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D E C I S I O N
of 11 September 2002

Case Number: T 0371/01 - 3.5.1

Application Number: 95302790.1

Publication Number: 0680200

IPC: H04N 1/60

Language of the proceedings: EN

Title of invention:
A method of image presentation

Applicant:
XEROS CORPORATION

Opponent:
-

Headword:
Image presentation/Xerox

Relevant legal provisions:
EPC Art. 84, 123(2)

Keyword:
"Clarity (no)"

Decisions cited:
-

Catchword:
-



Case Number: T 0371/01 - 3.5.1

D E C I S I O N
of the Technical Board of Appeal 3.5.1
of 11 September 2002

Appellant: XEROX CORPORATION
Xerox Square
Rochester
New York 14644 (US)

Representative: Grünecker, Kinkeldey
Stockmair & Schwanhäusser
Anwaltssozietät
Maximilianstrasse 58
D-80538 München (DE)

Decision under appeal: Decision of the Examining Division of the
European Patent Office posted 30 October 2000
refusing European patent application
No. 95 302 790.1 pursuant to Article 97(1) EPC.

Composition of the Board:

Chairman: S. V. Steinbrener
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. 95302790.1 for lack of an inventive step.
- II. The applicant filed an appeal against this decision, requesting that the decision be set aside and a patent be granted on the basis of a set of claims 1-7 filed together with the statement setting out the grounds of appeal.
- III. Claim 1 of this set read as follows:

"A method of operating a system including an active matrix liquid crystal display (AMLCD, 104;192;310) for presenting output images in response to data defining the output images, processing means (102;186;302) connected for providing data defining images to the AMLCD (104;192;310), user input circuitry (110,112;184;306) for providing signals from users to the processing means (102;186;302), and starting image data defining a starting image (10,50); the AMLCD (104;192;310) being an instance of a type of image output devices; the AMLCD (104;192;310) including an array of control units for controlling presentation of images by the AMLCD; the AMLCD having sufficient resolution to present output images as they would appear on any of a set of types of image output devices other than the AMLCD's type; the set of types of image output devices including two or more types having different characteristics, the two or more types representing at least a light image type and a printed image type; said method comprising the steps of:

- A) operating the processing means (102;186;302) to obtain data defining a version of an image that can be presented by the AMLCD to show the image as it would appear when presented on one of the set of types of image output devices;
- B) providing the data defining the image to the array of control units so that the AMLCD presents the version of the image; and

said method being further characterized in that said method comprises a sequence of iterations, each iteration comprising the steps of:

receiving a device signal from the user input circuitry (110,112;184;306); each iteration's device signal indicating one of the set of types of image output devices;

performing A), the processing means (102;186;302) using the starting image data to automatically obtain device version data (12) for the iteration, the iteration's device version data defining a device version of the starting image (10,50) that can be presented by the AMLCD to show the starting image (10,50) as it would appear when presented on the type of image output devices indicated by the iteration's device signal;

performing B) by providing the iteration's device version data to the array so that the AMLCD presents the iteration's device version of the starting image (10,50); and

wherein:

the device signals of two of the iterations indicate different types of image output devices."

Claim 6 was directed to a corresponding apparatus.

- IV. In a communication from the Board annexed to a summons to attend oral proceedings the preliminary opinion was given that claims 1 and 6 were not clear because of the vague expressions "light image type" and "printed image type". It was also possible that these expressions, which were not contained in the application as filed, represented an addition of non-disclosed subject-matter. Furthermore, even if claim 1 was interpreted narrowly in accordance with the description, it appeared that its subject-matter was not inventive.

- V. The appellant informed the Board that it was not going to be represented at the oral proceedings and requested that the hearing be held on the basis of the documents on file.

- VI. Oral proceedings were held in the absence of the appellant. The Board decided to dismiss the appeal.

Reasons for the Decision

- 1. Claims 1 and 6 contain the expression "light image type", which was not contained in the application as filed. Since this formulation neither is defined in the application, nor appears to have a generally accepted particular meaning, the claim cannot be regarded as meeting the clarity requirement of Article 84 EPC. The expression may cover more or less in scope than "display" as this word is explained at col.2, 1.43-46 of the published patent application, encompassing in

particular projectors. The very choice of different wording could suggest that it is intended to mean something else than "display", in which case it introduces new subject-matter, contrary to Article 123(2) EPC.

For the same reasons the formulation "printed image type", which is also not contained in the application as filed, contravenes Article 84 EPC and, as far as it means something else than the originally disclosed expression "printer", also Article 123(2) EPC.

2. Since the amendments to the claims are not regarded as acceptable and there are no auxiliary requests, the appeal must be dismissed.

Order

For these reasons, it is decided that:

The appeal is dismissed.

The Registrar:

The Chairman:

M. Kiehl

S. Steinbrener