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Datasheet for the decision
of 10 July 2019

Case Number: T 1350/13 - 3.4.01

Application Number: 04752504.3

Publication Number: 1639517

IPC: G06K7/10, G06F3/12

Language of the proceedings: EN

Title of invention: XML PRINTER SYSTEM WITH RFID CAPABILITY

Applicant: Zebra Technologies Corporation

Headword: XML printer system / ZEBRA

Relevant legal provisions: EPC Art. 56

Keyword: Inventive step - (no)
DECISION
of Technical Board of Appeal 3.4.01
of 10 July 2019

Appellant: Zebra Technologies Corporation
(Applicant)
3 Overlook Point
Lincolnshire, IL 60069 (US)

Representative: Haseltine Lake Kempner LLP
Redcliff Quay
120 Redcliff Street
Bristol BS1 6HU (GB)

Decision under appeal: Decision of the Examining Division of the
European Patent Office posted on 11 December
2012 refusing European patent application No.
04752504.3 pursuant to Article 97(2) EPC.

Composition of the Board:
Chairman P. Scriven
Members: B. Noll
J. Geschwind
Summary of Facts and Submissions

I. This appeal is against the decision of the Examining Division to refuse European patent application 04752504.3 on the grounds that the invention of the main request and two auxiliary requests did not involve an inventive step and that the second auxiliary request did not comply with Article 123(2) EPC.

II. In the statement setting out its grounds of appeal, the appellant requested that the decision under appeal be set aside and that a patent be granted on the basis of a main request or one of three auxiliary requests, all filed with the statement of grounds of appeal. The main request was identical to the first auxiliary request before the Examining Division. Oral proceedings were requested, if the Board did not intend to order the grant of a patent.

III. The appellant's substantive requests have remained unchanged.

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

An XML printer system (300) configured to facilitate printing bar code labels, tags, tickets, cards or other media and encoding of RFID devices (62) associated with a media[sic], based upon an extensible markup language (XML) input data stream, the XML printer system comprising:

a computer system having:

a memory subsystem;
a communication interface;

an XML processor (320) configured to receive an XML input data stream, the XML input data stream based on an existing Printer Control Language, PCL, format template that includes proprietary printer control language commands and variable fields, wherein the PCL format template is received and stored in the memory subsystem prior to printing of an actual barcode label, and comprises association data for matching variable fields in the existing format template with data subsequently received in the XML input data stream:[sic]

a variable data integrator (328) configured to associate XML data in the XML input data stream with the variable fields defined by the existing format template, using the association data previously stored;

a formatting engine (394) configured to format the associated XML input data according to a format governed by the existing format template; and

a rendering engine configured to receive the associated and formatted XML data and generate a printable presentation (190) of the bar code label, tag, ticket, card or other media and generate information for the RFID device (62).

V. Claim 1 of the first auxiliary request differs in that the claimed printer system is a "hybrid" XML printer
system and that the definition of the XML processor reads:

...  
an XML processor (320) configured to receive  
an XML input data stream, the XML input data stream based on an existing Printer Control  
Language, PCL, format template that includes  
proprietary printer control language  
commands and proprietary commands that  
define variable fields to be populated with  
variable data from XML input data received  
at a later time, wherein the PCL format  
template is received and stored in the  
memory subsystem prior to printing of an  
actual barcode label, and further comprises  
association data for matching the variable  
fields in the existing format template with  
data subsequently received in the XML input data stream

...  

VI. Claim 1 of the second auxiliary request further differs  
in that it defines "field number commands" instead of  
"proprietary commands" in the definition of the XML processor.

VII. Claim 1 of the third auxiliary request further adds, at  
the end of the definition of the XML processor:

...  
and wherein the XML input data stream comprises  
an attribute for specifying a particular  
existing format template to use:[sic]  
...
and, in the definition of the variable data integrator, replacing "existing format template" with "specified existing format template".

VIII. In the statement of grounds, the appellant argued that US patent specification US 6 540 142 B1 (D4) was to be considered as the closest prior art, and that the invention defined in claim 1 would not have been obvious having regard to D4 alone or in combination with D1.

IX. In a communication accompanying a summons to oral proceedings, the Board raised objections of lack of inventive step, clarity and added subject-matter.

X. With regard to the main request, the following was stated in the Board's communication:

4. The Board does not see any reason why only D4 should be considered a reasonable starting point. The appellant's argument is that D4 discloses an XML-based printing system intended for label printing. However, the claimed printer system is not limited by features specific to a label printing, and the intention of printing labels is not a technical matter.

The D1 printer system is likewise XML-based, since content is submitted to the printing system as XML-data. The Board is, therefore, of the view that the Examining Division did not err when starting out from D1. There is no reason not to start from D1 when assessing inventive step.

5. D1 discloses an XML printer system
facilitating printing of XML-based content on a
media 260. D1 does not specify bar code labels
or tags to be printed, not tickets or cards as
print media as claim 1 does. However, it is held
that bar code labels and tags exemplify specific
graphic representations of information to be
printed, and tickets and cards exemplify certain
types of media as regards their intended use in
commerce or in private life. Therefore, these
words only have, at best, explanatory character
but do not limit the claimed printer system.

The D1 printer system comprises a computer
system, represented by Fig. 1 or Fig. 2, and
includes a print spooler as a memory subsystem
and a communication interface (212, Fig. 2). The
printer system further comprises a print
services facility (PSF 450, Fig. 4) and an IPDS
printer 470, which implement the functions of an
XML processor, a variable data integrator, a
formatting engine and a rendering engine in the
wording of claim 1. More particularly, PSF 450
is configured to receive XML input data 450
defining content to be printed. PSF 450 also
receives a data map 430, which is a format
template including format instructions
("position" etc.) and also contains association
data encoded as concatenated tags 436. The data
map is evidently received before printing the
content and is also stored. PSF 450 operates as
a data integrator within the meaning of claim 1,
by associating a content element in the XML
input data 440 with a variable field in the data
map by means of the concatenated tags 436. PSF
450 formats the associated XML input data by
creating an IPDS data stream and forwarding it
to the IPDS printer 470, which renders the IPDS data, thereby generating a printable representation of the formatted content.

6. The claimed printer system is defined by the following additional features:

(a) the received data stream is based on a PCL format template that includes proprietary printer control language commands and variable fields, the PCL format template being received and stored in the memory subsystem prior to printing of an actual barcode label and comprising association data for matching variable fields in the existing format template with data subsequently received in the XML input data stream; and

(b) the printer system is for encoding of RFID devices and the rendering engine is for generating information for the RFID device.

7. Features (a) and (b) are unrelated. Their contribution to inventive step has therefore to be assessed separately.

8. First considering feature (b), it appears that its aim is to enhance the versatility of the printer system. Adding an RFID write facility to a printer for encoding an RFID device, and thereby enhancing the versatility of the printer, is suggested in D2 (paragraph 18, for example) and does not, therefore, contribute to an inventive step.

9. Regarding feature group (a), the skilled
person infers from D1 that a data map must consist of two different elements, namely a set of printer-specific commands such as position etc. which instruct the printer at which position and how dedicated content is to be printed on a printing medium, and association information which identifies content marked by a particular XML tag to a particular set of printer-specific commands. If the existing printer command language does not include commands for associating content according to its tag, the command language is not capable of printing XML-based content. The skilled person, when seeking a solution to this problem, would consider extending the printer language command set. The extension of an existing command set of a program language for the purpose of adapting it to more recent developments in computing technology is a normal task of the skilled person. The skilled person would consider amending the existing command set in a way suggested by in Fig. 4 of D1, namely by providing, as an additional instruction, a command corresponding to the qualified tag 436 in addition to the existing printer-specific commands. This consideration does therefore not require the exercise of inventive skill.

It therefore appears that the printer of claim 1 lacks inventive step.

XI. With regard to the first auxiliary request, the Board objected that the feature of the PCL format template including proprietary commands that define variable fields to be populated with variable data from XML input data received at a later time related to an
undisclosed generalization of an example and did therefore not comply with Article 123(2) EPC. As regards inventive step, the following was stated:

12. Further, the Board does not see any technical limitation due to this feature. Given that D1 discloses that the "qualified tag" 436, e.g. "TAG1 TAG2" defines a variable field which is later filled with content from the XML input data stream marked by a corresponding XML tag <TAG1><TAG2>, it is only a matter of wording, not of substance, naming this command as a "proprietary" command. Therefore, the objections above apply for the same reasons.

XII. With regard to the second auxiliary request, the Board further objected that the wording "field number" introduced a lack of clarity and that the objection of lack of inventive step against the main request equally applied for the same reasons.

XIII. With regard to the third auxiliary request, it was further stated in the communication:

14. [...] Further, it is known from D4 that the XML input data stream can include an attribute for specifying a particular format template file to be used for formatting the XML input data, see code segment 1 in column 10, in particular code lines 3 and 7. This feature, therefore, does not contribute to an inventive step.

XIV. The appellant informed the Board that neither the appellant nor its representative would attend the oral proceedings, and requested that the oral proceedings be conducted in the appellant's absence.
XV. In consequence, the Board cancelled the oral proceedings.

Reasons for the Decision

The appellant did not contest any of the objections raised in the Board's communication. Furthermore, by indicating that they would not be represented at the oral proceedings and that the oral proceedings be conducted in their absence, the appellant expressly waived any remaining chance to argue their case, orally or in writing.

The appellant gave no reasons why oral proceedings should be held in the absence of any party, and the Board sees none.

The Board sees no reason to depart from its preliminary opinion (see points VI to IX above). Thus, all substantive requests fail to comply (at least) with Article 56 EPC. The appeal can therefore not be allowed.
Order

For these reasons it is decided that:

The appeal is dismissed.

The Registrar: The Chairman:

R. Schumacher P. Scriven

Decision electronically authenticated