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**Datasheet for the decision
of 4 April 2006**

Case Number: T 0831/01 - 3.5.01

Application Number: 98123396.8

Publication Number: 0915612

IPC: H04N 1/00

Language of the proceedings: EN

Title of invention:
Computer interfacing

Applicant:
AHARONSON, DOV, ET AL

Opponent:

-

Headword:
Computer interfacing/AHARONSON

Relevant legal provisions:
EPC Art. 54, 56

Keyword:
"Inventive step (no) "

Decisions cited:

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Catchword:

-



Case Number: T 0831/01 - 3.5.01

D E C I S I O N
of the Technical Board of Appeal 3.5.01
of 4 April 2006

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Decision under appeal:

Decision of the Examining Division of the
European Patent Office posted 16 January 2001
refusing European application No. 98123396.8
pursuant to Article 97(1) EPC.

Composition of the Board:

Chairman: S. Wibergh
Members: W. Chandler
A. Pignatelli

Summary of Facts and Submissions

I. This is an appeal against the refusal of European patent application No. 98 123 396.8.

II. The following document will be referred to in the present decision:

D1: EP-A-0 411 698.

III. According to the decision appealed, the subject-matter of claim 1 was not new over D1 and that of independent claim 6 did not involve an inventive step.

IV. Claim 1 reads (excluding the reference signs):

An optically scanned data capture station for interfacing with a computer having an electro-optical scanner, and a document insertion guide provided with a slot opening for introducing a document-to-be-scanned by the scanner characterised by sensor means at the scanner for enabling the scanner automatically to start scanning upon insertion of the document in said document guide slot opening to initiate communications protocol with the computer so that the computer may receive the scanned data.

V. Together with the grounds of appeal, the appellant re-filed claims 1 to 6 on which the decision was based.

VI. Oral proceedings were held on 4 April 2006. The appellant requested that the decision under appeal be set aside and a patent be granted on the basis of

claims 1 to 6 as filed with the statement of grounds of appeal.

Reasons for the Decision

1. *The invention*

The invention is an optically scanned data capture station which, on insertion of a document in the feed slot, automatically starts scanning and initiating a communications protocol with an attached computer. The scanned data are transmitted to the computer where they may be stored or transmitted further by means of a fax modem (cf. paragraph [0040] of the description). The appellant explained at the oral proceedings before the Board that the advantage of the invention was that the entire data capture procedure was initialized by simply inserting the document to be scanned into the feed slot, without requiring any further action to be taken.

2. *Construction of claim 1*

It might not be unambiguously clear from the wording of claim 1 that the scanning is enabled *solely* by a signal indicative of the insertion of a document. However, the description supports this reading (cf. the "master mode" outlined in paragraph [0036]) and, to the benefit of the appellant, the claim will in the following be interpreted accordingly.

3. *The prior art*

D1 discloses a portable computer with facsimile means. The computer comprises an optically scanned data capture station (scanner 19 in fig.3) for scanning a document which has been inserted in a slot 3. When a telephone number has been dialled and a paper feed sensor 16 detects that manuscript paper is inserted in the slot, a motor 18 driving paper guide rollers 17 begins to rotate to start the facsimile transmission (cf. col.6, 1.5-23).

In a described variant the scanned data is checked on the display before transmission (col.6, 1.40-45):

"In the above explanation, the information read by the image scanner is instantly transmitted to other facsimile machines or computers, but it is possible to transmit such information after checking it on the display, or to transmit it after a given time with a timer function."

4. *Novelty*

The Board agrees with the appellant that according to D1 a telephone number is dialled *before* a document is accepted for scanning (and transmission). This means that it is not the paper feed sensor alone which determines when the scanning is to start, but a combined condition of a telephone connection being established and a document being positioned in the slot. Since in the data capture station of claim 1 - interpreted in the fashion indicated above - the scanning operation is initialized *solely* by the signal

indicating that a document has been inserted, the invention is regarded as new (Article 54 EPC).

5. *Inventive step*

5.1 According to the variant in D1 referred to above, the scanned image is checked on the display before transmission. The steps to be performed will in that case comprise dialling a number, displaying the scanned image on the screen, checking the information, and transmitting the data.

5.2 As the appellant has pointed out, also this operational mode appears to involve the same double condition for starting a scanning operation, namely the dialling of a number and the detection of a document. It should however be considered that, in practice, the checking step will sometimes reveal that the scanned image is of such low a quality that it would be pointless to transmit it (this appears to be the purpose of the check since it is not disclosed in D1 that the image can be edited). The document would either have to be rescanned or would not be transmitted at all. There would be delays, and in the latter case the telephone connection would even have to be terminated with no transmission having taken place.

5.3 Since telephone connections normally incur costs, the skilled person would realise the impracticality of setting up the facsimile connection before it is known whether the scanned image is such that it can be usefully transmitted. The technical problem can thus be seen in adapting the known apparatus so that superfluous telephone costs are avoided. The Board

regards it as self-evident that one solution to this problem is simply to change the order of the steps, i.e. *first* to scan the document and check the result, and *then* to set up the telephone connection. In this way the paper feed sensor, whose function of signalling to the system that a document has been inserted remains meaningful, will be the sole triggering event for the scanning operation, as required by claim 1.

5.4 The Board notes in addition that D1 undisputedly describes a paper feed sensor which is at least *involved* in the starting of the scanning operation. If the skilled person was only interested in a pure scanning apparatus, without any fax capabilities (not an unrealistic situation albeit not mentioned in D1), he would still find D1 relevant since it is about scanning, but would naturally disregard any means which concern only the telephone connection. In particular, he would disregard the dialling means and, consequently, the role of the dialling step in starting the scanning operation.

5.5 It follows that the skilled person would have arrived at the subject-matter of claim 1 without the exercise of inventive skill. Thus, the invention according to claim 1 does not involve an inventive step (Article 56 EPC).

Order

For these reasons it is decided that:

The appeal is dismissed.

The Registrar:

The Chairman:

P. Guidi

S. Wibergh