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**Datasheet for the decision
of 29 August 2025**

Case Number: T 0365/24 - 3.5.05

Application Number: 19903357.2

Publication Number: 3889761

IPC: G06F3/14, G06F3/147,
G06F3/0481, G06F3/0488

Language of the proceedings: EN

Title of invention:

Message processing method, related device, and system

Applicant:

HUAWEI TECHNOLOGIES CO., LTD.

Headword:

Notification on an external display/HUAWEI

Relevant legal provisions:

EPC Art. 123(2)

RPBA 2020 Art. 12(6), second sentence, 12(8)

Keyword:

Decision in written proceedings - (yes): very late indication of appellant's non-attendance - oral proceedings neither necessary nor expedient

Added subject-matter - main and 1st to 3rd auxiliary requests (no): no "essentiality test" applicable

Admittance of claim requests filed on appeal - 4th auxiliary request (no): should have been filed earlier

Decisions cited:

G 0002/10, T 0331/87, T 1852/13, T 0013/19



Beschwerdekammern

Boards of Appeal

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Case Number: T 0365/24 - 3.5.05

D E C I S I O N
of Technical Board of Appeal 3.5.05
of 29 August 2025

Appellant:
(Applicant)

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Representative:

Isarpatent
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Decision under appeal:

**Decision of the Examining Division of the
European Patent Office posted on 25 October 2023
refusing European patent application
No. 19903357.2 pursuant to Article 97(2) EPC.**

Composition of the Board:

Chair K. Bengi-Akyürek
Members: E. Konak
F. Blumer

Summary of Facts and Submissions

- I. The appeal is against the examining division's decision to refuse the present European patent application.

The examining division decided that the main request did not comply with Articles 123(2) and 84 EPC and that auxiliary requests 1 to 3 did not comply with Article 84 EPC.

- II. With the statement setting out the grounds of appeal, the appellant re-filed the **main request** and **auxiliary requests 1 to 3** on which the contested decision is based and a new **auxiliary request 4**.

The appellant requested that the decision under appeal be set aside and that a patent be granted on the basis of one of these claim requests and that the **appeal fee be reimbursed** (cf. appellant's notice of appeal, item 1.3: "We also request refund of the official fee for this appeal").

- III. The appellant was summoned to oral proceedings to be held as a videoconference on 22 August 2025. In reply to the board's (negative) preliminary opinion pursuant to Article 15(1) RPBA (issued on 19 March 2025), the appellant's representative provided, on 22 July 2025 (i.e. one month ahead of the arranged hearing), the respective videoconferencing details and the names of the participants of the arranged oral proceedings.
- IV. In the afternoon of 21 August 2025 (i.e. one day before the scheduled hearing before the board), the appellant informed the board that neither the applicant nor its representative would be attending the scheduled oral

proceedings. No substantive submissions were made.

V. The scheduled oral proceedings were then cancelled.

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

"A message processing method in a

system comprising a terminal (100) and an external display device (200) connected to the terminal (100), comprising:

sending (S1201), by the terminal (100), first display content data (539) to the external display device (200) after the terminal (100) establishes a connection to the external display device (200);

displaying (1202), by the external display device (200), a first interface (530) in full screen mode including the received first display content data (539), wherein

a second interface (510) is displayed on a touchscreen (300) of the terminal (100), and the first interface (530) is a video play interface (530), a slideshow presentation interface or a picture browsing interface and the second interface (510) is a home screen (510);

sending (S1204), by the terminal (100), a first instruction to the external display device (200) when the terminal (100) receives (S1203) a new message of a first application installed on the terminal (100), the first instruction instructing the external display device (200) to display a first notification message (535);

displaying (S1205), by the external display device (200), the first notification message (535) after receiving the first instruction;

sending (S1208) second data to the external display device (200) when the terminal (100) receives (S1206) a

first input operation (841, 941) performed by a user on the first notification message (535); and

after receiving (S1208) the second data, dividing (S1209), by the external display device (200), a display area of the external display device (200) into a first display area and a second display area; and displaying F9) [sic] a fourth interface (830) in the first display area, the fourth interface (830) being an interface obtained after the first interface (530) is proportionally scaled down, and displaying a fifth interface (820) in the second display area, wherein F10) [sic] the fifth interface (820) is a message chat interface (820) and comprises a text input box (812), a sending control (814), a dialing control (818), contact information (817) and a message chat box (815), wherein the second data include display data in the fourth interface, display data in the fifth interface and split-screen instruction data."

Claim 1 of **auxiliary request 1** differs from claim 1 of the main request as follows (with the additions underlined):

"[...]

sending (S1208) second data to the external display device (200) when the terminal (100) receives (S1206) a first input operation (841, 941) performed by a user on the first notification message (535); and displaying (S1207), by the terminal (100), a third interface (810) through the touchscreen (300); wherein the third interface (810) is an interface of the first application; and

after receiving (S1208) the second data, dividing (S1209), by the external display device (200), a display area of the external display device (200) into a first display area and a second display area;

and displaying F9) [sic] a fourth interface (830) in the first display area, the fourth interface (830) being an interface obtained after the first interface (530) is proportionally scaled down, and displaying a fifth interface (820) in the second display area, wherein F10) [sic] an interface element in the fifth interface (820) is the same as an interface element in the third interface (810); wherein the fifth interface (820) is a message chat interface (820) and comprises a text input box (812), a sending control (814), a dialing control (818), contact information (817) and a message chat box (815), wherein the second data include display data in the fourth interface, display data in the fifth interface and split-screen instruction data."

Claim 1 of **auxiliary request 2** differs from claim 1 of auxiliary request 1 as follows (with the additions underlined and the deletions ~~struck through~~):

"[...]

sending (S1204), by the terminal (100), a first instruction to the external display device (200) when the terminal (100) receives (S1203) a new message of a first application installed on the terminal (100), displaying, by the terminal (100) a first notification message (518) through the touchscreen (300), and the first instruction instructing the external display device (200) to display the a first notification message (535);

[...]

sending (S1208) second data to the external display device (200) when the terminal (100) receives (S1206) a first input operation (841, 941) performed by a user on the first notification message (518~~535~~); and displaying (S1207), by the terminal (100), a third

interface (810) through the touchscreen (300); wherein the third interface (810) is an interface of the first application; and
[...]"

Claim 1 of **auxiliary request 3** differs from claim 1 of auxiliary request 2 as follows (with the additions underlined and the deletions ~~struck through~~):

"[...]

after receiving (S1208) the second data, dividing (S1209), by the external display device (200), a display area of the external display device (200) into a first display area and a second display area; and displaying ~~F9~~

a fourth interface (830) in the first display area, the fourth interface (830) being an interface obtained after the first interface (530) is proportionally scaled down, and displaying a fifth interface (820) in the second display area, wherein ~~F10~~

an interface element in the fifth interface (820) is the same as an interface element in the third interface (810); wherein the fifth interface (820) is a message chat interface (820) and comprises a text input box (812), a sending control (814), a dialing control (818), contact information (817) and a message chat box (815), wherein the second data include display data in the fourth interface, display data in the fifth interface and split-screen instruction data; and

wherein after the displaying, by the external display device (200), the first notification message (535), the method further comprises:

when the terminal (100) does not receive, within a first time threshold, the first input operation performed on the first notification message (518),

sending, by the terminal (100), a third instruction to the external display device (200); and

after receiving the third instruction, hiding, by the external display device (200), the first notification message (535), and displaying a first prompt used to prompt the user to view the new message of the first application on the terminal (100)."

Claim 1 of **auxiliary request 4** differs from claim 1 of auxiliary request 1 as follows (with the additions underlined and the deletions ~~struck through~~):

"[...]

a second interface (510) is displayed on a touchscreen (300) of the terminal (100), and the first interface (530) is a video play interface (530), a slideshow presentation interface or a picture browsing interface and the second interface (510) is a home screen (510);

when the terminal (100) receives (S1203) a new message of a first application installed on the terminal (100), sending (S1204), by the terminal (100), a first instruction to the external display device (200) ~~when the terminal (100) receives (S1203) a new message of a first application installed on the terminal (100),~~ the first instruction instructing the external display device (200) to display a first notification message (535);

displaying (S1205), by the external display device (200), the first notification message (535) after receiving the first instruction;

when the terminal (100) receives (S1206) a first input operation (841, 941) performed by a user on the first notification message (535) wherein the input operation is an input operation (841) of the user by using an external device connected to the

terminal (100), sending (S1208) by the terminal (100)
second data to the external display device (200) ~~when~~
~~the terminal (100) receives (S1206) a first input~~
~~operation (841, 941) performed by a user on the first~~
~~notification message (535);~~ and displaying (S1207), by
the terminal (100), a third interface (810) through the
touchscreen (300); wherein the third interface (810) is
an interface of the first application; and

after receiving (S1208) the second data from the
terminal (100), dividing (S1209), by the external
display device (200) based on the received second data,
a display area of the external display device (200)
into a first display area and a second display area;
and displaying ~~F9)~~ a fourth interface (830) in the
first display area, the fourth interface (830) ~~being is~~
an interface obtained after by the first interface
~~(530)~~ proportionally scaled down the first
interface (530), and displaying a fifth interface (820)
in the second display area, wherein ~~F10)~~ an interface
element in the fifth interface (820) is the same as an
interface element in the third interface (810); wherein
the fifth interface (820) is a message chat
interface (820) and comprises a text input box (812), a
sending control (814), a dialing control (818), contact
information (817) and a message chat box (815), wherein
the second data include display data in the fourth
interface, display data in the fifth interface and
split-screen instruction data."

Reasons for the Decision

1. Decision in written proceedings (Article 12(8) RPBA)
- 1.1 As to the extremely late notification of non-attendance
at the scheduled oral proceedings (cf. point IV above),

the board recalls that it is no more than the usual degree of courtesy owed to a Board of Appeal that a party's intention not to attend the oral proceedings is communicated as early as possible (see e.g. **T 13/19**, catchword).

1.2 By its notification of non-attendance, the appellant effectively withdrew its request for oral proceedings. Since, moreover, the board did not consider the conduct of such oral proceedings to be expedient in the present case (cf. Article 116(1) EPC), the present decision is handed down in written proceedings (Article 12(8) RPBA).

2. Main request - Added subject-matter (Article 123(2) EPC)

2.1 Claim 1 of the **main request** has the following features (appellant's labelling):

A message processing method in a system comprising a terminal and an external display device connected to the terminal, comprising:

- (a) sending, by the terminal, first display content data to the external display device after the terminal establishes a connection to the external display device;
- (b) displaying, by the external display device, a first interface in full screen mode including the received first display content data, wherein
- (c) a second interface is displayed on a touchscreen of the terminal, and the first interface is a video play interface, a slideshow presentation interface or a picture browsing interface and the second interface is a home screen;

- (d) sending, by the terminal, a first instruction to the external display device when the terminal receives a new message of a first application installed on the terminal, the first instruction instructing the external display device to display a first notification message;
- (e) displaying, by the external display device, the first notification message after receiving the first instruction;
- (f) sending second data to the external display device when the terminal receives a first input operation performed by a user on the first notification message; and
- (g) after receiving the second data, dividing, by the external display device, a display area of the external display device into a first display area and a second display area; and displaying a fourth interface in the first display area, the fourth interface being an interface obtained after the first interface is proportionally scaled down, and displaying a fifth interface in the second display area, wherein the fifth interface is a message chat interface and comprises a text input box, a sending control, a dialing control, contact information and a message chat box, wherein the second data include display data in the fourth interface, display data in the fifth interface and split-screen instruction data.

2.2 Claim 1 as originally filed had the following two features (i) and (ii), which were later deleted by the appellant.

- (i) when the terminal receives a first input operation performed by a user on the first notification information, displaying, by

the terminal, a third interface through the touchscreen, wherein the third interface is an interface of the first application (between features (e) and (f));

- (ii) an interface element in the fifth interface is the same as an interface element in the third interface (part of feature (g)).

- 2.3 The examining division found this deletion to extend beyond the content of the application as filed.
- 2.4 The appellant argued that this deletion was allowable according to the "three-point essentiality test" established by **T 331/87**.
- 2.5 This argument fails to convince the board. In recent, and now well-established, jurisprudence of the boards of appeal, the so-called "essentially test" is no longer considered appropriate (see e.g. **T 1852/13**, Reasons 2.2). Instead, the "gold standard" for assessing compliance with Article 123(2) EPC is that amendments must be *directly and unambiguously derivable* from the application documents as filed, taking account of matters implicit to the person skilled in the art (see, for example, **G 2/10**).

In the case at hand, as the examining division rightly observed, it is not directly and unambiguously derivable from the application as filed that the deleted features are merely *optional* features of the method of the invention. Rather, **feature (i)** corresponds to Step S1207 in Fig. 12, which the skilled person would consider to be an integral part of the method of the invention as described in the application as filed. The same holds for **feature (ii)**, as there is no embodiment anywhere in the application as filed in

which a GUI layout is suggested with different elements in "third" and "fifth" interfaces. Instead, as page 30, lines 28 and 29 of the original description states:

*"The SMS message chat interface 810 [third interface] and the SMS message chat interface 820 [fifth interface] **have same interface elements**, but are only at different sizes. [board's emphasis]"*.

- 2.6 Furthermore, the amendment made in **feature (g)**, which states that *"the fifth interface is a message chat interface and comprises a text input box, a sending control, a dialing control, contact information and a message chat box"* is also an arbitrary extraction of features from an embodiment, which is not directly and unambiguously derivable from the application as filed. In fact, in the embodiment in question, depicted in Fig. 8B-1 (N.B. The appellant uses wrong reference signs 812, 814, 815, 817 and 818 of Fig. 8B-2, which depicts the "third" interface 810, instead of the reference signs 824, 825, 827 and 828 of Fig. 8B-1, which depicts the "fifth" interface 820), the "fifth" interface has many more elements, none of which was indicated as *optional* in the application as filed. In particular, page 30, lines 29-31 of the original description states that

"The SMS message chat interface 820 may include an add control 821, a text input box 822, an emoticon control 823, a sending control 824, an SMS message chat box 825, a back control 826, contact information 827, a dialing control 828, and a more control 829."

An embodiment that relies solely on five specific interface elements according to feature (g) is however

not directly and unambiguously derivable from the application as filed.

- 2.7 Therefore, the main request does not comply with Article 123(2) EPC.
- 3. Auxiliary requests 1 to 3 - Added subject-matter (Article 123(2) EPC)
 - 3.1 In claim 1 of **auxiliary request 1**, the deleted features (i) and (ii) of claim 1 as originally filed were re-introduced into features (f) and (g). Hence, the objection raised in point 2.3 above was overcome.
 - 3.2 However, the objection under Article 123(2) EPC raised in point 2.6 above applies equally to claim 1 of **auxiliary request 1 to 3**.
 - 3.3 Therefore, auxiliary requests 1 to 3 do not comply with Article 123(2) EPC.
- 4. Auxiliary request 4 - Admittance
 - 4.1 In view of the primary object of the appeal proceedings to review the decision under appeal in a judicial manner, an appellant's appeal case must be directed to the requests on which the decision under appeal was based (Article 12(2) RPBA). Any part of an appellant's appeal case which does not meet this requirement is to be regarded as an "amendment", unless the appellant demonstrates that this part was "admissibly raised and maintained" in the proceedings leading to the decision under appeal. Any such amendment may be admitted only at the discretion of the board. Furthermore, the appellant should provide reasons for submitting an

amendment in appeal proceedings (Article 12(4), first to third sentences, RPBA).

- 4.2 The contested decision is not based on **auxiliary request 4** filed with the statement of grounds of appeal, contrary to Article 12(2) RPBA. This request is thus an "amendment" within the meaning of Article 12(4), first sentence, RPBA, which can only be admitted at the board's discretion.
- 4.3 As to the reasons for filing an "amendment" in appeal proceedings, the appellant submitted that "the exact and final reasons against the rejection of auxiliary request I only became clear in the final first instance decision such that it could not have been filed earlier".
- 4.4 However, it is the normal consequence of filing a claim request in reply to a summons to oral proceedings and then not attending those oral proceedings that "the exact and final reasons" for rejecting the newly filed requests become clear in the written decision. The appellant cannot use its absence at the oral proceedings as an excuse to misuse the appeal proceedings as a continuation of examination proceedings. Thus, such a claim request should indeed have been filed already during the examination proceedings (cf. Article 12(6), second sentence, RPBA).
- 4.5 Therefore, the board does not admit auxiliary request 4 into the appeal proceedings.
5. Request for reimbursement of the appeal fee
- 5.1 In its notice of appeal, the appellant requested the **reimbursement of the appeal fee** (cf. point II above).

In the statement setting out the grounds of appeal, this request was not substantiated, let alone mentioned.

- 5.2 Since the appellant did not substantiate its request and the board cannot see any legal basis for the reimbursement of the appeal fee in the case at hand, this request is refused.

Order

For these reasons it is decided that:

The appeal is dismissed.

The Registrar:

The Chair:



S. Lichtenvort

K. Bengi-Akyürek

Decision electronically authenticated