Datasheet for the decision of 28 April 2016

Case Number: T 0071/12 - 3.5.05
Application Number: 07107758.0
Publication Number: 1860544
IPC: G06F3/12, G06F17/24
Language of the proceedings: EN

Title of invention:
Automated job submitter for submitting a print job to a printer

Applicant:
Océ-Technologies B.V.

Headword:
Automated image document printing/OCE

Relevant legal provisions:
EPC Art. 54

Keyword:
Novelty - (no)

Decisions cited:
Catchword:
Case Number: T 0071/12 - 3.5.05

DECISION
of Technical Board of Appeal 3.5.05
of 28 April 2016

Appellant: Océ-Technologies B.V.
(Applicant)
St. Urbanusweg 43
5914 CA Venlo (NL)

Representative: Vanoppen, Ronny R.J.
Océ-Technologies B.V.
Corporate Patents
Postbus 101
5900 MA Venlo (NL)

Decision under appeal: Decision of the Examining Division of the European Patent Office posted on 20 July 2011 refusing European patent application No. 07107758.0 pursuant to Article 97(2) EPC.

Composition of the Board:
Chair A. Ritzka
Members: P. Cretaine
D. Frietzel-Funk
Summary of Facts and Submissions

I. The appeal is against the decision of the examining division, posted on 20 July 2011, to refuse European patent application No. 07107758.0 on the grounds of lack of novelty (Article 54 EPC), having regard to the disclosure of D1: US 2003/0189726.

II. Notice of appeal was received on 26 August 2011 and the appeal fee was paid on the same day. The statement setting out the grounds of appeal was received on 21 November 2011. The appellant requested that the decision under appeal be set aside and that a patent be granted on the basis of the claims on which the decision was based, i.e. claims 1 to 11 filed with letter of 24 May 2011. Oral proceedings were requested on an auxiliary basis.

III. A summons to oral proceedings was issued on 21 December 2015. In an annex to this summons, the board gave its preliminary opinion on the appeal pursuant to Article 15(1) RPBA. A novelty objection was raised under Article 54 EPC based on the disclosure of D1.

IV. By response dated 31 March 2016, the appellant provided arguments in support of novelty and announced that it would not be attending the oral proceedings.

V. Oral proceedings were held as scheduled on 28 April 2016 in the absence of the appellant. The board established from the file that the appellant's final request was that the decision under appeal be set aside and that a patent be granted on the basis of claims 1 to 11 submitted with the letter dated 24 May
2011. After due deliberation on the basis of that request and the written submissions, the decision of the board was announced at the end of the oral proceedings.

VI. Claim 1 of the sole request reads as follows:

"Method for processing a document comprising image data to be printed (S6) comprising the steps of
- analysing the document (S8);
- identifying image attributes based on the analysis of the document (S10);
- automatically assigning appearance features to the document according to predefined rules (S16), which take into account the identified image attributes;
- acquiring a description of print resources of at least one printing apparatus (S18), and;
- automatically assigning print settings to the document (S20),

whereby the assigned print settings are suited for activating print resources of the at least one printing apparatus which print resources enable printing of the image data with an appearance consistent with the assigned appearance features."

The request comprises further independent claims directed to a corresponding apparatus (claim 9) and a corresponding computer program (claim 11).

Reasons for the Decision

1. The appeal is admissible.

2. Non-attendance of the appellant at oral proceedings
The appellant decided not to attend the scheduled oral proceedings and provided written comments in support of patentability of the claims on file in response to the novelty objection raised in the board's communication under Article 15(1) RPBA.

Pursuant to Article 15(3) RPBA, the board is not "obliged to delay any step in the proceedings, including its decision, by reason only of the absence at the oral proceedings of any party duly summoned who may then be treated as relying only on its written case".

In the present case, the board considered it expedient to maintain the date set for oral proceedings and was in a position to announce a decision at the end of those.

3. Novelty - Article 54 EPC

3.1 D1 discloses a method for automatically creating templates for printing documents ("Instance Documents") comprising image data (see for instance paragraph [0033]: "a picture of an automobile", and paragraph [0039]: "adds a picture to the Instance Document"). Each document is automatically analysed to be placed in a group of documents, or family, having identical values for a set of variant parameters (see paragraph [0053]) which impact how the printed document is to be produced (see paragraph [0052]). Variant parameters include in particular the indication of pages exceeding the imageable area (see [0054], [0079] and [0092]) and the indication of the orientation of pages (see [0028], [0051], [0054], [0063], [0073], [0083], [0086], [0092] and [0112]). These two variants fall under the definition of "image attributes" given in paragraph
[0015] of the description of the present application. D1 further discloses that the variant parameters are automatically retrieved from an Instance Document by scanning the XML portion of the document (see [0054]). Based on the automatic retrieval of the variant parameters in the Instance Document and its subsequent allocation to a VDP Family, a Static Imposition Template is assigned to the Instance Document. A Static Imposition Template is a set of rules for mapping the pages of an Instance Document on to sheets of media (see [0109]). A Static Imposition Template falls under the definition of "appearance features" given in paragraph [0022] of the description of the present application. D1 further discloses that a software queries a printing device for its manufacturing capabilities (see [0102] and [0111]), which amounts to acquiring a description of print resources of the printing apparatus as required by claim 1. D1 then discloses assigning print settings to the documents such that the print resources enable printing of the image data with an appearance consistent with the assigned appearance features (see [0119]).

In the board's judgement, the wording of claim 1, interpreted in the light of the description, can thus be read onto the disclosure of D1. Therefore claim 1 does not meet the requirements of Article 54 EPC.

3.2 The appellant argued that the "product intend data" in D1, which corresponded to the appearance features in claim 1, were printing device independent, depended on the recipient of the document, and were therefore not derived from the image attributes. The board acknowledges that the product intend data added to a document in D1 when creating an Instance Document are based on information that characterise the recipient.
However, as explained in paragraph 3.1 above, the formulation of present claim 1 is such that the appearance features defined in that claim can be read onto the Static Imposition Template of D1 and not onto the product intend data, since the Static Imposition Template is assigned to the Instance Document based on automatically identified image attributes and not based on records of information characterising the recipient.

The appellant further argued in that respect that a Static Imposition Template involved, according to paragraph [0107] of D1, consideration of the mapping of the logically specified media and finishing specifications to the physical capabilities of a printing device and comprised, therefore, device dependent parameters, whereas the appearance features defined in claim 1 were only device independent parameters. The board is, however, not convinced by this argument since the appearance features of the present application do themselves depend on the printing device capabilities. In that respect, it is described in paragraph [0025] that the appearance features assigned to a document are collectively described in an appearance template. Paragraphs [0013] and [0022] further describe that the appearance template is selected from an existing list of pre-defined appearance templates, and paragraph [0028] mentions that a document will be sent to the most adequate printer, based on the template associated to that document. It is thus implicit from these passages that the appearance templates are not device independent parameters, as argued by the appellant, but rather depend on the printing capabilities of the available printing devices.
The appellant further argued that in D1 an operator was needed to define the parameter to group the various Instance Documents whereas the claimed method did not rely on viewing the document for assigning appearance features. The board acknowledges that in D1 the choice of the variant parameter values defining VDP Families is performed by an operator. However, the assigning of an Instance Document to a VDP family, and thus to a Static Imposition Template, i.e. to appearance features, is performed automatically without the involvement of an operator (see D1, [0092]), as required by claim 1.

Moreover, the appellant stated that the decision under appeal was lacking an analysis of the disclosure of D1 in the context of D1 as a whole, contrary to the requirements of the case law. In the analysis of the board, however, terms like "image attributes" and "appearance features" have been construed based on the definition and examples given in the description. It is true that the overall scheme disclosed in D1 involves an initial step of authoring several documents based on data drawn from a database containing records of information that characterizes the individual recipients (see [0004] of the description). Even so, it remains the case that the sequence of steps further applied to each document in D1, in particular identifying image attributes in this document and assigning appearance features to this document based on the identified image attributes, anticipates the sequence of steps defined in claim 1. In that respect, the board considers that each "Instance Document" treated by the procedure disclosed in D1 represents a "document comprising image data" in the sense of claim 1.
4. Hence, the appellant's sole request does not meet the requirement of Article 54 EPC.

Order

For these reasons it is decided that:

The appeal is dismissed.

The Registrar: The Chair:

P. Cremona A. Ritzka

Decision electronically authenticated