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**Datasheet for the decision
of 27 September 2023**

Case Number:	T 1693/20 - 3.5.01
Application Number:	15826286.5
Publication Number:	3241159
IPC:	G06Q10/06, G06F21/34, G06F21/60, H04W12/12
Language of the proceedings:	EN

Title of invention:
A METHOD AND APPARATUS FOR SECURING AN APPLICATION USING A MEASUREMENT OF A LOCATION DEPENDENT PHYSICAL PROPERTY OF THE ENVIRONMENT

Applicant:
OneSpan International GmbH

Headword:
Securing applications/ONESPAN

Relevant legal provisions:
EPC Art. 84

Keyword:
Claims - clarity (no)

Case Number: **T 1693/20 - 3.5.01**

D E C I S I O N
of Technical Board of Appeal 3.5.01
of 27 September 2023

Appellant: (Applicant)	OneSpan International GmbH World-Wide Business Center Balz-Zimmermannstrasse 7 8152 Glattbrugg (CH)
Representative:	Beck, Michaël Andries T. IPLodge Technologielaan 9 3001 Heverlee (BE)

Decision under appeal: **Decision of the Examining Division of the European Patent Office posted on 19 March 2020 refusing European patent application No. 15826286.5 pursuant to Article 97(2) EPC.**

Composition of the Board:

Chairman	M. Höhn
Members:	L. Falò
	D. Rogers

Summary of Facts and Submissions

I.   This is an appeal against the examining division's
        decision to refuse European patent application No.
        15826286.5.

II.   The application was refused on the grounds of lack of
        clarity (Article 84 EPC) as well as lack of novelty and
        inventive step (Articles 54 and 56 EPC) of the sole
        request in view of D2, WO 2004/051585.

III.   In the statement setting out the grounds of appeal, the
        appellant requested that the decision of the examining
        division be set aside and that a patent be granted on
        the basis of the refused request (main request) or of
        the first or second auxiliary requests, introduced on
        appeal. All the requests were re-filed or filed with
        the statement of grounds.

IV.   In the communication accompanying the summons to oral
        proceedings, the Board informed the appellant of its
        preliminary opinion that claim 1 of all requests was
        unclear (Article 84 EPC), albeit for reasons different
        from those discussed in the contested decision, and
        further lacked novelty (main request) and inventive
        step (auxiliary requests) in view of D2.

V.   In a letter dated 26.07.2023, the appellant withdrew
        the request for oral proceedings and announced that, in
        case the oral proceedings were maintained, they would
        not attend.

VI.   Oral proceedings were held as a videoconference on
        27 September 2023. As announced, nobody appeared for
        the appellant.

VII.   Claim 1 of the main request reads:

A method (300) for securing the interaction between a user (290) and a computer based application (210), the method comprising the steps of:

- obtaining (310) a value;

- using (320) the value in a risk analysis; and

- deciding on the basis of the outcome of said risk analysis whether or not to perform a certain action;

characterized in that said value comprises a measurement value of a location dependent physical property of a location from which the computer based application is being accessed by the user.

VIII.   Claim 1 of the first auxiliary request differs from the main request by the addition, at the end of the claim, of the expression

and in that the method further comprises the step of obtaining (330) an electronic signature over said measurement value and verifying (340) said electronic signature.

IX.   Claim 1 of the second auxiliary request reads as follows:

A system (200) for securing the interaction between a user(290) and a computer based application (210), comprising:

an apparatus (100, 240) for providing a secured measurement of a location dependent physical property comprising:

a memory component (140) for storing a secret value;
a data processing component (130); and

a sensor (170) for making (310) said measurement of the location dependent physical property;

wherein the data processing component is adapted to generate (330) an electronic signature over said measurement by cryptographically combining said measurement with a secret key comprised in or derived from said secret value; and

an authentication server (230) adapted to:

receive a second measurement value of a second location dependent physical property of a location from which the computer based application is being accessed by the user;

receive said electronic signature over said first measurement value;

verify (340) said received electronic signature;

use said received second measurement value and a result of said verification of said received electronic signature in a risk analysis; and

decide on the basis of the outcome of said risk analysis whether or not to perform a certain action.

Reasons for the Decision

Background

1.   The invention concerns securing remote access to
        computers and applications over computer networks, in
        particular in the context of online transactions.

        User authentication is usually based on a plurality of
        parameters, one of which may be the user location. For
        example, an access request from an unusual location may
        be considered suspicious, and therefore a factor to be
        taken into account when deciding whether or not the
        access should be granted. However, information about
        the user location may not always be available or
        reliable.

        In order to increase access security, a location-
        dependent physical property is measured and used in a
        "risk analysis" when a user is trying to access an
        application. The location-dependent physical property
        may be, for example, the apparent gravity, the
        atmospheric pressure or the background radiation at the
        location from which the access is being attempted.

        Depending on the outcome of the risk analysis, it is
        determined whether or not to perform a certain action,
        such as granting the user access to an application
        resource or carrying out a transaction.

        Clarity (Article 84 EPC)

2.   The Board agrees with the appellant that the main
        request is sufficiently concise, and that providing
        details of the means to obtain the second measurement

value is not essential to the understanding of claim 12.

3.   Nevertheless, the Board takes the view that claim 1 of the main request is unclear, for the following reasons:

3.1   The claim is directed to a method in which a decision as to whether a "certain action" should be performed is taken on the basis of the outcome of a "risk analysis".

3.2   The expression "risk analysis" is very vague. The claim neither specifies what type of risk is being assessed, nor provides any detail as to how the analysis is to be carried out, apart from defining the input parameter (that is, a measurement value of a location dependent physical property). Moreover, it leaves the action to be carried out as a result of the risk analysis completely undefined. Consequently, the claim fails to sufficiently define the subject matter for which protection is sought. It is moreover not apparent how the claimed features reach the goal of securing the interaction between a user and a computer based application.

3.3   In response to the Board's clarity objections, set out in the annex to the summons to oral proceedings, the appellant did not provide any counter argument or comment.

4.   Accordingly, the Board concludes that claim 1 of the main request does not meet the clarity requirements of Article 84 EPC.

5.   The same objection applies to claim 1 of the auxiliary requests, *mutatis mutandis*.

6.   As none of the appellant's requests is allowable, the
      appeal has to be dismissed.

Order

For these reasons it is decided that:

The appeal is dismissed.

The Registrar: The Chairman:

T. Buschek   M. Höhn

Decision electronically authenticated