pursuant to Article 15(1) RPBA. Its admittance is thus governed by Article 13(2) RPBA.

6.2 Under Article 13(2) RPBA, any amendment to a party's appeal case made after notification of a summons to oral proceedings is, in principle, not taken into account unless there are exceptional circumstances, which have been justified with cogent reasons. When

applying Article 13(2) RPBA, a board may also rely on the criteria referred to in Article 13(1) RPBA. These criteria include the suitability of the amendment to resolve the issues raised and whether the amendment gives rise to new objections (i.e. relating to *prima facie* allowability).

- 6.3 Claim 1 of the new fourth auxiliary request corresponds to claim 1 of the former main request as understood by the board (see point 2.1 above) with the further amendments that initiating a "telephony action" includes accepting an "incoming message" (i.e. **feature (c')**), that the API is a "REST API" and that a "REST API request" is received and answered with a representation of the "call router resource" (i.e. **features (h'), (i') and (j)**).
- 6.4 Irrespective of whether there are indeed "exceptional circumstances" justifying the admittance of this claim request, the board holds that **feature (c')** is already disclosed in D2 and thus cannot contribute to an inventive step (see point 4.2 above).
- 6.5 The other added features are considered by the board to constitute obvious implementation details of the "API" for allowing the "application server" to retrieve information of the "call router resource". Moreover, the REST method is a type of software architecture which was well-known to the skilled person in the field of internet-based distributed systems at the relevant date. The board refers in this respect, for instance, to prior-art document **D3** which also relates to the handling of telephony sessions (abstract) and discloses in paragraph [0039], on page 11, several possibilities for accessing an API including REST. Thus, implementing a "REST API" and using it to retrieve some information

of the "call router resource" to enable more complex communications does, at least *prima facie*, not contribute to an inventive step when taking into account the skilled person's common general knowledge or document D3.

6.6 The board therefore decided not to admit the new fourth auxiliary request into the appeal proceedings.

## Order

### For these reasons it is decided that:

The appeal is dismissed.

The Registrar:

The Chair:



B. Brückner

K. Bengi-Akyürek

Decision electronically authenticated