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Datasheet for the decision
of 10 May 2012

Case Number:	T 0752/08 - 3.5.05
Application Number:	00304006.0
Publication Number:	1052565
IPC:	G06F 3/033, G06F 1/16
Language of the proceedings:	EN

Title of invention:
Information processing method and apparatus

Applicant:
Sony Corporation

Headword:
Displaying actuating means operating guide on information
processing device/SONY

Relevant legal provisions (EPC 1973):
EPC Art. 56

Keyword:
"Inventive step - yes"

Decisions cited:
-

Catchword:
-

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Case Number: T 0752/08 - 3.5.05

D E C I S I O N
of the Technical Board of Appeal 3.5.05
of 10 May 2012

Appellant: (Applicant)	Sony Corporation 7-35, Kitashinagawa 6-chome Shinagawa-ku Tokyo (JP)
Representative:	Goddard, Frances Anna D Young & Co LLP 120 Holborn London EC1N 2DY (GB)
Decision under appeal:	Decision of the Examining Division of the European Patent Office posted 23 October 2007 refusing European patent application No. 00304006.0 pursuant to Article 97(1) EPC 1973.

Composition of the Board:

Chairman: A. Ritzka
Members: P. Cretaine
                    D. Prietzel-Funk

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Summary of Facts and Submissions

I.   This appeal is against the decision of the examining division, dispatched 23 October 2007, refusing European patent application No. 00 304 006.0. The decision was based on the ground that the independent claims of the main, first auxiliary and second auxiliary requests did not involve an inventive step having regard to the disclosure of

D3:   US 5 825 353 and

D4:   "Button interface with visual cues", IBM TECHNICAL DISCLOSURE BULLETIN, vol. 28, no. 6, November 1985, pages 2648-2649, New York, US.

II.   Notice of appeal was submitted by the applicant on 21 December 2007 and the appeal fee was paid on the same day. The statement setting out the grounds of appeal was submitted on 21 February 2008. Both documents were filed by fax with confirmation copy.

III. The appellant requested that the decision under appeal be set aside and that a patent be granted based, as a main request, on claims 1 to 8 filed as second auxiliary request on 6 September 2007 at the oral proceedings before the examining division and refiled with the statement setting out the grounds of appeal, or, as a first auxiliary request, on claims 1 to 8 filed with the statement setting out the grounds of appeal. The appellant also requested oral proceedings in the event that the board did not allow one of the requests in written proceedings.

IV.   In a communication accompanying a summons to oral
        proceedings to be held on 10 May 2012, the board
        presented its evaluation of the above-mentioned
        documents D3 and D4, and of the documents

        D1: US 5 530 455

        D5: DE 3700913

        Moreover, the board gave its preliminary opinion that
        the subject-matter of the claims according to both
        requests did not involve an inventive step, having
        regard to the disclosure of D4 and the common general
        knowledge of the skilled person, as disclosed for
        example in D1.

V.   With a letter of reply dated 4 April 2012, the
        appellant filed a second auxiliary request and provided
        arguments in favour of the allowability of the claims
        of the three requests.

VI.   Oral proceedings were held as scheduled on 10 May 2012.
        The appellant requested that the decision under appeal
        be set aside and that a patent be granted on the basis
        of the main request, the first auxiliary request, or
        the second auxiliary request.

VII.   Claim 1 of the main request reads as follows:

        "An information processing apparatus, comprising:
        actuating means (4) having a first actuating portion
        (12) associated with a rotating operation and a second
        actuating portion (13) associated with movement
        actuation in one direction;

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set-up means (300) for registering application programs
with said actuating means at the selection of a user,
whereby a registered application program has
application-specific processing operations associated
with actuation of the actuating means; and
control means (68, 70E) for monitoring the state of
said actuating means and for executing a pre-set
processing operation in response to an actuation;
said control means switching an actuating window
associated with said actuating means in at least two
modes responsive to the state of an application
program,
wherein said two modes are (i) a mode showing a guide
state allowing the operation of an activated
application program to be guided and (ii) a mode
showing a launcher state which launches an application
program which is selected in the absence of an
activated application program; and wherein
if the activated application program is registered with
said actuating means (4), said control means (68, 70E)
displays an actuating means operating guide (90) for
the application program on said actuating window in
response to a notification from said application
program, said actuating means operating guide
indicating the operation in the application that can be
performed by rotating the first actuating portion of
said actuating means and the operation in the
application that can be performed by moving the second
actuating portion of said actuating means, but
if the activated application program is not registered
with said actuating means (4), said control means
displays a standard previously set determined operation
on said actuating window allowing the actuating means

(4) to execute an operation in agreement with said
display."

The main request includes further independent claims 4,
7, and 8 seeking protection for a method, a computer
program product, and a computer program storage medium,
respectively, corresponding to the independent
apparatus claim 1.

VIII.   At the end of the oral proceedings the chair announced
the board's decision.

Reasons for the Decision

1.   The appeal is admissible.

2.   *Inventive step*

2.1   *Prior art*

D1 discloses a computer mouse having a roller which
implements a scrolling function for computer programs
running on a computer to which it is connected. The
roller may also be used for a program switching
function whereby its image is depicted on the
computer's screen as an icon showing the switching
between two programs.

D3 discloses a PDA having a thumbwheel. Rotating the
wheel moves the designation of an item in a menu and
pressing the wheel selects the designated item.

D4 discloses a graphic display with a button interface,
wherein the functions of the buttons vary with the
application program running on the display. To avoid an
undesired operation by the user, symbols corresponding
to the functions of the buttons in the active
application program are laid down on the graphic
display in the same relative positions as the buttons
on the button interface (see figure 1). In another
embodiment, an exact image replica of the button
interface is displayed, wherein a word indicating the
button function in the active application is displayed
on each button image (see figure 2).

D5 discloses a computer screen which displays the image
of a connected keyboard, whereby the display of each
key indicates the function of that key within the
application program currently active on the computer.

The actuating means in D1 (a mouse) and in D3 (a
thumbwheel) always have the same functions which do not
depend on the application program running on the system.
An operating guide for the actuating means, indicating
to the user the current functions of the actuating
means, is thus not needed and therefore not disclosed
by these documents. In contrast, D4 and D5 do disclose
actuating means (a button mouse and a keyboard,
respectively) having functions which are dependent on
the application program running on the system. D4 and
D5 also disclose an operating guide for the actuating
means, indicating to the user the functions of the
actuating means for the currently running application
program. D4 and D5 are thus directed to the same
purpose as the present application. Among those two
documents, D4 is the only one which discloses a

computer mouse. Since equipping a mouse with a
thumbwheel having a roller function was an obvious
design option at the priority date of the present
application (1999), D4 represents a better starting
point than D5 for assessing the inventive step of the
present claims using the problem-solution approach.

2.2   Main request

Starting from D4 as closest prior art, the differences
(highlighted in italics) between the subject-matter of
claim 1 of the main request and the disclosure of that
document are the following:

a) the feature that the actuating means also have *an
actuating portion associated with a rotating operation*;

b) the feature of the actuating window associated with
the actuating means displaying a *launcher state in the
absence of an activated application program;*

c) the provision of *set-up means for registering
application programs* with the actuating means at the
selection of the user;

d) the feature of displaying an operating guide for the
actuating means for a registered application *in
response to a notification from the application program;*

e) the feature of displaying a *standard previously
determined operation* allowing the actuating means to
execute an operation in agreement with said display, *if
the activated application is not registered*.

2.2.1   Feature a) is juxtaposed to the other distinguishing
        features b) to e). In that respect, the board judges
        that the registration of an application program with an
        actuating means and the displaying of an operating
        guide of this actuating means for this application
        program, as substantially defined in features c) to e),
        are not dependent on the specific nature of the
        actuating portions of the actuating means. Therefore,
        feature a) on the one hand and features c) to e) on the
        other hand do not combine to achieve a surprising
        technical effect. Thus, for the assessment of
        inventive step, the contribution of feature a) can be
        examined separately. The objective technical problem
        solved by feature a), i.e. by adding a second actuating
        portion associated with a rotating operation, can be
        expressed as how to improve the functionality of the
        actuating means. At the priority date of the present
        application (1999), it was however well-known to
        provide a computer mouse with a thumbwheel (see D1 for
        instance). The skilled person would thus, without the
        exercise of inventive step, add a thumbwheel to the
        mouse disclosed in D4 and arrive at feature a) of
        claim 1.

2.2.2   Feature b) is also juxtaposed to features c) to e)
        since it is not related to the registration of the
        application programs and to the displaying of an
        operating guide. For the assessment of inventive step,
        its contribution can therefore be examined separately.
        The technical effect of feature b) is that the user is
        provided with a display window for launching
        application programs with the actuating means. The
        objective technical problem solved by feature b) can
        thus be formulated as how to provide a simple user

interface for starting application programs. D4 teaches
that the actuating window displays the operating guide
of the mouse for the active application. The skilled
person, starting from D4 and faced with the above-
mentioned problem, would regard a launcher program as a
particular kind of application program running in the
absence of any other active application program. Since
no actuating window is displayed in D4 in the absence
of an active application program, the skilled person
would obviously consider using the actuating window
associated with the mouse for guiding the user to
launch a desired application program. Therefore
feature b) does not add anything of inventive
significance to the subject-matter of claim 1.

2.2.3   Features c), d) and e) relate, as the appellant argued,
to the concept of dividing the application programs
into two groups, according to user selection at
registration, whereby a first group has an application-
specific operation of the actuating means, and the
second group has a standard operation of the actuating
means.

The technical effect of these features is that the user
is able to customise the operation of the actuating
means as a standard operation or an application-
specific operation, for each application program.

The objective technical problem can thus be expressed
as how to make the interaction of the information
processing system with its actuating means more user-
friendly.

The skilled person, starting from D4 and faced with the
above-mentioned objective technical problem, does not
have any reason, for improving the user-friendliness of
the system, to depart from the principles laid down in
D4, which are that the operation of the actuating means
varies with each application running on the apparatus
and that a corresponding, application-specific,
operating guide is displayed as a visual cue for the
user, for each application (see D4, page 2648, first
paragraph). The skilled person would improve the system
of D4 by optimising the display of the operating guide
for each application rather than giving the user the
choice of registering (or not) an application within
the actuating means. The appellant plausibly argued
that the solution proposed in claim 1, based on
features c) to e), provides a high degree of user
customisation which is totally absent in D4. In
particular, a user loading a new application, having
application-specific operations of the actuating means,
may choose to use instead the standard operation of the
actuating means when activating said application, by
simply not registering said application. The user would
thereby avoid any learning process in respect of
actuating means operations, which he may find too
tedious and which may be of no interest to him.

Moreover, even if the skilled person were to combine
the teaching of D1 in respect of standard operation of
mouse buttons and the teaching of D4, he would arrive
at a system having on the one hand applications which
always run with application-specific operations of the
actuating means, and on the other hand applications
which always run with standard operations of the
actuating means. In such a system, the choice as to

which applications run with application-specific operations of the actuating means would not be left to the user but fixed by the system once the applications are loaded.

For these reasons the board judges that the combination of features c), d) and e) confer inventive merit on the subject-matter of claim 1.

3.   *Concluding remarks*

3.1   For the reasons detailed above, the board finds that claim 1 according to the main request satisfies the requirements of Article 56 EPC 1973. Since the other independent claims 4, 7 and 8 of the main request contain the same features as claim 1 but expressed in terms of, respectively, a method, a computer program product, and a computer program storage medium, they also meet the requirements of Article 56 EPC 1973.

3.2   Since the description has not yet been adapted, the case is to be remitted to the examining division for adapting the description to the independent claims.

Order

For these reasons it is decided that:

1.   The decision under appeal is set aside.

2.   The case is remitted to the department of first
        instance with the order to grant a patent on the basis
        of the main request filed with letter dated 21 February
        2008 and a description to be adapted.

The Registrar: The Chair:

K.Götz   A. Ritzka