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Datasheet for the decision
of 12 September 2024

Case Number:	T 0789/22 - 3.5.03
Application Number:	16901470.1
Publication Number:	3509282
IPC:	H04M1/725, G06Q10/10
Language of the proceedings:	EN

Title of invention:
Method and apparatus for pushing notifications, mobile
terminal, and graphical user interface

Applicant:
Honor Device Co., Ltd.

Headword:
SMS-based article delivery/HONOR

Relevant legal provisions:
RPBA 2020 Art. 12(4), 12(6), 12(8), 13(2)

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Keyword:

Decision in written proceedings - (yes): cancellation of hearing following appellant's announcement of non-attendance
Admittance of claim amendments filed on appeal - main and auxiliary requests I to III (no): not suitable to address the relevant issues
Admittance of claim amendments filed after Art. 15(1) RPBA communication - auxiliary request Ia (no): no "exceptional circumstances"

Decisions cited:

T 1312/20

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Boards of Appeal

Chambres de recours

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Case Number: **T 0789/22 - 3.5.03**

D E C I S I O N
of Technical Board of Appeal 3.5.03
of 12 September 2024

Appellant:	Honor Device Co., Ltd.
(Applicant)	Suite 3401, Unit A, Building 6
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	Mitscherlich PartmbB
	Patent- und Rechtsanwälte
	Karlstraße 7
	80333 München (DE)
Decision under appeal:	Decision of the Examining Division of the European Patent Office posted on 2 November 2021 refusing European patent application No. 16901470.1 pursuant to Article 97(2) EPC.

Composition of the Board:

Chair	K. Bengi-Akyürek
Members:	J. Eraso Helguera
	R. Romandini

Summary of Facts and Submissions

I.   The appellant lodged an appeal against the decision of
        the examining division to refuse the present European
        patent application for lack of inventive step
        (Article 56 EPC) with respect to the claims of a main
        request and two auxiliary requests.

II.   The appealed decision referred, *inter alia*, to the
        following prior-art document:

        D1:   WO 2014/019466 A1.

III.   In a communication pursuant to Article 15(1) RPBA, the
        board stated its negative preliminary opinion on the
        admittance and allowability of the main request and
        auxiliary requests I, II and III.

IV.   In response to that communication, the appellant
        submitted further arguments and filed a new auxiliary
        request Ia corresponding to the main request on which
        the appealed decision was based. It further informed
        the board that it would not be attending the arranged
        oral proceedings.

        The appellant's final requests were that the decision
        under appeal be set aside and that a patent be granted
        on the basis of the claims of any of five requests:

        -   **main request** and **auxiliary requests I, II and III**,
            all of them filed with the statement of grounds of
            appeal,
        -   **auxiliary request Ia**, filed in response to the
            board's preliminary opinion.

V.   The board subsequently cancelled those oral proceedings
        (see Article 12(8) RPBA).

VI.   Claim 1 of the **main request** reads as follows:

        "A method for pushing a notification on a mobile
        terminal with a display, the method being performed by
        the mobile terminal and comprising:
        ● obtaining a to-be-notified event, wherein the
          to-be-notified event is an express event for which
          a notification needs to be pushed to a user, and
          wherein obtaining the to-be notified event
          comprises:
            ○ obtaining a push message and/or a user
              operation record, and determining that the
              content of the push message and/or the user
              operation record is related to the
              to-be-notified event;
        ● determining a first notification condition based on
          the to-be-notified event, wherein the first
          notification condition comprises detecting a first
          express status of the express event;
        ● displaying a notification SMS message about a first
          notification page when the first notification
          condition is met,
            ○ wherein the notification SMS message comprises
              the first express status,
            ○ wherein the first notification page is used to
              display first association information of the
              to-be-notified event, and the first association
              information comprises the content of the
              notification SMS message, an express service
              company, article delivery details, and first
              operation association information of the
              to-be-notified event;

- displaying the first notification page in response to a case in which an operation input for the notification SMS message is detected;
- determining a second notification condition based on the to-be-notified event, wherein the second notification condition comprises detecting a second express status of the express event;
- displaying an update of the notification SMS message about a second notification page when the second notification condition is met,
  - wherein the update of the notification SMS message comprises the second express status,
  - wherein the second notification page is used to display second association information comprising the content of the update of the notification SMS message, the express service company, an update of the article delivery details, and second operation association information of the to-be-notified event,
  - wherein the notification SMS message and the update of the notification SMS message are displayed in a form of a notification list; and
- displaying the second notification page in response to a case in which an operation input for the update of the notification SMS message is detected;
- wherein the method further comprises:
  - returning to the notification list in response to detecting an operation input to close the first or second notification page while the respective one of the first and second notification pages is displayed."

Claim 1 of **auxiliary request I** differs from claim 1 of the main request in the replacement of the phrase

"obtaining a push message and/or a user operation record"

by the wording

"receiving a push message and/or obtaining a user operation record".

Claim 1 of **auxiliary request Ia** reads as follows:

"A method for pushing a notification on a mobile terminal with a display, the method being performed by the mobile terminal and comprising:
    obtaining a to-be-notified event, wherein the to-be-notified event is an express event for which a notification needs to be pushed to a user, and wherein obtaining the to-be notified event comprises obtaining a push message and/or a user operation record, and determining that the content of the push message and/or the user operation record is related to the to-be-notified event;
    determining a first notification condition based on the to-be-notified event, wherein the first notification condition comprises detecting a first express status;
    displaying a notification SMS message about a first notification page when the first notification condition is met;
    displaying the first notification page in response to a case in which an operation input for the notification SMS message is detected;
    wherein the notification SMS message comprises the first express status;
    wherein the first notification page is used to display first association information of the to-be-notified event, and the first association

information comprises the content of the notification
SMS message, an express service company, article
delivery details, and first operation association
information of the to-be-notified event; and

determining a second notification condition based
on the to-be-notified event, wherein the second
notification condition comprises detecting a second
express status;

displaying an update of the notification SMS
message about a second notification page when the
second notification condition is met;

displaying the second notification page in
response to a case in which an operation input for the
update of the notification SMS message is detected;

wherein the update of the notification SMS message
comprises the second express status;

wherein the second notification page is used to
display second association information comprising the
content of the update of the notification SMS message,
the express service company, an update of the article
delivery details, and second operation association
information of the to-be-notified event;

wherein the notification SMS message and the
update of the notification SMS message are displayed in
a form of a notification list; and

wherein the method further comprises:

returning to the notification list in response to
detecting an operation input to close the first or
second notification page while the respective one of
the first and second notification
pages is displayed."

Claim 1 of **auxiliary request II** differs from claim 1 of
auxiliary request I in the deletion of the phrases
"and/or obtaining a user operation record" and "and/or

the user operation record".

Claim 1 of **auxiliary request III** differs from claim 1
of auxiliary request II in the following addition at
the very end of the claim:

> ",
>> ○ determining a notification cleaning condition
>>   based on the to-be-notified event, the
>>   notification cleaning condition comprises at
>>   least any one of the following: a cleaning time
>>   condition, a cleaning place condition, and a
>>   cleaning user behavior condition; and
>> ○ deleting the currently displayed first
>>   notification page or the currently displayed
>>   second notification page of the to-be-notified
>>   event when the notification cleaning condition
>>   is met".

Reasons for the Decision

1.   MAIN REQUEST

Claim 1 of the **main request** comprises the following
limiting features:

A method for pushing a notification on a mobile
terminal with a display, the method being performed by
the mobile terminal and comprising:
(a)   obtaining a to-be-notified event, wherein the
        to-be-notified event is an express event for
        which a notification needs to be pushed to a
        user, and wherein obtaining the to-be notified
        event comprises:

(a.1) obtaining a push message and/or a user operation
record, and determining that the content of the
push message and/or the user operation record is
related to the to-be-notified event;

(b)   determining a first notification condition based
on the to-be-notified event, the first
notification condition comprises detecting a
first express status of the express event;

(c)   displaying a notification SMS message about a
first notification page when the first
notification condition is met,

(c.1) the notification SMS message comprises the first
express status,

(c.2) the first notification page is used to display
first association information of the
to-be-notified event, and the first association
information comprises the content of the
notification SMS message, an express service
company, article delivery details, and first
operation association information of the
to-be-notified event;

(d)   displaying the first notification page in
response to a case in which an operation input
for the notification SMS message is detected;

(e)   determining a second notification condition based
on the to-be-notified event, the second
notification condition comprises detecting a
second express status of the express event;

(f)   displaying an update of the notification SMS
message about a second notification page when the
second notification condition is met,

(f.1) the update of the notification SMS message
comprises the second express status,

(f.2) the second notification page is used to display
second association information comprising the
content of the update of the notification SMS

message, the express service company, an update
of the article delivery details, and second
operation association information of the
to-be-notified event,

(g)   the notification SMS message and the update of
the notification SMS message are displayed in a
form of a notification list;

(h)   displaying the second notification page in
response to a case in which an operation input
for the update of the notification SMS message is
detected;

(i)   returning to the notification list in response to
detecting an operation input to close the first
or second notification page while the respective
one of the first and second notification pages is
displayed.

1.1   *Admittance (Article 12 RPBA)*

1.1.1 The appellant submitted that the main request was
almost identical to the main request based on which the
examining division refused the application. Concerning
present claim 1, the only difference was the feature
"of the express event" according to features (b) and
(e) for indicating that the first/second express
statuses referred to "of the express event", which was
implied by the relevant embodiment described in
paragraphs [0272] to [0276] of the description and
Figures 13(a) to (g) as originally filed. This just
resembled a slight, self-explaining minor wording
adaptation. Furthermore, several features were shifted
within claim 1 to a different position for
significantly increasing the legibility of its wording.
However, no additional features were introduced by
that.

1.1.2   The board disagrees. This claim request was filed only
         with the statement of grounds of appeal. Hence, this
         request may be admitted only at the discretion of the
         board (Article 12(4) RPBA).

1.1.3   The board has decided not to admit the request into the
         appeal proceedings (Article 12(4) and (6) RPBA) for the
         following reasons:

         The amendments made therein do not address the actual
         reasons for the application's refusal. Their sole
         purpose is to tidy up the claims, even though the
         examining division never expressed concerns in this
         respect. Since these amendments are unrelated to the
         reasons in the appealed decision, they do not
         constitute an appropriate reaction to the decision
         itself. Therefore, they should have been submitted
         already during the examination proceedings
         (Article 12(6), second sentence, RPBA).

2.   AUXILIARY REQUEST Ia

2.1   *Admittance (Article 13(2) RPBA)*

2.1.1   The claims of **auxiliary request Ia** were filed <u>after</u>
         notification of the board's communication under
         Article 15(1) RPBA.

2.1.2   According to the appellant, auxiliary request Ia was
         submitted in response to the "quite surprising concerns
         of the board concerning the admissibility of the main
         request previously submitted with the grounds of
         appeal". The appellant contended that all requests
         refused by the first-instance decision were
         automatically anyway already part of the appeal
         proceedings. Since auxiliary request Ia was identical

to the main request refused by the examining division, it had to be admitted into the proceedings for this reason alone.

2.1.3   These arguments fail to convince the board. In spite of being identical to the main request on which the appealed decision was based, the filing of auxiliary request Ia still constitutes an "amendment" to the appellant's case under Article 13(2) RPBA (see e.g. **T 1312/20**, Reasons 2). According to this provision, any amendment to a party's appeal case is not taken into account, unless there are exceptional circumstances, which have been justified with cogent reasons by the party concerned. The board's negative preliminary opinion on the admittance of claim requests filed for the first time with the statement of grounds of appeal is not an "exceptional circumstance". Rather than maintaining the main request on which the appealed decision was based, the appellant deliberately replaced it in its statement of grounds of appeal with a new main request. In doing so, the appellant must have been aware that: (i) the admittance of the new claim request was under the board's discretion conferred by Article 12 RPBA and (ii) such replacement deprived the board from a review of the grounds for the appealed refusal decision in its preliminary opinion.

2.2   Accordingly, there are no "exceptional circumstances", which have been justified with "cogent reasons" in the present case. Thus, the board has decided not to admit **auxiliary request Ia** into the appeal proceedings either (Article 13(2) RPBA).

3.   AUXILIARY REQUESTS I, II AND III

Claim 1 of **auxiliary requests I to III** comprises the
same limiting features as claim 1 of the main request,
except for the following amendments made in
feature (a.1):

-   <u>receiving</u> a push message and/or obtaining a user
    operation record, and determining that the content
    of the push message and/or the user operation
    record is related to the to-be-notified event
    [**auxiliary request I**];

-   <u>receiving</u> a push message, and determining that the
    content of the push message is related to the
    to-be-notified event [**auxiliary requests II and
    III**],

and the following additions:
(j) determining a notification cleaning condition
     based on the to-be-notified event, the
     notification cleaning condition comprises at
     least any one of the following: a cleaning time
     condition, a cleaning place condition, and a
     cleaning user behaviour condition;
(k) deleting the currently displayed first
     notification page or the currently displayed
     second notification page of the to-be-notified
     event when the notification cleaning condition is
     met [**auxiliary request III**].

3.1   *Admittance (Article 12 RPBA)*

3.1.1   These claim requests were also filed for the first time
        with the statement of grounds of appeal. Again, their

admittance is at the board's discretion (Article 12(4)
RPBA).

3.1.2   The same conclusions as set out in point 1.1.3 above
         concerning the shifting of features in claim 1 apply to
         the present auxiliary requests.

3.1.3   Besides, none of auxiliary requests I to III is
         convergent with those treated in the appealed decision,
         which in fact included different limitations now
         removed from claim 1.

3.1.4   Finally, through the addition of the features of
         dependent claim 8, which was not discussed in the
         appealed decision, at least auxiliary request III
         creates a "fresh case".

3.2   Thus, the board has decided not to admit auxiliary
         requests I to III into the appeal proceedings.

4.   Since there are no admitted claim requests on file, the
         appeal must be dismissed.

Order

For these reasons it is decided that:

      The appeal is dismissed.

The Registrar: The Chair:

B. Brückner   K. Bengi-Akyürek

Decision electronically authenticated