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**Datasheet for the decision
of 22 February 2023**

Case Number: T 0864/20 - 3.5.07

Application Number: 08781546.0

Publication Number: 2232388

IPC: G06F17/27

Language of the proceedings: EN

Title of invention:

Providing a natural language voice user interface in an integrated voice navigation services environment

Applicant:

Cerence Operating Company

Headword:

Voice user interface/CERENCE OPERATING COMPANY

Relevant legal provisions:

RPBA 2020 Art. 12(4)

Keyword:

Amendments - admitted (no)



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Case Number: T 0864/20 - 3.5.07

D E C I S I O N
of Technical Board of Appeal 3.5.07
of 22 February 2023

Appellant: Cerence Operating Company
(Applicant) 15 Wayside Road
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Representative: Potter, Julian Mark
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Decision under appeal: **Decision of the Examining Division of the
European Patent Office posted on 4 November 2019
refusing European patent application
No. 08781546.0 pursuant to Article 97(2) EPC**

Composition of the Board:

Chair J. Geschwind
Members: R. de Man
P. San-Bento Furtado

Summary of Facts and Submissions

- I. The appellant (applicant) filed an appeal against the decision of the examining division refusing European patent application No. 08781546.0, which was published as international application WO 2009/075912.
- II. The examining division decided that the main request and the auxiliary request infringed Article 123(2) EPC.
- III. With its statement of grounds of appeal, the appellant replaced its requests with a sole substantive main request. As an auxiliary request, it requested that the case be remitted to the examining division for further prosecution.
- IV. In a communication accompanying the summons to oral proceedings, the board expressed doubt that the main request should be admitted into the appeal proceedings. It also expressed the view that the main request did not comply with the requirements of Articles 84 and 123(2) EPC.
- V. After a change of the date of the oral proceedings at the appellant's request, the appellant, without commenting on the board's communication, indicated that it would not attend the oral proceedings. In response, the board cancelled the oral proceedings.
- VI. The appellant requests that the decision under appeal be set aside and that either a patent be granted on the basis of the claims of the main request or the case be remitted to the examining division for further prosecution.

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

"A computer-implemented method for providing a natural language voice user interface for a navigation device, the method comprising:

receiving a natural language utterance that contains a destination input spoken by a user during a current conversation;

generating an N-best list of preliminary interpretations of the natural language utterance;

weighting the N-best list of preliminary interpretations using a short-term profile that accumulates knowledge associated with the user during the current conversation, a long-term profile that accumulates knowledge associated with the user over time, and information associated with a navigation context;

calculating a route from a current location associated with the user to a most heavily weighted one of the N-best list of preliminary interpretations;

determining whether the calculated route results in an event being generated or detected;

identifying a query or command contained in the voice input responsive to determining that a voice input has been received;

using contextual information associated with one or more of a plurality of information sources, filtering possible query answers, responses, or other system actions according to the calculated route; and

determining an action based on the filtering."

VIII. The appellant's arguments, where relevant to the decision, are discussed in detail below.

Reasons for the Decision

1. The application relates to a natural-language voice user interface for navigation services.
2. *Admission into the appeal proceedings*
 - 2.1 According to Article 12(4), second and third sentences, RPBA 2020, any amendment to an appellant's case may be admitted only at the board's discretion, and the appellant is to provide reasons for submitting amendments in the appeal proceedings, including reasons why they had not been filed earlier.

In the present case, the appellant argued only that the amendments addressed the added-matter objection which formed the ground for the refusal.

- 2.2 During the first-instance proceedings, the appellant filed substantially amended claims with its letter dated 4 July 2011 (with a corrected clean copy filed on 2 September 2016). In response to objections under Article 123(2) EPC, the appellant filed further amendments with its letter dated 8 August 2018. In response to further objections under Article 123(2) EPC raised in the communication annexed to the summons to oral proceedings before the examining division, the appellant again filed two sets of amended claims with its letter dated 5 September 2019. At the end of the oral proceedings, which were held in the appellant's absence, the examining division refused the application for infringing Article 123(2) EPC. With its statement of grounds of appeal, the appellant reacted to the decision by filing yet further amendments.

2.3 The board accepts that it may not always be straightforward to formulate amendments which comply with the requirements of Article 123(2) EPC. Nevertheless, there cannot be an indefinite right to have newly amended claims admitted into the proceedings whenever the examining division (or the board of appeal) raises an objection under Article 123(2) EPC. An applicant has the burden to consider carefully whether the amended claims it intends to file have a basis in the application as filed, in particular when the amendments are made in response to an earlier objection under Article 123(2) EPC.

Hence, taking into account the course of the first-instance proceedings, the board considers that the main request, being a repeated attempt to bring the claims in conformity with Article 123(2) EPC, could have been filed in the first-instance proceedings in response to one of the earlier objections under Article 123(2) EPC.

2.4 In the current main request, which was filed with the statement of grounds of appeal, claim 1 of the main request considered in the decision under appeal was amended, *inter alia*, to include three features taken from the description. For these amendments, the statement of grounds of appeal under the heading "Amendments" indicated only that the basis "may be found at least in paragraphs [088], [095], [100] and Figure 6 of the application as originally filed" (see page 1, fifth paragraph). For the corresponding amendments of independent claim 10, which use essentially the same language, the appellant cited "paragraphs [007], [012], [018], [040], [088], [095], [097], [098] and [107]" (see page 2, sixth paragraph). Under the heading "Added Subject Matter" on page 3, the statement of grounds of appeal suggested that the added

features find a basis in Figure 6 and paragraphs [0097] to [0107].

- 2.5 Hence, the appellant presented the board with references to a large number of text passages but with no specific explanations as to how the skilled reader of the application would directly and unambiguously derive the claimed subject-matter from the application as filed. This is contrary to Article 12(4), third sentence, RPBA 2020, which requires the appellant to indicate the basis for the amendments in the application as filed and to provide reasons why the amendments overcome the objections raised in the decision under appeal.

In this respect the board notes that, as pointed out in its communication, on which the appellant did not comment, the amended claim 1, *prima facie*, still does not comply with Article 123(2) EPC.

- 2.6 For these cumulative reasons, the board decides not to admit the main request into the appeal proceedings under Article 12(4) RPBA 2020.
3. Since the only substantive request on file is not admitted into the appeal proceedings, there is no basis for a remittal of the case to the examining division for further prosecution. Instead, the appeal is to be dismissed.

Order

For these reasons it is decided that:

The appeal is dismissed.

The Registrar:

The Chair:



S. Lichtenvort

J. Geschwind

Decision electronically authenticated