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**Datasheet for the decision
of 2 July 2024**

Case Number: T 2288/22 - 3.5.05

Application Number: 18198438.6

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Language of the proceedings: EN

Title of invention:
Mobile communication terminal for performing specific operation
when mobile communication terminal is activated

Applicant:
Firstface Co., Ltd

Headword:
Lock screen/FIRSTFACE

Relevant legal provisions:
EPC Art. 56

Keyword:

Inventive step - main and auxiliary requests (no):
distinguishing feature relates to mere "presentation of
information"

Decisions cited:

T 0641/00, T 0336/14



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Case Number: T 2288/22 - 3.5.05

D E C I S I O N
of Technical Board of Appeal 3.5.05
of 2 July 2024

Appellant: Firstface Co., Ltd
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Decision under appeal: **Decision of the Examining Division of the
European Patent Office posted on 24 May 2022
refusing European patent application
No. 18198438.6 pursuant to Article 97(2) EPC.**

Composition of the Board:

Chair K. Bengi-Akyürek
Members: P. Tabery
R. Romandini

Summary of Facts and Submissions

- I. The appeal lies from the decision of the examining division to refuse the present application. The examining division found that the claimed subject-matter of the main and auxiliary request did not involve an inventive step (Article 56 EPC).
- II. The documents referred to by the examining division included:
- D1:** US 2009/258667 A1
- III. Oral proceedings were held before the board on 2 July 2024. The final requests of the appellant were that the decision of the examining division be set aside and that a patent be granted based on the claims of a **main request** or an **auxiliary request**, both submitted with the statement setting out the grounds of appeal.
- IV. At the end of the oral proceedings, the board's decision was announced.
- V. Claim 1 of the **main request** reads as follows (labelling introduced by the board):
- "A mobile communication terminal (100) comprising:
- (a) a memory means;
 - (b) a microprocessor;
 - (c) a display unit (110);

- (d) an activation button (120) configured to switch the terminal (100) from its inactive state to its active state when pressed in the inactive state, wherein the terminal (100) in the inactive state is communicable but the display unit (110) is turned off and wherein the terminal (100) in the active state is communicable and the display unit (110) is turned on; and
- (e) a camera (130),
- (f) characterized in that, in response to a pressing of the activation button (120) while the terminal (100) is in the inactive state, the microprocessor is configured to operate the terminal (100) to switch into the active state and the display unit (110) to display a lock screen in a lock state;
- (g) wherein in response to the pressing of the activation button (120) while the terminal (100) is in the inactive state, the microprocessor is configured to operate the terminal (100) to perform a user authentication process for a user who pressed the activation button (120);
- (h) wherein, when said user succeeds the user authentication process, the microprocessor is configured to operate the terminal (100) such that the lock state is released, but when said user fails the user authentication process, the microprocessor is configured to operate the terminal (100) to remain in the lock state, and
- (i) wherein the user authentication process is configured to be performed immediately when the

activation button (120) is pressed in the inactive state of the terminal (100),

(j) wherein the user authentication process is configured to be performed by activating the camera (130) and by capturing an image of said user."

VI. Claim 1 of the **auxiliary request** differs from claim 1 of the main request in that feature (h) further recites that, when the user authentication process fails, the terminal remains locked "with a display of an alarm message".

Reasons for the Decision

1. The application concerns displaying a "lock screen" upon activating a mobile terminal and performing user authentication based on a captured image of the user.
2. Main request
 - 2.1 Distinguishing features
 - 2.1.1 The appellant emphasised that document **D1** did not disclose, in addition to the distinguishing feature established by the examining division (i.e. that, in response to pressing the "activation button", a lock screen is displayed on the display unit according to feature (f)), the part of feature (h) that "the terminal [remains] in the locked state" as well as features (i) and (j) of claim 1.
 - 2.1.2 With respect to that part of **feature (h)**, the board notes that the appellant did not argue as to why it

considered that it was not disclosed in the passages cited by the examining division. The appellant argued that document D1 "[did] not disclose that the 'lock screen' [was] still shown on the display when the authentication [failed]". However, the board holds that displaying the "lock screen" is not even claimed in the case of a failed authentication.

- 2.1.3 Having regard to **features (i) and (j)** of claim 1 (denoted by the appellant as "differences C & D"), the appellant argued that the "key pattern" of D1 was evidently different from the claimed "pressing of the activation button". And even if they could be equated to each other, Figure 3 of document D1 disclosed the claimed "pressing of the activation button" and the "activating the camera" in the opposite order. In other words, Figure 3 disclosed "face authentication A3" followed by "determine key pattern A4".

The board notes that the term "activation button" is not limited to a *dedicated* button and may thus also comprise any other button having the claimed function. Moreover, as to feature (i), the decision under appeal cites steps A1 to A3 of Fig. 3, but not step A4. Hence, it is evident that the examining division mapped the "pressing of the activation button" to the "input key pattern A1". Since step A1 is disclosed as being performed *before* steps A2 and A3, the board holds that document D1 in fact discloses these steps in the claimed order. The appellant's respective arguments thus fail to convince the board.

- 2.1.4 Therefore, the subject-matter of claim 1 differs from the disclosure of document D1 in the distinguishing feature identified in the decision under appeal, i.e. feature (f) (see point 2.1.1 above).

2.2 Inventive step (Article 56 EPC)

2.2.1 The board considers that the distinguishing feature "to display a lock screen in a lock state" relates to a mere "presentation of information" which does not credibly assist a user in performing a technical task (see e.g. **T 336/14**, Headnote). Hence, it may not support an inventive step (see e.g. **T 641/00**, Headnote I).

2.2.2 The board does not agree with the appellant's argument that the distinguishing feature "rendered the system more convenient for the user". The convenience of a particular method of displaying information may vary based on individual user preferences. Therefore, it cannot be objectively verified.

2.2.3 The board is also not convinced by the appellant's argument that the examining division's line of reasoning was based on an "ex post facto analysis" and "slightly illogical". To the contrary, the board considers that a "lock screen" being displayed in response to pressing a button is notoriously known.

2.2.4 Consequently, the subject-matter of claim 1 of the main request is not inventive over document D1.

2.3 In view of the above, the main request is not allowable under Article 56 EPC.

3. Auxiliary request

3.1 The board concurs with the examining division that the added feature (compared to the main request) of "a display of an alarm message" is not directly and unambiguously derivable from D1 and thus constitutes a

further distinguishing feature. However, the board considers that this distinguishing feature relates again to a mere "presentation of information". As argued above, such a feature may not support an inventive step.

- 3.2 The appellant's argument that this additional distinguishing feature contributed to solving the problem of "how to improve the authentication process to be more convenient and swift" fails to convince the board. Notably, in the event that an authentication fails, the claimed chain of method steps simply ends. Thus, there is no subsequent authentication step that could be rendered "more convenient and swift" by this difference.
- 3.3 Consequently, the subject-matter of claim 1 of the auxiliary request is not inventive, too.
- 3.4 Therefore, the auxiliary request is not allowable under Article 56 EPC either.

Order

For these reasons it is decided that:

The appeal is dismissed.

The Registrar:

The Chair:



B. Brückner

K. Bengi-Akyürek

Decision electronically authenticated