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**Datasheet for the decision
of 21 May 2019**

Case Number:	T 1608/15 - 3.5.03
Application Number:	11791540.5
Publication Number:	2649825
IPC:	H04W8/20, G06F21/00, H04L29/06
Language of the proceedings:	EN

Title of invention:
METHOD FOR REMOTELY DELIVERING A FULL SUBSCRIPTION PROFILE TO A UICC OVER IP

Applicant:
Gemalto SA

Headword:
Personalisation of a UICC/GEMALTO

Relevant legal provisions:
EPC Art. 56

Keyword:
Inventive step - (no)

Boards of Appeal of the
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Boards of Appeal

Chambres de recours

Case Number: T 1608/15 - 3.5.03

D E C I S I O N
of Technical Board of Appeal 3.5.03
of 21 May 2019

Appellant: (Applicant)	Gemalto SA 6, rue de la Verrerie 92190 Meudon (FR)
Representative:	Scheer, Luc Gemalto SA 525, Avenue du Pic de Bertagne CS 12023 13881 Gémenos Cedex (FR)
Decision under appeal:	**Decision of the Examining Division of the European Patent Office posted on 1 April 2015 refusing European patent application No. 11791540.5 pursuant to Article 97(2) EPC.**

Composition of the Board:

Chairman	T. Snell
Members:	K. Schenkel
	R. Winkelhofer

Summary of Facts and Submissions

I.   This appeal is against the decision of the examining
        division refusing European patent application
        No. 11791540.5, with international publication number
        WO 2012/076425 A1. The refusal was based on the ground
        that the subject-matter of independent claim 1 did not
        involve an inventive step having regard to the
        disclosure of document D6 (= WO 2009/141024 A1) and
        taking into account the common general knowledge of the
        skilled person.

II.   The appellant requests that the decision under appeal
        be set aside and that a patent be granted on the basis
        of a sole request, submitted on 24 September 2014.

III.   Claim 1 reads as follows:

        "Method for remotely delivering a full subscription
        profile to a UICC over IP, said UICC being installed in
        a terminal able to provide an IP connectivity to a
        remote server and give access to said UICC, said UICC
        being pre-personalised with a unique serial number and
        with a bootstrap application and bootstrap credentials
        allowing to establish a secure transport channel with
        said remote server, said remote server hosting a stock
        of subscription profiles and acting as a web server,
        said method consisting in *[sic]*:

        - opening (101), at the request of said UICC, a data
        channel between said terminal and said server;

        - performing (102) a mutual authentication between said
        UICC and said server by using said bootstrap
        credentials;

- requesting (103), from said UICC to said server, the delivery of a subscription profile by using said unique serial number;

- if a subscription profile exists for said UICC, downloading (106, 107) said subscription profile to said UICC."

Reasons for the Decision

1.   Claim 1 – inventive step

1.1   D6 is considered to represent the closest prior art. It relates to a method for the personalisation of a smart card (SIM) in which an individual subscriber record is transmitted to and stored on the SIM (abstract).

More particularly and using the language of claim 1, D6 discloses that the SIM, which may be a UICC (page 1, penultimate paragraph), is pre-personalised with a unique serial number ("Seriennummer (ICCID)", page 7, first paragraph) and with a bootstrap application and bootstrap credentials ("Satz (S*) initialer Identifizierungs- und Authentisierungsparameter" including a preliminary subscriber identification "IMSI*i", abstract) allowing to establish a secure transport channel to a remote server ("Personalisierungs-Server PS"; after transmitting the preliminary subscriber identification IMSI*i, a connection between the SIM and the remote server is established, page 10, second and fourth paragraphs). The SIM is implicitly installed in a terminal and the connectivity provided by the terminal may also use TCP/IP (page 12, fifth paragraph, or page 13, third and fourth bullet points).

Operating the SIM for the first time triggers the
execution of the following steps which therefore are
executed at the SIM's request (page 10, first
paragraph, and Fig. 1):

- opening, at the request of the SIM, a data channel
between said terminal and said server ("... sichere
OTA-Session nach dem Stand der Technik zur betreffenden
SIM ..." , page 10, second and fourth paragraphs);

- performing a mutual authentication between said SIM
and said server by using said bootstrap credentials
(page 10, second paragraph);

- requesting, from said SIM to said server, the
delivery of a subscription profile ("Dazu werden
endgültige Teilnehmerdaten ... zur SIM gesendet und
dort gespeichert ...", page 10, fourth and fifth
paragraphs, and page 11, first paragraph) by using said
unique serial number (prior to the personalisation
including the delivery of the subscription profile the
serial number ICCID may be checked which is a use of
the serial number, page 10, fifth paragraph; see point
1.5.1 below).

1.2   The method of claim 1 thus differs from the method
        disclosed in D6 in that (i) the remote server acts as a
        web server, and (ii) the server hosts a stock of
        subscriptions profiles and acts as a web server and, if
        a subscription profile exists for the requesting UICC,
        this subscription profile is downloaded.

1.3   Re (i): The use of a web server is commonplace and here
        does not contribute to inventive step, especially as D6
        already suggests the use of TCP/IP for OTA applications

and the internet for wired applications (see also point 1.5.2 below).

1.4   Re (ii):

1.4.1   The technical effect of a remote server hosting a stock of subscription profiles is that the time for generating the requested subscription profile can be saved and the personalisation process thereby accelerated.

1.4.2   Starting out from the method of D6, the technical problem underlying this feature may be seen as to reduce the response time of the server for the delivery of the subscription profile.

1.4.3   It is well-known that any computation, like the generation of the final personalisation profile S (D6, page 7, fourth paragraph and Fig. 1, "generieren IMSI, K, OPc, Qc, OK"), is time-consuming. D6 does not disclose that, for the generation of the final personalisation profile S comprising IMSI, K, OPc, Qc, OK for a specific UICC, any information is required from the UICC, and consequently the profiles S can be generated in advance. It is therefore obvious that computation time at the moment the profiles are requested can be saved by generating the profiles S in advance and by storing them on the server (see also point 1.5.3 below).

1.4.4   In view of the above, the skilled person, when starting out from the method of D6 and faced with the above-mentioned problem, would, based on common general knowledge, implement the remote server as web server and arrange for the remote server to host a stock of subscription profiles, thereby arriving at a method

which includes all the features of claim 1 without exercising inventive skill.

1.5   *Appellant's arguments*

1.5.1   The appellant argues that D6 does not disclose that the subscription profile to be downloaded to a UICC is selected in view of its ICCID (Integrated Circuit Card Identifier); in D6, the ICCID is only used to check whether or not the corresponding card is blacklisted. Further, with reference to page 7, first paragraph, it argues that in D6 it is not mandatory to send the ICCID.

The board notes that the corresponding feature of claim 1 reads "requesting (103), from said UICC to said server, the delivery of a subscription profile <u>by using</u> said unique serial number" (underlining added by the board). The wording "using" embraces the use of the ICCID to check whether the corresponding UICC is black- or whitelisted. In D6 the card, after the check with respect to a white or black list, is <u>individually</u> personalised (page 11, line 2) and D6, in a list of possible embodiments, makes reference to a card-specific personalisation("kartenspezifische Personalisierung", page 13, eleventh bullet point). Thus, an individual or card-specific personalisation is generated for the respective card and, hence, D6 also discloses the generation of a specific subscription profile based on a unique serial number of the UICC (cf. page 7, last paragraph).

1.5.2   The appellant further argues that in the method of claim 1 the UICC does not connect itself to the network of an operator but to a dedicated server hosting a plurality of subscription profiles and acting as a web

server, whereas in D6 the temporary parameters are used
to connect to a given operator.

As noted above, D6 discloses transmitting the
subscription profiles over the internet ("Internet",
page 12, fifth paragraph), and using wired or wireless
IP channels ("LAN", "WLAN", page 12, penultimate bullet
point, page 13, fourth bullet point). Further, the
method of claim 1 does not exclude that the server
belongs to a given operator or that the connection
between the server and the UICC includes the operator's
network. Further, claim 1 does not stipulate that for
the steps 101 to 103 prior to the download of the
subscription profile the IP connection is used.

1.5.3   The appellant further argues that in the method of D6
        the subscription profiles are not held as a stock of
        profiles but generated on the fly as required. This may
        cause serious delays in circumstances in which the
        personalisation of many UICCs in a short period of time
        is requested, for example when mobile phones are given
        as Christmas presents.

        The board notes that claim 1 is not limited to the
        personalisation of many UICCs in a short space of time
        but embraces embodiments where this advantage would be
        minimal. That notwithstanding, the advantage of saving
        time for the simultaneous personalisation of many UICCs
        comes as no surprise. Indeed, the manifestation of
        serious delays caused by performing calculations on the
        fly would rather prompt the skilled person to take the
        obvious step of performing calculations in advance. The
        board therefore finds the appellant's argument
        unconvincing.

1.6   In view of the above, the board concludes that the subject-matter of claim 1 of the main request does not involve an inventive step (Articles 52(1) and 56 EPC). The request is therefore not allowable.

Order

For these reasons it is decided that:

The appeal is dismissed.

The Registrar: The Chairman:

M. Schalow   T. Snell

Decision electronically authenticated