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**D E C I S I O N**  
**of 26 April 2002**

**Case Number:** T 0190/01 - 3.5.1

**Application Number:** 94118866.6

**Publication Number:** 0655696

**IPC:** G06F 17/30, G09B 21/00

**Language of the proceedings:** EN

**Title of invention:**  
Information access system and recording medium

**Applicant:**  
SONY CORPORATION

**Opponent:**  
-

**Headword:**  
Information access system/SONY

**Relevant legal provisions:**  
EPC Art. 56, 84

**Keyword:**  
"Inventive step (main request - no)"  
"Remittal to the first instance (auxiliary request)"

**Decisions cited:**  
-

**Catchword:**  
-



Case Number: T 0190/01 - 3.5.1

**D E C I S I O N**  
of the Technical Board of Appeal 3.5.1  
of 26 April 2002

**Appellant:** SONY CORPORATION  
7-35, Kitashinagawa 6-chome  
Shinagawa-ku  
Tokyo (JP)

**Representative:** Melzer, Wolfgang, Dipl.-Ing.  
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**Decision under appeal:** Decision of the Examining Division of the  
European Patent Office posted 31 July 2000  
refusing European patent application  
No. 94 118 866.6 pursuant to Article 97(1) EPC.

**Composition of the Board:**

**Chairman:** S. V. Steinbrener  
**Members:** R. S. Wibergh  
E. Lachacinski

## Summary of Facts and Submissions

- I. This appeal is against the decision of the Examining Division to refuse European patent application No. 94 118 866.6.
- II. The Examining Division held that the subject-matter of claim 1 was obvious having regard to the document D2: US-A-4 907 274.
- III. Together with the grounds of appeal the appellant filed claims according to a main and an auxiliary request.

Claim 1 of the main request read as follows:

"An information access system to be operated by people having physical disabilities, comprising: a central system (1) having a database (5) on which information is stored; and a terminal (2), connected to the central system (1) by a communications line, which can access information on the database (5), said terminal being equipped with speech inputting means (2-9) for inputting speech wherein the database stores at least phonetic signal information including phoneme information and rhythm information and the central system (1) transmits phonetic signal information stored on the database (5) to the terminal; and the terminal (2) receives the phonetic signal information transmitted from the central system, characterized in that said phonetic signal information being items related to publications, said terminal being equipped with sound analyzing means (2-2) for analyzing speech inputted to the speech inputting means and sending

sound analysis results to the central system, and said central system being equipped with central speech recognition means (3-4) for recognizing speech using sound analysis means sound analysis results sent from the terminal (2) and central control means (6) for carrying out prescribed processing in accordance with speech recognition results for the central speech recognition means said central system (1) being further equipped with searching means (3 to 6) being configured to search the data base (5) for phonetic signal information relating to publications corresponding to a keyword sent from said terminal (2)".

IV. In a communication from the Board annexed to a summons to attend oral proceedings, it was pointed out that Claim 1 was directed to a system "to be operated by people having physical disabilities". Article 84 with Rule 29(1) EPC required that the claims should define the matter for which protection was sought in terms of the technical features of the invention. Thus, it should not normally be defined in terms of (non-technical) qualities of persons who might operate the system. The claim therefore appeared to be contrary to Article 84 EPC. Furthermore, the preliminary opinion was given that the invention lacked an inventive step over D2 together with

D1: WO-A-88/09540.

V. Oral proceedings before the Board were held on 26 April 2002. In the course of the proceedings the appellant filed a new main claim according to an auxiliary request, which was to replace the earlier auxiliary request.

Claim 1 of the auxiliary request read:

"An information access system to be operated by people having physical disabilities, comprising: a central system (1) having a database (5) on which information is stored; and a terminal (2), connected to the central system (1) by a communications line, which can access information on the database (5), said terminal being equipped with speech inputting means (2-9) for inputting speech wherein the database stores at least phonetic signal information including phoneme information and rhythm information and the central system (1) transmits phonetic signal information stored on the database (5) to the terminal; and the terminal (2) receives the phonetic signal information transmitted from the central system, characterized in that said phonetic signal information being items related to publications, said terminal being equipped with sound analyzing means (2-2) for analyzing speech inputted to the speech inputting means and sending sound analysis results to the central system, and said central system being equipped with central speech recognition means (3-4) for recognizing speech using sound analysis means sound analysis results sent from the terminal (2) and central control means (6) for carrying out prescribed processing in accordance with speech recognition results for the central speech recognition means; said terminal being further equipped with terminal speech recognition means for recognizing speech based on sound analysis means sound analysis results and terminal side control means for carrying out prescribed processing corresponding to terminal speech recognition means speech recognition results and said central system (1) being further equipped with

searching means (3 to 6) being configured to search the data base (5) for phonetic signal information relating to publications corresponding to a keyword sent from said terminal (2), wherein said central control means (6) sends back speech recognition results from the central speech recognition means (3-4) to the terminal, wherein said terminal is further equipped with speech recognition result correction means (2-5) for correcting a mistakenly recognized portion of the central speech recognition means (3-4) recognition results transmitted from the central control means (6), wherein said central speech recognition means (3-4) confirms speech by dictation and correction results from the terminal speech recognition result correction means are sent to the central system, and wherein said central speech recognition means carries out said speech recognition within a list of words ordered with respect to plausibility of its words and said terminal speech recognition result correction means (2-5) allows for correction in the order of plausibility".

VI. The appellant requested that the decision under appeal be set aside and that a patent be granted on the basis of the following requests:

- Main request: claim 1 filed with the statement setting out the grounds of appeal,
- Auxiliary request: claim 1 filed at the oral proceedings.

At the end of the oral proceedings the Chairman announced the Board's decision.

## Reasons for the Decision

### 1. *The prior art*

D2 describes an information access system comprising a central system (Figure 2) and terminals (61, 63) connected to the central system with a communication line (53,55). The central system comprises a database (32) for storing "codes, images, speech inputs, and the like" (column 25, lines 28 to 30), speech recognition means (19) for recognising speech sent from the terminal (column 9, lines 46 to 50; column 31, line 56 to column 32, line 5), and central control means for carrying out processing in accordance with the speech recognition results (column 32, lines 9 to 12). This processing involves searching the data base for information relating to the information sent from the terminal.

### 2. *Novelty (main request)*

The differences between the invention according to claim 1 of the main request and the system described in D2 are the following:

- the database stores phonetic signal information, including phonemes and rhythm information,
- the terminal is equipped with sound analysing means and sends sound analysis results to the central system, and the central system sends phonetic signal information to the terminal,
- the stored information relates to "publications", and

- the system is intended for "people having physical disabilities".

Thus, the invention is new (Article 54 EPC).

3. *Inventive step (main request)*

- 3.1 It is known from D2 to synthesise speech from phonetic information (see the description of Figure 38 at columns 20 and 21). It is furthermore known from D1 to store coded phonemes, something which is more efficient than storing digitised audio (D1, page 5, bottom; page 11, lines 9 to 16). It would obviously be equally advantageous to transmit the phonemes rather than the audio signal. The skilled person would thus consider including phonetic signal information in the database to save storage space and to transmit such information instead of the digitised audio signal.

As to the choice to split up the speech recognition in an analysis part in the terminal and a recognition part in the central computer, the Examining Division judged this to be an obvious measure. A trade-off would have to be found between terminal complexity and signal degradation: the more complex the terminal became, the less was the risk for information losses. A compromise would be a terminal performing part of the processing. According to the Examining Division, no unexpected advantages were attained with the claimed configuration.

The Board agrees with this reasoning. Thus the two first differences above are not inventive.

- 3.2 The data stored according to claim 1 relate to



"publications" rather than codes, images, and speech inputs, as in D2. The Board doubts however that this difference has any technical significance since (at most) the meaning of the data distinguishes a publication from other kinds of data. Furthermore, it is naturally known to store publications in databases (see eg D1, page 14, line 31 - "newspapers").

3.3 The last difference, the feature stating that the system is intended for people having physical disabilities, is - apart from not defining (directly) the matter for which protection is sought, contrary to Article 84 EPC - hardly limiting. D2 concerns a system which can be controlled by voice (see eg column 32, lines 50 to 58), over the telephone, and is therefore at least in this respect suitable for people with bad eyesight.

3.4 It follows that the invention according to claim 1 does not involve an inventive step (Article 56 EPC).

#### 4. *The auxiliary request*

4.1 Claim 1 according to the auxiliary request was presented at a very late stage, viz. at the oral proceedings before the Board. There had been no indication in advance that the application might be pursued on the basis of such a claim. Some amendments were based on the description and drawings rather than on dependent claims. Due to the length of the description (the A-publication contains 70 columns) the Board could hardly be expected at the oral proceedings even to form a firm opinion on the question whether the claim as amended has proper support in the original documents.

4.2 In these circumstances the Board has considered whether the auxiliary request should be rejected as having been presented too late. It was finally decided not to do so, for the following reasons. First, the claim has been clearly limited, so that it is at least possible that its subject-matter is inventive. Second, some of the added features were contained in the original dependent claims. Therefore any problems under Article 123(2) EPC should be limited. Moreover, in view of the substantive amendments of the subject-matter claimed the Board would in all probability have remitted the case to the first instance also if the new claim had been submitted in due time before the oral proceedings.

4.3 The Board therefore remits the case to the Examining Division for further prosecution based on the auxiliary request. It is pointed out that claim 1 will have to be examined in respect of all requirements of the EPC.

## **Order**

### **For these reasons it is decided that:**

1. The decision under appeal is set aside.
2. The main request is refused.
3. The case is remitted to the first instance for further prosecution on the basis of the auxiliary request.

The Registrar:

The Chairman:

M. Kiehl

S. Steinbrener