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**Datasheet for the decision  
of 2 August 2024**

**Case Number:** T 2392/22 - 3.5.05

**Application Number:** 15904641.6

**Publication Number:** 3242201

**IPC:** G06F3/16, H04W4/02, G10L13/02,  
G01C21/36

**Language of the proceedings:** EN

**Title of invention:**  
Method and device for outputting voice information

**Applicant:**  
Baidu Online Network Technology (Beijing) Co., Ltd

**Headword:**  
Outputting voice information/BAIDU

**Relevant legal provisions:**  
EPC Art. 123(2)  
RPBA 2020 Art. 12(8)

**Keyword:**  
Added subject-matter - (yes)



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Case Number: T 2392/22 - 3.5.05

**D E C I S I O N**  
**of Technical Board of Appeal 3.5.05**  
**of 2 August 2024**

**Appellant:** Baidu Online Network Technology (Beijing) Co.,  
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**Representative:** Canzler & Bergmeier Patentanwälte  
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**Decision under appeal:** **Decision of the Examining Division of the  
European Patent Office posted on 23 June 2022  
refusing European patent application  
No. 15904641.6 pursuant to Article 97(2) EPC.**

**Composition of the Board:**

**Chair** K. Bengi-Akyürek  
**Members:** N. H. Uhlmann  
C. Almberg

## **Summary of Facts and Submissions**

- I. The appellant appeals against the examining division's decision to refuse the present European patent application. The examining division held that the main request and the auxiliary request then on file did not comply with Articles 84 and 123(2) EPC.
- II. The board summoned the appellant to oral proceedings and set out its provisional opinion in a communication under Article 15(1) RPBA.
- III. By letter dated 31 July 2024, the appellant withdrew its request for oral proceedings and asked for a decision according to the state of the file.
- IV. The arranged oral proceedings were then cancelled (cf. Article 12(8) RPBA).
- V. The appellant requests that the decision under appeal be set aside and that a patent be granted according to a **sole claim request**, which was filed for the first time with its statement of grounds of appeal.
- VI. Claim 1 of the **sole request** reads as follows:

"A method for outputting voice information, the method being implemented by a user equipment and comprising  
determining, when determining a need of  
outputting to-be-processed information by voice,  
geographical location information corresponding to the  
to-be-processed information according to user location  
information and historical voice records in the user  
equipment, the to-be-processed information being used

for referring to information to be processed for outputting, the geographical location information including information for indicating a geographical location corresponding to the to-be-processed information, wherein the historical voice records comprise geographical location corresponding to each historical voice output and a number of outputs corresponding to each geographical location, wherein the to-be-processed information is textual content;

converting the to-be-processed information into voice information corresponding to a dialect of the geographical location information based on a voice packet corresponding to the dialect of the geographical location information; and

outputting the voice information in the user equipment by voice,

wherein the determining, when determining a need of outputting to-be-processed information by voice, geographical location information corresponding to the to-be-processed information according to user location information and historical voice records in the user equipment comprises:

when determining the need of outputting to-be-processed information by voice, determining by the user equipment geographical location information corresponding to the to-be-processed information according to the historical voice records, wherein the geographical location information corresponding to the to-be-processed information indicates geographical location corresponding to a maximum number of outputs in the historical records."

## Reasons for the Decision

1. The present application pertains to a method for outputting voice information in a "dialect of a geographical location". This geographical location is determined according to "user location information" and geographical information in "historical voice records".

### 2. Sole request - claim 1 - Article 123(2) EPC

2.1 Claim 1 of the **sole request** includes the following limiting features (board's labelling, emphasis and amendment marks):

- (a) A method for outputting voice information, the method being implemented by a user equipment and comprising
- (b) determining, when determining a need of outputting to-be processed information by voice, geographical location information corresponding to the to-be-processed information according to user location information and historical voice records in the user equipment,
- (c) the to-be-processed information being used for referring to information to be processed for outputting,
- (d) the geographical location information including information for indicating a geographical location corresponding to the to-be-processed information,
- (e) wherein the historical voice records comprise geographical location corresponding to each historical voice output and a number of outputs corresponding to each geographical location,
- (f) wherein the to-be-processed information is textual content;

- (g) converting the to-be-processed information into voice information corresponding to a dialect of the geographical location information based on a voice packet corresponding to the dialect of the geographical location information;
- (h) outputting the voice information in the user equipment by voice,
- (i) wherein the determining, when determining a need of outputting to-be-processed information by voice, geographical location information corresponding to the to-be-processed information according to user location information and historical voice records in the user equipment comprises:
- (j) when determining the need of outputting to-be-processed information by voice, determining by the user equipment geographical location information corresponding to the to-be-processed information according to ~~the user location information and~~ the historical voice records,
- (k) wherein the geographical location information corresponding to the to-be-processed information indicates geographical location corresponding to a maximum number of outputs in the historical records.

2.2 The sole request was filed for the first time with the statement of grounds of appeal. Accordingly, it is to be regarded as an "amendment" of the appellant's case within the meaning of Article 12(4) RPBA.

2.3 Irrespective of the various admittance issues under Article 12(2), (4) and (6) RPBA, the sole request is not allowable under Article 123(2) EPC, for the reasons set out below.

2.3.1 **Feature (j)** has been amended by removing the wording "the user location information and" after the phrase "according to". The appellant stated that claim 1 was amended "to comply with" feature (k) but did not indicate the basis for this amendment in the present application as translated.

2.3.2 The board holds that the application as translated consistently teaches that "determining [...] geographical location information" in accordance with feature (j) is performed "according to" the "user location information" and, optionally, to further information, i.e. the "historical voice records". This is in particular evidenced by

- claim 1 as translated,
- the summary of the invention on pages 1 to 3 of the description as translated,
- the penultimate paragraph on page 4,
- the penultimate paragraph on page 7,
- the two full paragraphs on page 8,
- the first and the third paragraphs on page 9,
- the second full paragraph on page 11,
- the last paragraph on page 18,
- the last paragraph on page 19,
- the second full paragraph on page 21 and
- the second paragraph on page 23.

No basis is however apparent for a "determining" step which is not performed "according to" the "user location information".

2.3.3 The board notes that the new translation of the description filed on 7 June 2022 includes a similar teaching.

2.3.4 The appellant's arguments put forward in its letter of reply dated 3 July 2024 are not convincing. It referred to three passages of the translated description (submitted on 7 June 2022) and to Figure 3.

- First, the passage on page 5 explains the notions of a "resident location of the user" and a "resident location information". However, claim 1 does not refer to such terms.
- Second, according to the passage referred to by the appellant on page 8, first full paragraph (emphasis added), the "user equipment determines, when determining a need of outputting to-be-processed information by voice, the geographical location information corresponding to the to-be-processed information according to the user location information and historical voice records in the user equipment". Hence, the "user location information" and the "historical voice records" relate to *distinct* pieces of information.
- Third, also the paragraph bridging pages 8 and 9 (to which the appellant made a reference) discloses that the determination is "according to the user location information and the historical records". Furthermore, this passage teaches that the "user location information" indicates the current location of the user, and that the "historical voice records" include the clearly different historical "geographical location" (emphasis added). In fact, the "user location information" will be included in the "historical voice records" only if the user, at previous or "historical"

times, was already at this location. However, claim 1 is not so limited.

- Lastly, the paragraph bridging pages 8 and 9 and Figure 3 do not disclose that "the geographical location information corresponding to the to-be-processed information is determined by the maximum number of outputs in the historical voice records, i.e. determined only according to historical voice records", as asserted by the appellant. Furthermore, the skilled reader would not consider the last three lines of this passage in isolation, but as part of the "another example" which is described therein.

2.4 In view of the above, claim 1 does, at least, not comply with Article 123(2) EPC. Thus, the sole request is not allowable.

**Order**

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

The appeal is dismissed.

The Registrar:

The Chair:



B. Brückner

K. Bengi-Akyürek

Decision electronically authenticated