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D E C I S I O N
of 15 September 1999

Case Number: T 0919/98 - 3.5.1

Application Number: 91117539.6

Publication Number: 0481418

IPC: H04N 5/232

Language of the proceedings: EN

Title of invention:

Image pickup apparatus provided with interchangeable lenses

Applicant:

Canon Kabushiki Kaisha

Opponent:

-

Headword:

-

Relevant legal provisions:

EPC Art. 54, 123(2)

Keyword:

"Novelty (yes)"

Decisions cited:

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Catchword:

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Boards of Appeal

Chambres de recours

Case Number: T 0919/98 - 3.5.1

D E C I S I O N
of the Technical Board of Appeal 3.5.1
of 15 September 1999

Appellant:

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Decision under appeal:

**Decision of the Examining Division of the
European Patent Office posted 27 March 1998
refusing European patent application
No. 91 117 539.6 pursuant to Article 97(1) EPC.**

Composition of the Board:

Chairman: P. K. J. van den Berg
Members: R. S. Wibergh
S. C. Perryman

Summary of Facts and Submissions

I. This appeal is against the decision of the Examining Division to refuse European patent application No. 91 117 539.6.

II. The application was filed on 14 October 1991, claiming priority from eight national patent applications.

In its first communication, dated 27 February 1995, the Examining Division raised an objection under Article 82 EPC, holding that the subject-matters of the independent claims 1 to 9 represented different inventions. The applicant was invited to limit the application to a single one of them.

With letter dated 1 September 1995 the applicant stated that the application should be pursued on the basis of the invention as defined in original claim 6. An amended main claim was filed.

III. With decision dated 27 March 1998 the Examining Division ruled that the amendments to the claims 1, 8 and 9 made in accordance with the then main and first auxiliary requests did not contravene Article 123(2) EPC but that the invention as defined by these claims was not new having regard to the document

D5: EP-A-0 369 785.

IV. The applicant filed an appeal against this decision.

V. In a communication dated 14 December 1998, the Board pointed out that the decision had been taken on a main

claim which comprised features from two different embodiments, namely the sixth and the eighth. A proper basis for such a combination could not be found. The application would have to be pursued on the basis of the invention which the appellant had selected with letter of 1 September 1995 in response to the unity objection, namely the one set out in the original claim 6.

VI. Oral proceedings before the Board were held on 15 September 1999. In the course of the proceedings the appellant filed new claims 1 to 9.

VII. The single independent claim 1 reads as follows:

"A video camera apparatus having a camera main-body on which an image pickup lens unit (101,102) can be detachably mounted, comprising:

image pickup means (103) for converting an image forming on an image pickup plane of said image pickup means (103) to an image signal,

recording control means (117) for controlling a recording operation of the image signal output from said image pickup means (103) on a recording medium,

control means (108) for controlling adjusting means (111 to 114), arranged in said image pickup lens unit, for adjusting the focus and exposure of said image pickup lens unit (101,102) mounted on said camera main-body unit,

communication means (108,110,111) for transmitting

control information, output from said control means, for controlling said adjusting means (111 to 114) from said camera main-body unit to said image pickup lens unit (101,102) and for receiving status information concerning the image pickup lens unit (101,102) from said image pickup lens unit (101,102),

characterized by further comprising:

lens attachment detection switch (109) for detecting whether said image pickup lens unit (101,102) is attached to said camera main-body unit, and

control means (108) for controlling said communication means (108,110,111) to enable a communication operation of said communication means depending on the detection result of said lens attachment detection switch (109) and for controlling said recording control means according to a detection result of said lens attachment detection switch (109) or a communication state of said communication means (110) to prohibit picture recording operation by said recording control means (117) in the case that the lens attachment detection switch (109) detects that said image pickup lens unit (101,102) is not attached to said camera main-body unit or that a lens status signal from said image pickup lens unit (101,102) has not been received by said camera main-body unit through said communication means during a predetermined time".

VIII. By filing these claims, a previous independent claim directed to a "lens unit to be mounted to a camera main-body unit" (corresponding to claim 9 as refused) was effectively withdrawn. The Board had expressed

strong doubts about this claim since it was formulated largely in terms of the main body unit which formed no part of it, and since the lens features proper appeared to be known from D5.

- IX. The appellant argued that claim 1 was fairly based on the application as filed, and in particular on the description of embodiments 6 and 7. Features of embodiment 8 were no longer considered. He also argued that the claimed subject-matter was new over D5.

- X. The appellant requested that the decision under appeal be set aside and that a patent be granted on the basis of claims 1 to 9 as submitted in the oral proceedings before the Board.

Reasons for the Decision

- 1. Amendments, construction of claim 1
 - 1.1 In claim 1 the feature that the communication operation is enabled depending on a detection result of the switch 109 is disclosed at column 19, lines 6 to 11 of the application as published: "When it is determined from /the/ signal from the discrimination switch 109 that the lens unit is attached to the camera main-body unit, the control data are transmitted to the lens logic control unit 111 through the communication line 110".

The meaning to be attached to this feature as it has been disclosed is that the control data are transmitted if and only if the signal from the switch 109 indicates

that the lens is attached to the camera main body.

- 1.2 The feature that recording is prohibited in the case that the switch 109 detects that a lens unit is not attached to the camera main body or that a lens status signal from the lens unit has not been received by the camera main body, is disclosed at column 19, lines 23 to 31: "... when the communication data from the lens logic control unit 11 is abnormal for a predetermined period of time... or when a discrimination signal... representing that the lens unit is not attached to the camera main-body unit is input from the discrimination switch 9, the control signal is output to the recorder logic control unit 117, and picture recording is prohibited". (The reference signs "11" and "9" should obviously read "111" and "109").

The meaning to be attached to this feature as it has been disclosed is that the claimed video camera apparatus is capable of detecting the signal from the switch 109 as well as the reception of the lens status signal from the lens unit, and that recording is prohibited when one of the detection operations indicates that a lens unit is not attached to the camera main body. That recording is "prohibited" means that recording cannot take place, ie the recorder is deactivated.

- 1.3 The Board has noted that Figure 5 of the application could be regarded as contradicting some of the above amendments in suggesting that the communication operation is enabled depending not on the signal from the switch 109 but on the signal from a detection circuit 107.

The appellant has argued that Figure 5 refers to a different situation, but such a difference is hardly apparent from the description. After considerable hesitation the Board has concluded that the above amendments should nevertheless be allowed. The skilled man would normally try to read a disclosure - be it a patent application or a piece of prior art - in such a way that it makes technical sense. The features claimed certainly do seem to make sense: the switch 109 is provided for the sole purpose of detecting whether a lens is attached or not, and the check whether data from the lens unit have been received or not obviously serves the same purpose. The skilled man would therefore have no serious doubt about these features. What is shown in Figure 5, however, is more questionable since it refers to a circuit 107 whose function in the text is merely given as generating auto-focus and auto-iris signals (column 19, top). Thus, even if the application as a whole is certainly obscure on this point, it is not regarded as ambiguous to the point that it could not provide sufficient basis for the present claim 1.

- 1.4 The Board decides for these reasons that claim 1 defines an invention which is properly based on the original claim 6 and embodiments 6 and 7 as described at columns 17 to 21 of the patent application.

2. *Clarity, conciseness*

The Board finds that, in spite of a certain redundancy, claim 1 is sufficiently clear and concise to fulfil the requirements of Article 84 EPC.

3. *Novelty*

3.1 The invention according to claim 1 concerns a video camera apparatus on which a lens unit can be mounted. Such a camera is described in D5. The appellant has acknowledged that the known camera comprises the features of the preamble of claim 1, in particular control means for transmitting control information to the lens unit and for receiving status information in return.

3.2 The first feature of the characterising part is a "lens attachment detection switch (109)" for detecting whether the lens unit is attached to the camera main body or not. Such a switch is known from D5 in the form of a current detector (reference 11 in Figure 20, which concerns the second embodiment).

The appellant has argued that a current detector cannot reasonably be referred to as a "switch". It should however be considered that the "lens attachment detection switch" as described in the present application is actually a detector which detects whether there is galvanic contact between conductors in the main body unit and in the lens unit. This is also the case in D5. Therefore, if the invention comprises a "lens attachment detection switch", D5 does as well.

Thus this feature is known from D5.

3.3 According to claim 1 picture *recording* may be *prohibited*. In D5, a warning is displayed but the recorder is not directly affected.

The Examining Division concluded that the prohibition feature was not new because in D5 "the image pickup means 5 does not generate a picture and thus prohibits a picture recording (of a picture to be taken) by said recording means 8".

The Board must disagree with this view. In the present application the expression "prohibit recording", which is used only in describing embodiments 6 and 7, clearly means that the recorder is deactivated such that no recording at all can be made (cf point 1.2 above). "Prohibit" has no generally accepted technical meaning which might point in a different direction, and therefore no other interpretation is permissible. (This is true whether or not the term is regarded as ideal in the circumstances.) The Examining Division's interpretation of the feature is in fact particularly inappropriate since it has the effect of including in claim 1 cameras which have effectively no protection against accidental recording. To achieve such protection is however the explicit aim of the invention (see eg column 20, line 10 onwards).

Therefore, since in D5 the recorder cannot be deactivated, the above feature is new.

- 3.4 Claim 1 furthermore contains the feature that recording is prohibited in particular if "a lens status signal from said image pickup lens unit has not been received by said camera main-body unit through said communication means *during a predetermined time*".

Referring to the first embodiment in D5, it is described in connection with Figure 17A (steps ST-2 to

ST-7) that the camera main body and the lens unit perform a signal exchange to check whether the lens unit is attached to the main body or not, and if it is determined that the exchange was not completed, a warning is displayed. It is not explicitly said that this happens after a predetermined time. On the other hand, if no time limit is set the warning would never be displayed, so the time requirement must be regarded as implicitly disclosed.

The above condition for prohibiting recording is therefore identical with the condition for displaying a warning in D5 according to its first embodiment.

3.5 Claim 1 further specifies that recording is prohibited if the switch 109 detects that said image pickup lens unit is not attached to said camera main-body unit or if no lens status signal from said image pickup lens unit is received. As stated above (point 1.2), this means that the claimed apparatus is capable of detecting the presence of a lens according to two criteria, and that one negative indication results in prohibition of recording.

It has already been established that D5 does not disclose to prohibit recording. But even apart from this difference, the prior art cannot be regarded as covering detection based on two criteria. In D5 there is a first embodiment which involves a lens attachment check based on the state of the communication and a second embodiment which involves a check based on the signal generated by a current detector (which corresponds to a "lens attachment detection switch", as noted at point 3.2 above). There is however no explicit

disclosure of the combination of the two detection principles. The description of the second embodiment, introduced by the word "alternatively" and comprising only a dozen lines, states that "the electrical connection impossible message is displayed" when the current detector indicates that a lens is not attached. The word "alternatively" usually introduces a second possibility in lieu of a first one; it does not normally suggest the combination of the two. There is thus no explicit disclosure to the effect that the two detection features should be used together.

It could at most be argued that the flow diagram in Figures 17A and 17B shows that also according to the second embodiment there will be a signal exchange between the camera main body and the lens unit after the presence of the lens has been established by means of the current detector. During this signal exchange any communication problems would be detected, with the result that the signal exchange returns to the initial state (see eg step ST-11, which indicates a return to step ST-2). However, it is not absolutely certain that in this case the same consequences ensue as when it has been found that no current is flowing towards the lens unit, ie that a warning is displayed. In fact, Figure 17 does not even illustrate the displaying step, which is only referred to in the text. Thus the relation in D5 between the detection based on the current detector and the detection based on the state of the communication is not fully equivalent to the relation between the two corresponding kinds of detection according to the invention as claimed.

3.6 For these reasons the Board finds that the subject-

matter of claim 1 is new.

4. *Conclusion*

The Board decides that claim 1 is sufficiently clear and concise, is based on the application as filed and defines subject-matter which is new with respect to D5.

It should be noted that the question of inventive step has not been considered by the Board, nor have the dependent claims been examined.

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 for further prosecution.

The Registrar:

The Chairman:

M. Kiehl

P. K. J. van den Berg