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**Datasheet for the decision  
of 11 August 2025**

**Case Number:** T 0969/24 - 3.5.05

**Application Number:** 18730536.2

**Publication Number:** 3593235

**IPC:** G06F3/0486, G06F3/0488

**Language of the proceedings:** EN

**Title of invention:**

Devices, methods, and graphical user interfaces for touch  
input processing

**Applicant:**

Apple Inc.

**Headword:**

Drag and drop on a touch screen/APPLE

**Relevant legal provisions:**

EPC Art. 111(1)  
EPC R. 103(1)(a), 111(2)  
RPBA 2020 Art. 11

**Keywords:**

Substantial procedural violation - (yes): appealed decision  
not sufficiently reasoned

Remittal to examining division - (yes): fundamental deficiency  
in first-instance proceedings

**Decisions cited:**

T 0292/90



**Beschwerdekammern**

**Boards of Appeal**

**Chambres de recours**

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Case Number: T 0969/24 - 3.5.05

**D E C I S I O N**  
**of Technical Board of Appeal 3.5.05**  
**of 11 August 2025**

**Appellant:**

(Applicant)

Apple Inc.  
One Apple Park Way  
Cupertino, CA 95014 (US)

**Representative:**

COPA Copenhagen Patents  
Rosenvængets Allé 25  
2100 Copenhagen Ø (DK)

**Decision under appeal:**

**Decision of the Examining Division of the  
European Patent Office posted on 23 February  
2024 refusing European patent application  
No. 18730536.2 pursuant to Article 97(2) EPC.**

**Composition of the Board:**

**Chair**

K. Bengi-Akyürek

**Members:**

N. H. Uhlmann

J. Hoppe

## Summary of Facts and Submissions

I. The applicant appealed against the examining division's decision to refuse the present European patent application. The examining division found that the main request and auxiliary requests 1 and 2 did not meet the requirement of Article 56 EPC.

II. The decision under appeal made reference to, *inter alia*, the following prior-art document:

**D1:** WO 2016/196042.

III. With its statement of grounds of appeal, the appellant re-filed the three claim requests underlying the appealed decision. It requested that the decision under appeal be set aside and that a patent be granted on the basis of the claims of the **main request**, or of **auxiliary request 1 or 2**.

The appellant further requested reimbursement of the appeal fee under Rule 103(1)(a) EPC and oral proceedings before the board in the event that the board considers not to grant a patent based on the main request on file.

IV. In response to the indication by the board's registrar that the board is minded to remit the case to the examining division and to reimburse the appeal fee, the appellant, by letter dated 4 August 2025, withdrew its request for oral proceedings under the *proviso* that the case is remitted back to the examining division for further prosecution and that the appeal fee is reimbursed.

V. Claim 1 of the **main request** reads as follows (board's labelling):

"A method (700), comprising:

- (a) at an electronic device with a display and a touch-sensitive surface;
- (b) displaying (702), on the display, a user interface for a first application that includes a plurality of user interface objects;
- (c) while displaying (704) the user interface for the first application, receiving information that describes a first touch,
- (d) wherein the first touch is detected at a location on the touch-sensitive surface that corresponds to a respective user interface object of the plurality of user interface objects in the user interface for the first application and moves outside of a region corresponding to the user interface for the first application into a region corresponding to a user interface for a second application; and
- (e) in response to receiving (734) the information that describes the first touch:
- (f) in accordance with a determination that the first touch does not meet predefined criteria associated with initiating a respective type of interface operation involving the respective user interface object of the first application,
- (g) providing (736) to the first application information that describes the first touch while the first touch is within the region corresponding to the user interface for the first application and that describes the first touch when the first touch moves outside of the region corresponding to the user interface for the first application and into the region corresponding to the user interface for the second application; and

- (h) in accordance with a determination (706) that the first touch meets the predefined criteria associated with initiating the respective type of interface operation involving the respective user interface object of the first application:
- (i) initiating (708) a user interface operation of the respective type involving the respective user interface object of the first application, and processing the first touch with respect to the respective type of interface operation; and
- (j) while (710) the first touch continues to be detected on the touch-sensitive surface and while the user interface operation involving the respective user interface object continues:
- (k) receiving (712), at the first application, instructions to ignore the first touch with respect to user interface operations other than the respective type of interface operation while continuing to process the first touch with respect to the respective type of interface operation;
- (l) ignoring (714), by the first application, the first touch with respect to user interface operations other than the respective type of interface operation, including ceasing to process, by the first application, the first touch with respect to user interface operations other than the respective type of interface operation while continuing to process the first touch with respect to the respective type of interface operation;
- (m) providing (740) to the first application information that describes the first touch while the first touch is within the region corresponding to the user interface for the first application; and

(n) switching (742) to providing to the second application information that describes the first touch when the first touch moves outside of the region corresponding to the user interface for the first application and into the region corresponding to the user interface for the second application."

## Reasons for the Decision

### 1. Substantial procedural violation

- 1.1 The board holds that the examining division committed a *substantial procedural violation* since the written decision is not reasoned within the meaning of Rule 111(2), first sentence, EPC for the grounds set out below.
- 1.2 According to Rule 111(2), first sentence, EPC, decisions of the EPO which are open to appeal must be **reasoned**. This means that the decision must address the facts, evidence and arguments which were relevant for reaching the respective decision, and must contain a logical chain of reasoning which led to the relevant conclusions (see e.g. **T 292/90**, Reasons 2).
- 1.3 The board notes that, according to the impugned decision (cf. Reasons 12.1.3.1 on page 7), the distinguishing features were found to be **features (d), (g) and (n)**. However, the grounds for the decision do not include any specific reasoning regarding distinguishing feature (g) and its alleged obviousness. Hence, a substantial and decisive part of the

inventive-step reasoning, which should certainly have addressed all claimed features, is in fact missing.

- 1.4 In addition, according to the decision under appeal, the technical effect of the distinguishing features was "enabling the data exchange between applications using touch gestures" (cf. Reasons 12.1.4.1 on page 8). However, the decision does not include any explanation or reasoning as to *why* and *how* those three distinguishing features would cause such a technical effect. This aspect of the problem-solution approach is thus far from self-evident in the case at hand. For instance, feature (g) does not appear to have any relationship with "data exchange between applications".
- 1.5 Furthermore, the above-detailed procedural violation is of a *substantial* nature because it relates to the substance of the objection under Article 56 EPC, which was the only ground for refusing the present application. Hence, the examination proceedings suffer from a *substantial procedural violation* within the meaning of Rule 103(1)(a) EPC.

## **2. Remittal for further prosecution**

- 2.1 The above-detailed *substantial procedural violation* also amounts to a "fundamental deficiency" apparent in the first-instance proceedings within the meaning of Article 11, second sentence, RPBA which, as a rule, constitutes "special reasons" for remitting a case for further prosecution.
- 2.2 Thus, the board has decided to set aside the appealed decision and to remit the case to the examining division for further prosecution (Article 111(1) EPC).



### **3. Reimbursement of the appeal fee**

- 3.1 According to Rule 103(1)(a) EPC, the appeal fee shall be reimbursed in full where the Board of Appeal deems an appeal to be allowable, if such reimbursement is equitable by reason of a *substantial procedural violation*.
- 3.2 Since the decision under appeal has to be set aside (cf. point 2.2 above) and, thereby, the board effectively follows the relief sought by the appellant, albeit only in part, the appeal is considered to be allowable.
- 3.3 In the present case, there is also a causal link between the above-mentioned *substantial procedural violation* and the necessity of filing an appeal against the examining division's decision. Thus, the reimbursement of the appeal fee in full is also equitable within the meaning of Rule 103(1)(a) EPC.
- 3.4 Hence, reimbursement of the appeal fee is to be ordered.

## Order

### For these reasons it is decided that:

1. The decision under appeal is set aside.
2. The case is remitted to the examining division for further prosecution.
3. The appeal fee is reimbursed.

The Registrar:

The Chair:



B. Brückner

K. Bengi-Akyürek

Decision electronically authenticated