

Shell scores another win, this time on appeal, in Ensygnia UK patent row

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UK oil and gas giant Shell prevailed today in a patent dispute with Ensygnia IP. The UK Court of Appeal upheld findings by a lower court that Ensygnia's patented QR code enabled payment system is invalid as obvious and for improper extension of scope. The ruling clears Shell to continue using the technology at its gas stations.

Shell UK won a patent dispute against Ensygnia IP after the UK Court of Appeal upheld findings that an Ensygnia patent for a QR code-based payment system technology is invalid. Today's ruling enables Shell to continue using its existing payment system to aid customers in making fuel purchases using QR codes at Shell's gas stations (see [here](#)).

The court upheld a lower court's determination that Ensygnia's patent is obvious in view of prior art identified as "Schmidt." Additionally, they said amended claims by Ensygnia improperly expanded the scope of the invention by adding concepts like the static, non-electric display of QR codes on paper signs.

Judge Colin Ian Birss, writing for the court, emphasized the importance of precise claim language and noted the risks of broadening patent scope after a patent had been awarded.

"Reading such specific limitations into general words in patent claims is not usually conducive to reasonable certainty for third parties," he wrote.

GB 2,489,332 was a divisional patent granted to Ensygnia in 2012 and relates to technology that employs graphical images to encode information, such as barcodes and QR codes. Ensygnia sued in 2020 after Shell implemented QR code-enabled payment systems at its fueling stations.

Shell counterclaimed, seeking a declaration that Ensygnia's patent is obvious and contains added matter. In a 2023 ruling in Shell's favor, the UK High Court agreed.

Ensygnia and Shell UK did not immediately respond to a request for a comment.

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Areas of Interest: Intellectual Property

Industries: Energy & Utilities

Geographies: Europe, Northern Europe, United Kingdom

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