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D E C I S I O N
of 21 October 1998

Case Number: T 0907/96 - 3.4.2
Application Number: 89105150.0
Publication Number: 0334327
IPC: G03G 15/00, G06F 3/037

Language of the proceedings: EN

Title of invention:
Multi-screen setting condition display system

Patentee:
Fuji Xerox Co., Ltd.

Opponent:
Siemens Nixdorf Informationssysteme AG

Headword:

-

Relevant legal provisions:
EPC Art. 84, 54, 56, 102(3)

Keyword:
"Main request: clarity (no)"
"Auxiliary request: clarity (yes)"
"Novelty (yes): inventive step (yes)"

Decisions cited:

-

Catchword:

-



Case Number: T 0907/96 - 3.4.2

D E C I S I O N
of the Technical Board of Appeal 3.4.2
of 21 October 1998

Appellant: Siemens Nixdorf Informationssysteme AG
(Opponent) Heinz-Nixdorf-Ring 1
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Representative: Wiebusch, Manfred
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Respondent: Fuji Xerox Co., Ltd.
(Proprietor of the patent) No. 3-5, Akasaka 3-chome
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Tokyo 107 (JP)

Representative: Grünecker, Kinkeldey,
Stockmair & Schwanhäusser
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Decision under appeal: Interlocutory decision of the Opposition Division
of the European Patent Office posted 31 July 1996
concerning maintenance of European patent
No. 0 334 327 in amended form.

Composition of the Board:

Chairman: E. Turrini

Members: M. Chomentowski
B. J. Schachenmann

Summary of Facts and Submissions

- I. The respondent is proprietor of European patent No. 0 334 327, which was granted on the basis of European patent application No. 89 105 150.0.
- II. The appellant (opponent) filed an opposition against the patent, inter alia on the grounds that its subject-matter lacked an inventive step having regard in particular to E1 = DE-A1-3043081, a document already cited in the patent.

Another opposition, citing inter alia E6 = JP-A-58-161467 and based on lack of novelty or inventive step, was deemed not to have been filed.

- III. The European patent was maintained in amended form.

The only independent claim of the maintained set of 6 claims read as follows:

"1. A multi-screen display control system comprising a display unit (02) used as a user interface in a picture information recording apparatus (1), for the purpose of selecting recording functions and setting execution conditions, and display control means

characterized in that

the display unit (02) comprises a monitor screen unit,

- (i) displaying one of various selection mode screens for predetermined functions, each including a corresponding plurality of function groups (C),
- (ii) instructing the operator of the picture information recording apparatus (1) to enter values for the execution conditions, and
- (iii) displaying in an area (B) only the set state of each of the function groups for each of the functions of the other selection-mode screens, whereby the operator can see at once all of the function groups settings."

The opposition division took the following view:

E6 was not considered as being relevant.

The newly cited E5 = Xerox Disclosure Journal, vol. 9, No. 4, July/August 1984, page 269, "Direct-Select Vacuum Fluorescent For Copier Application", was taken as the closest prior art. It disclosed a plurality of menus, but although the functions selected were indicated, all functions remained displayed. For the skilled person, there was no hint of a second area wherein only the parameters selected were displayed, the functions being displayed all the time with those selected being high-lighted. Thus, in E5, all options, selected or not, being displayed, this did not enable the control panel to be made smaller.

Similar arguments applied to E1, which concerned a display control system comprising a plurality of control screens, for instance 3, the display unit including an area in which all possible options are visible, even if they have not been selected.

The combination of features of claim 1 had as technical effect that it was possible to monitor all the settings with a smaller screen, thus leading to a smaller copier. Therefore, the subject-matter of claim 1 involved an inventive step.

- IV. The appellant (opponent) lodged an appeal against this decision.

- V. During the oral proceedings of 21 October 1998, which had been requested auxiliarily by the respondent, a main and an auxiliary request were filed for maintaining the patent in amended form.

Respondent's main request consists of the following patent documents:

Claims: No. 1 filed during the oral proceedings;

Nos. 2 to 6 as annexed to the decision of the opposition division;

Description: columns 1 to 60 as annexed to the decision of the opposition division, with the amendments in column 4 and column 59 as submitted during the oral proceedings;

Drawings: Figures 1 to 42 of the patent specification.

Claim 1 of the main request, which incidentally uses simple brackets such as i) in place of double brackets such as (i) for indicating paragraphs and which contains "group" in place of "groups" as the penultimate word of the claim, comprises additionally, at the end of paragraph (i) of the above cited claim 1 of the impugned decision, the feature "the selection mode screens being alternatively selectable by means of selection keys".

Respondent's auxiliary request is distinguished from his main request only in that it comprises, at the end of paragraph i), the further additional feature "corresponding to the selection mode screens".

VI. The respondent submitted the following arguments in support of his requests:

Claim 1 of the main request is formally correct, and in particular defines in an unambiguous way the matter to be protected, so that it is clear. It is also patentable.

The system of E6 does not comprise the feature of claim 1 of the auxiliary request that the selection mode screens are alternatively selectable by means of selection keys corresponding to the selection mode screens, i.e., it does not comprise means for selectively switching from one selection mode screen to another by actuating the corresponding selection key. Starting from document E6, wherein the user cannot go directly, without fixed sequential order, to the screen he needs for the selection of functions, the object of the present invention is to provide an improved display control system which allows the operator to easily confirm the set state of each of the function groups and choose among different copier functions. This object is solved by the system of the auxiliary request, wherein the selection mode screens are alternatively selectable by means of selection keys corresponding to the selection mode screens, and wherein, depending on the actually selected selection mode screen, there is in particular a means displaying in an area only the set state of each of the function groups for each of the functions of the other selection-mode screens, whereby the operator can see at once all of the function group settings.

In the system of E5, all options, selected or not, are displayed. E1 concerns a display control system comprising a plurality of control screens, the display unit including an area in which all possible options are visible.

Therefore, the subject-matter of the auxiliary request involves an inventive step.

VII. The appellant argued in substance as follows in support of his request that the decision under appeal be set aside and that the patent be revoked:

Claim 1 of the main request contains formal deficiencies and is not allowable already for that reason.

Concerning the auxiliary request, the idea of dividing the selection mode screen which allows the user to select copying functions, was already known. For instance, in E1, there is a plurality of control screens which are displayed. In E6, selection mode screens showing functions to be selected can be successively displayed by actuating selection keys such as F0, F1, F2 or F3 and, moreover, it is possible to display a screen with new functions by actuating the key "SELECT"; said new functions can then be selected by actuating the keys F0, F1, F2 or F3. Moreover, in said document, the functions which have been selected are displayed in an area of the next screen which is displayed following the actuation of one of said keys. In E5, although all options, selected or not, are displayed, it is however possible to distinguish those options which have been selected because they are highlighted.

Therefore, as well the idea of dividing a selection mode screen in a plurality of successively displayed selection mode screens as the idea of displaying the options which have been set, i.e. selected, for keeping the user informed and avoiding errors, were known for

the same technical field.

Consequently, the subject-matter of claim 1 of the auxiliary request is obvious and does not involve an inventive step.

Reasons for the Decision

1. The appeal is admissible.

2. *Main request*

2.1 Claim 1 concerns a multi-screen display control system comprising a display unit used as a user interface in a picture information recording apparatus, for the purpose of selecting recording functions and setting execution conditions, and display control means;

the display unit comprises a monitor screen unit

i) displaying one of various selection mode screen for predetermined functions, each including a corresponding plurality of function groups, the selection mode screens being alternatively selectable by means of selection keys,

ii) instructing the operator of the picture information recording apparatus to enter values for the execution conditions, and

iii) displaying in an area only the set state of each

of the function groups for each of the functions of the other selection-mode screens, whereby the operator can see at once all of the function groups settings."

Indeed, in accordance with the terms "the selection mode screens being alternatively selectable by means of selection keys" of paragraph i), in the embodiment disclosed in the description and illustrated in particular by Figures 26 and 27(a) to 27(c), the mode selection keys (308), (309) and (310) allow the user of the system to select alternatively the basic copy screen of Figure 27(a), the applied copy screen of Figure 27(b) or the special copy screen of Figure 27(c), respectively. In this respect, it is to be noted that these mode selection keys (308), (309) and (310) correspond to the basic copy screen of Figure 27(a), the applied copy screen of Figure 27(b) and the special copy screen of Figure 27(c), respectively.

However, as pointed out by the Board during the oral proceedings, on the one hand, since claim 1 of the main request does not specify that selection keys "correspond to" the selection mode screens, the multi-screen display control system can be such that the selection mode screens are selectable by means of selection keys, but wherein said selection keys do not "correspond to" the selection mode screens. For instance, this can be done by using two selection keys which allow to proceed through a fixed sequence of selection mode screens, either in one direction, from the basic screen of Figure 27(a) to the special copy screen of Figure 27(c) over the applied copy screen of

Figure 27(b), or in the opposite direction, from the special copy screen of Figure 27(c) to the basic screen of Figure 27(a) over the applied copy screen of Figure 27(b). On the other hand, it is ambiguous, whether in such a case the mode screens are "alternatively selectable", as mentioned in the claim, i.e., whether the selection of a screen via an intermediate screen can be considered as being an "alternative" selection, or not. The description, which as mentioned here above only specifically discloses an embodiment with "corresponding keys", does not allow the skilled reader to determine whether different types of keys, such as "sequential" keys, are also meant in the claim.

Therefore, claim 1 as amended after grant ambiguously defines the matter for which protection is sought, so that it does not satisfy the requirement of clarity of Article 84 EPC and, therefore, the patent cannot be maintained on this basis (Article 102(3) EPC).

Incidentally, objections of the appellant about other deficiencies of the claim need thus not to be taken into account.

3. *Auxiliary request*

3.1 Formal requirements

The last feature of paragraph i) of claim 1, according to which "the selection mode screens being alternatively selectable by means of selection keys corresponding to the selection mode screens", restricts the scope of the patent as granted. Said last feature has a basis in the patent in suit (see column 59, lines 18 to 21; see also Figures 26 to 27(c) and the related text) and in corresponding passages of the application as filed. In particular, the disclosed embodiment shows the case where the mode selection keys are arranged corresponding to the number of screens. There can be seen no difference in meaning between "the selection mode screens being alternatively selectable by means of selection keys corresponding to the selection mode screens", on the one hand, and the expression in the granted patent and in the original disclosure "the selection mode screens being alternatively selectable by means of selection keys corresponding to the number of the selection mode screens", on the other hand. Moreover no particular formal deficiency could be detected or has been pointed out. Therefore, it is considered that the requirements for the admissibility of the amendments with respect to the extent of protection or to additional subject-matter, and the allowability of the claims with respect to clarity, are satisfied (Articles 123(3), 123(2) and 84 EPC).

3.2 Novelty

A system according to claim 1 of the auxiliary request does not form part of the state of the art, and the novelty of this system has not been contested either

(Article 54 EPC).

3.3 Inventive step

3.3.1 The Board cannot follow the appellant arguing during the oral proceedings that E1 should constitute the closest prior art. Indeed, as already credibly set forth in the impugned decision, this document concerns a display control system comprising a plurality of control screens, for instance 3, the display unit including an area in which all possible options are visible, even if they have not been selected. Thus, E1 is less relevant than E6, which had been stressed as the closest prior art in the written arguments of the appellant and wherein successive menus with various functions are displayed on the same monitor screen.

The transcopying system of E6 is a copy transmitting system which can be utilized either in a transmitting mode (see Figure 11) or in a so-called "LOCAL" mode which is derivable as being a recording, or "copying" mode (see Figure 13).

Contrary to the system of claim 1 of the auxiliary request, the system of E6, which displays one of various selection mode screens for a predetermined group of functions from which one function is to be selected, is not such that each of said various selection mode screens includes a corresponding plurality of function groups, whereby in each group of functions a function can be selected. Indeed, the system of E6 (see Figure 8 and the corresponding text) comprises actuating keys F0, F1, F2 or F3, which allow

to select among the displayed set of functions, for instance "LOCAL" or "TRANSMISSION", and a "SELECT" key for displaying, when the number of functions in a particular set of functions exceeds the number of available actuating keys F0, F1, F2 or F3, further functions of said same set of functions.

The question, whether in the system of E6 the actuation of the "SELECT" key results in displaying a new, different "selection mode screen" as in claim 1 of the auxiliary request, or in displaying a new content of the same "selection mode screen", i.e. other functions of the same "set" or "group" of functions, can be left open for the reasons set forth in the following paragraph 3.3.2.

- 3.3.2 As convincingly argued by the respondent, the system of E6 in any case does not comprise the further feature of claim 1 of the auxiliary request that the selection mode screens are alternatively selectable by means of selection keys corresponding to the selection mode screens, i.e., it does not comprise means for selectively switching from one selection mode screen to any of the other selection mode screens by actuating the corresponding selection key.

As further convincingly argued by the respondent, starting from document E6, wherein in particular the user cannot go directly, without fixed sequential order, to the screen he needs for the selection of functions he wants, the object of the present invention is to provide an improved display control system which allows the operator to easily confirm the set state of each of the function groups and choose among any of different copier functions. This object is credibly solved by the system of claim 1 of the auxiliary request, wherein the selection mode screens are alternatively selectable by means of selection keys corresponding to the selection mode screens, and wherein, according to the selected selection mode screen, there is a means for instructing the operator of the picture information recording apparatus to enter values for the execution conditions, and for displaying in an area only the set state of each of the function groups for each of the functions of the other selection-mode screens, whereby the operator can see at once all of the function groups settings.

In the system of E5, all options, selected or not, are displayed, and this does not, starting from E6, lead to corresponding selection keys for successively displayed mode selection screens or in any case does not enable the control panel to be made smaller, which according to the patent in suit (see column 4, lines 41 to 46) is also an object of the invention.

Neither the system of E1, which as set forth here above concerns a display control system comprising a plurality of control screens, for instance 3, the display unit including an area in which all possible options are visible, even if they have not been selected, nor the further prior art documents, which are less relevant, give any hint of the solution of the system of the auxiliary request.

- 3.3.3 Therefore, having regard to the state of the art, the subject-matter of claim 1 of the auxiliary request is not obvious to the person skilled in the art and, thus, it is considered to involve an inventive step in the sense of Article 56 EPC.

Incidentally, it is to be noted that other grounds of opposition contained in the notice of opposition have not been put forward by the appellant and need not to be taken into account.

- 3.4 Consequently, the patent can be maintained in the amended form provided by the respondent in his auxiliary request (Article 102(3) EPC).

Order

For these reasons it is decided that:

1. The decision under appeal is set aside.
2. The case is remitted to the first instance with the

order to maintain the patent in amended form as follows:

Claims: No. 1 filed as auxiliary request during the oral proceedings of 21 October 1998;
Nos. 2 to 6 as annexed to the decision of the opposition division;

Description: columns 1 to 60 as annexed to the decision of the opposition division, with the amendments in column 4 and column 59 as submitted during the oral proceedings of 21 October 1998;

Drawings: Figures 1 to 42 of the patent specification.

The Registrar:

The Chairman:

P. Martorana

E. Turrini