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**Datasheet for the decision  
of 21 September 2020**

**Case Number:** T 2044/15 - 3.4.03

**Application Number:** 05722457.8

**Publication Number:** 1730973

**IPC:** G06Q30/00

**Language of the proceedings:** EN

**Title of invention:**

APPLICATION-BASED VALUE BILLING IN A WIRELESS SUBSCRIBER  
NETWORK

**Applicant:**

Qualcomm, Incorporated

**Relevant legal provisions:**

EPC Art. 52(1)

EPC 1973 Art. 54(1), 54(2)

**Keyword:**

Novelty - (no)



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Case Number: T 2044/15 - 3.4.03

**D E C I S I O N**  
**of Technical Board of Appeal 3.4.03**  
**of 21 September 2020**

**Appellant:** Qualcomm, Incorporated  
(Applicant) 5775 Morehouse Drive  
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**Representative:** Heselberger, Johannes  
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**Decision under appeal:** Decision of the Examining Division of the  
European Patent Office posted on 2 April 2015  
refusing European patent application No.  
05722457.8 pursuant to Article 97(2) EPC.

**Composition of the Board:**

**Chairman** G. Eliasson  
**Members:** M. Ley  
C. Heath

## **Summary of Facts and Submissions**

- I. The appeal concerns the decision of the examining division to refuse European patent application No. 05 722 457.8.

The contested decision was in the form of a decision by reference to a communication dated 21 November 2014, which cited in particular the following document:

D4            US 2003/208532 A1

The examining division held that the subject-matter of claims 1 - 49 of the sole request was not based on an inventive step (Article 56 EPC 1973) in view of a conventional general purpose wireless network infrastructure.

- II. The appellant requested to set aside the decision and grant a European patent based on a set of claims 1 - 49 filed with the statement of grounds of appeal. The appellant requested oral proceedings in case the Board would not allow the main request.

- III. The appellant was summoned to oral proceedings to be held on 1 October 2020.

In a communication pursuant to Article 15(1) RPBA 2020 dated 14 January 2020, the Board gave its provisional opinion that independent claims 1, 17, 24, 30, 27 and 40 as well as dependent claims 7, 12 - 16, 21, 25, 36, 45 and 47 did not comply with Article 123(2) EPC, that claims 17, 19 and 40 did not meet the requirements of Article 84 EPC 1973 and that the subject-matter of claims 1 - 49 did not involve an inventive step

(Article 56 EPC 1973) over a conventional general purpose network infrastructure. Moreover, the Board took the provisional view that the subject-matter of independent claims 1, 17, 24, 30, 37 and 40 appeared to be known from document D4 (Article 52(1) EPC in combination with Article 54(1) and (2) EPC 1973).

- IV. In a short letter dated 27 August 2020, the appellant informed the Board about its intention not to file submissions in reply to the Board's communication and not to attend the oral proceedings. A "decision according to the current status of the case" was requested and the request for oral proceedings was withdrawn.
- V. The oral proceedings were cancelled by the Board.
- VI. Claim 1 according to the sole request has the following wording:

A method for application-based billing in a wireless subscriber billing system, the method comprising:

- a. generating a billing request within a client device;
- b. transmitting the billing request including a subscriber identification (SID) and a transaction ID to the billing system;
- c. generating a validation response to the billing request at the billing system;
- d. transmitting the validation response to the client device;
- e. retransmitting the billing request by the client device, if the validation response is not received; and
- f. using the transaction ID to prevent multiple billing events for the same billing request.

## **Reasons for the Decision**

1. The appeal is admissible.
2. Procedural issues

In preparation for the oral proceedings, the Board issued its preliminary opinion on the case and raised objections against the sole request under Articles 123(2) EPC, 84 EPC 1973 and 52(1) EPC in combination with Articles 54(1) and (2) EPC 1973 and Article 56 EPC 1973.

As the appellant chose not to comment on the preliminary opinion issued by the Board in preparation of the oral proceedings and withdrew its request for oral proceedings, the Board does not see any reason to deviate from its preliminary opinion and concludes that the case is ready for a decision.

3. The invention

The invention relates to the creation and sending of billing events between a server and a remote client device. A billing request generated within a client device includes a subscriber identification (SID) and a transaction ID (TID) and is transmitted to the billing system. The billing system generates a validation response, which is transmitted to the client device. The validation response can be an approval or a denial of the billing request. Once the client device receives the response, it can process the validation response. For example, the service (e. g. enabling an additional feature of a game) linked to the billing request can be activated, if the validation response is positive. Likewise, if the billing request is denied, an

indication of the denial of the billing request can be displayed on the client device, see paragraph [0053].

In the case that a billing request is received and approved by the billing server, but the approval is not received by the client device, the transaction ID can then be used to prevent duplicate billing, if the client device resubmits the billing request, since the transaction ID will be the same for both requests, see paragraph [0056].

4. Claim 1 according to the appellant's sole request corresponds to claim 1 on which the contested decision is based, with the exception of the labeling a. to f.

Hence, the method of claim 1 corresponds to the method of claim 1 as originally filed, wherein the billing request not only includes a subscriber identification, but also a transaction ID (step b.), and wherein steps e. and f. have been added. In its letter dated 20 September 2010 (see section I.1.), the appellant indicated that the basis for these amendments were paragraphs [0055], [0056] and claims 25 and 39 as originally filed.

5. In the contested decision, the examining division held that the subject-matter of the claims was a mixture of technical and non-technical features and identified the non-technical aspects (see items 4.1.2.1 for claims 1 - 16 and see 4.1.3 for claims 17 - 49 of the communication dated 21 November 2014) related to a method of doing business between humans. For the examining division, it was obvious to implement the non-technical method of doing business on a conventional general purpose wireless network

infrastructure so that the the subject-matter of claims 1 - 49 lacked an inventive step (Article 56 EPC).

The examining division cited document D4 to show that retransmission of request messages between client and server devices in case of expected response timeout is known in the field of communications, see section 4.2.1 of the communication dated 21 November 2014, penultimate paragraph.

6. In the statement of grounds of appeal, section IV. 6., second paragraph, the appellant argued that document D4 did not disclose step f.
7. In its provisional opinion, the Board informed the appellant that the subject-matter of at least claim 1 (i. e. its technical and non-technical features) was already known from D4.

In the wording to claim 1, D4 discloses a method for application-based billing in a wireless subscriber billing system (see figures 1 - 3, [0030], [0031], [0012], [0013], [0016]), the method comprising:

- a. generating a billing request (4, [0012], [0016], "processing request for billing") within a client device (client device 2);
- b. transmitting the billing request (figure 2, step S1, [0094]) including a subscriber identification (the identification information 3 implicitly discloses information to identify a subscriber, see also [0159]) and a transaction ID (3, [0100], "identification information", "transaction ID (TID)") to the billing system (server device 1);
- c. generating (figure 2, steps S2 - S4, [0094], [0095]) a validation response (completion notice 5, [0095]) to

the billing request (processing request 4) at the billing system (server device 1);

d. transmitting the validation response to the client device (figure 1 and 2, step S5, [0095]);

e. retransmitting (figure 2, "re-transmission") the billing request by the client device (figure 2, step S7, [0096]), if the validation response is not received (figure 2, "communication trouble", [0096], "communication malfunction"); and

f. using the transaction ID to prevent multiple billing events for the same billing request (implicit, [0086], [0096], [0097], [0099] - [0101]).

As in the transmission operation S5 and the re-transmission operation S7 one and the same transaction ID (i. e. identification information associated to a processing request in an unambiguous way) is sent to the server device, multiple billing is necessarily prevented, see also paragraph [0086], "On receipt of a processing request 4 for the first processing, having the identification information 3 conferred thereto, the first processing executing means 1a executes the first processing only once for one identification information.". The term "only once" clearly excludes multiple billing. Hence, the Board considers that feature f. is disclosed in D4, contrary to what the appellant argued in the statement of grounds of appeal.

8. As the sole request does not meet the requirements of Article 52(1) EPC in conjunction with Article 54 (1) and (2) EPC 1973, the appeal must fail.

Although the Board refrains from commenting on the examining division's findings with regard to an inventive step, it is noted that the Board's communication also stated reasons why the subject-



matter of claims 1, 17, 24, 30, 27 and 40 lacked an inventive step (Article 56 EPC 1973) over a conventional general purpose wireless network infrastructure.

## Order

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

The appeal is dismissed.

The Registrar:

The Chairman:



S. Sánchez Chiquero

G. Eliasson

Decision electronically authenticated