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**Datasheet for the decision  
of 22 February 2018**

**Case Number:** T 1357/13 - 3.5.05

**Application Number:** 06755657.1

**Publication Number:** 1899797

**IPC:** G06F3/12

**Language of the proceedings:** EN

**Title of invention:**  
PRINTER CONTROL METHOD

**Applicant:**  
Videojet Technologies, Inc.

**Headword:**  
Wireless control of printers/VIDEOJET

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

**Keyword:**  
Claims - clarity (yes)  
Inventive step - after amendment

**Decisions cited:**

**Catchword:**



**Beschwerdekammern**  
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Case Number: T 1357/13 - 3.5.05

**D E C I S I O N**  
**of Technical Board of Appeal 3.5.05**  
**of 22 February 2018**

**Appellant:** Videojet Technologies, Inc.  
(Applicant) 1500 N. Mittel Boulevard  
Wood Dale, IL 60191 (US)

**Representative:** Kenrick, Mark Lloyd  
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**Decision under appeal:** **Decision of the Examining Division of the  
European Patent Office posted on 23 November  
2012 refusing European patent application No.  
06755657.1 pursuant to Article 97(2) EPC.**

**Composition of the Board:**

**Chair** A. Ritzka  
**Members:** P. Cretaine  
F. Blumer

## **Summary of Facts and Submissions**

I. The appeal is against the decision of the examining division, posted 23 November 2012, to refuse European patent application No. 06755657.1 on the grounds of lack of inventive step (Article 56 EPC) having regard to the disclosure of

D4: US 2004/203972 in combination with

D3: US 6 095 414,

with respect to a main request and a first auxiliary request.

II. Notice of appeal was received on 28 January 2013 and the appeal fee was paid on the same day. The statement setting out the grounds of appeal was received on 27 March 2013. The appellant requested that the decision be set aside and that a patent be granted on the basis of the main request or the first auxiliary request on which the decision was based. In addition, oral proceedings were requested in case the main request was not allowed.

III. A summons to oral proceedings was issued on 8 September 2017. In an annex to this summons, the board gave its preliminary opinion on the appeal pursuant to Article 15(1) RPBA. The board raised a clarity objection (Article 84 EPC) with respect to a feature present in independent claims 1 and 39 of the main request. Further, the board indicated that, provided the clarity objection was overcome by amending these claims, it would be in a position to cancel the oral proceedings and remit the case to the department of

first instance with the order to grant a patent on the basis of the thus amended main request.

- IV. With a letter dated 24 October 2017 the appellant filed amended main and first auxiliary requests. The previous main and first auxiliary requests were maintained as second and third auxiliary requests, respectively. The appellant requested that the decision under appeal be set aside and that a patent be granted on the basis of any of the following: the main request, the first auxiliary request, the second auxiliary request and the third auxiliary request. Oral proceedings were requested in case the main request was not allowed.
- V. By communication dated 10 November 2017, the applicant was informed that the oral proceedings scheduled for 24 November 2017 had been cancelled.
- VI. Claim 1 of the main request reads as follows:

"A method for controlling a printer (11, 12, 13) to carry out a printing operation, the method comprising, at a controller device (10):  
reading an identifier (14, 15, 16) associated with said printer (11, 12, 13), the identifier comprising machine readable information being a barcode, magnetically readable information, a radio frequency identifier or machine readable text;  
generating first input data in response to said read identifier (14, 15, 16), said first input data comprising data for identifying said printer (11, 12, 13);  
generating data identifying any printers (11, 12, 13) within a wireless communications range of said controller device (10);

determining whether one of said identified printers (11, 12, 13) is said printer identified by said first input data; and  
if said determining indicates that one of said identified printers (11, 12, 13) is said printer identified by said first input data, establishing a wireless connection between said controller device (10) and said printer (11, 12, 13) in response to said first input data; and  
using said established wireless connection to control said printer."

The main request comprises further independent claims for a corresponding computer program product (claim 38) and a corresponding device (claim 39).

Considering the outcome of the decision, the details of the auxiliary requests do not need to be considered.

### **Reasons for the Decision**

1. The appeal is admissible.
2. Prior art

**D3** discloses a system for validating delivery of a receipt roll to receipt printers. A barcode associated with a receipt roll and a barcode associated with a printer are scanned and compared to validate a match indicating a correct delivery.

**D4** discloses a system for determining an identifier of a printing device that a user wants to select for printing a job. A list of printers is displayed on the user's mobile device. The user physically operates a key on the desired printer, which changes a variable on

the printer entry in the list to indicate that the printer has been selected by the user. By selecting the printer entry on the list, the selected printer sends a unique identifier to the user's mobile device, which in response sends print job information to the selected printer.

### 3. Main request

#### 3.1 Article 84 EPC

The board is satisfied that the amendments to independent claims 1 and 39 have overcome the clarity objection raised by the board in the annex to the summons to oral proceedings.

#### 3.2 Article 56 EPC

D4 has been considered in the decision under appeal as the closest available prior art, and the board does not see any reason to depart from this position since it is the only available prior art that relates to the wireless transmission of printing data from a mobile controller device to a printer.

There are however numerous differences between the subject-matter of claim 1 and the disclosure of D4:

- in claim 1, the controller device, operated by the user, reads a machine-readable identifier of the printer that is to be controlled, whereas in D4 the user operates a key, e.g. an on/off button, on the printer that is to be controlled and identifies the printer, based on this key, in a list of printers displayed on the controller device,
- in claim 1, it is checked whether the printer selected by the controller device belongs to the group

of printers that are in a wireless communication range of the controller device, whereas in D4 the list of printers comprises all the printers in the area defined by the fixed network, which are all deemed connected.

The technical effects of these differences are that the user only needs to perform one operation with the controller device, namely read the machine-readable identifier, e.g. the barcode, of the printer it wants to select to check the availability of the wireless connection from the controller device to the printer.

The objective technical problem can thus be defined as how to provide an improved method for controlling a printer using a mobile controller device.

The skilled person would not find in D4 itself any hint to modify the process shown in Figure 1A and B of D4. In particular, the skilled person would not be incited to circumvent the querying of a predetermined list of printers in the area defined by the network since this feature is at the basis of the process of D4 (see steps 4, 8, 10 and 12 of Figure 1 and paragraph [0012]).

Further, the skilled person would not find in D3 any feature for improving the control of a printer by a mobile controller device since D3 is solely related to the different context of validating matches between receipt rolls and printers using them, and not to the use of barcodes for identifying printers in a printer control process. In any case, even if the skilled person were using barcodes associated with the printers in the arrangement of D4, it would not achieve anything given that identification of the printers is inherently provided in D4 by the repeated query of the network list of printers.



The appellant further plausibly argued that the method of claim 1 provides the advantage over the method of D4 in that it requires a single action by the user, namely using the controller device to read the machine-readable identifier of the selected printer, thereby removing the source of possible errors caused by incorrect user input at the controller device.

For these reasons the board judges that the subject-matter of claim 1 involves an inventive step, having regard to the available prior art (Article 56 EPC).

Independent claims 38 and 39 contain the same features as claim 1, but expressed in terms of a claim for a carrier medium carrying computer-readable program code and a device, respectively. Thus, claims 38 and 39 also meet the requirements of Article 56 EPC. Claims 2 to 37 and 40 to 55 are dependent claims and, as such, also meet the requirements of Article 56 EPC.

## **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 with the order to grant a patent on the basis of the following documents:
  - Claims: claims 1 to 55, filed as main request with letter dated 24 October 2017,
  - Description:
    - pages 1, 2, 4, 5 and 8 to 32 of the international application as published,
    - pages 3, 3a, 6, 7 and 33 filed with letter dated 29 July 2009,
  - Drawings: sheets 1/26 to 26/26 of the international application as published.

The Registrar:

The Chair:



K. Götz-Wein

A. Ritzka

Decision electronically authenticated