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Datasheet for the decision of 4 July 2006

Case Number: T 0371/04 - 3.5.01

Application Number: 97930053.0

Publication Number: 0906703

IPC: H04N 11/00

Language of the proceedings: EN

Title of invention:
Integrated voice, facsimile and electronic mail messaging system

Applicant:
Cranberry Properties, LLC

Opponent:
-

Headword:
Messaging system/CRANBERRY

Relevant legal provisions:
EPC Art. 56

Keyword:
"Inventive step (no)"

Decisions cited:
-

Catchword:
-

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Case Number: T 0371/04 - 3.5.01

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

Appellant: Cranberry Properties, LLC
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Decision under appeal: **Decision of the Examining Division of the European Patent Office posted 20 October 2003 refusing European application No. 97930053.0 pursuant to Article 97(1) EPC.**

Composition of the Board:

Chairman: S. Steinbrener
Members: R. Wibergh
P. Schmitz

Summary of Facts and Submissions

I. This appeal is against the decision of the examining division to refuse European patent application No. 97 930 053.0.

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

D1: WO-A-96/09714
D2: US-A-5 479 411
D5: US-A-4 837 798.

III. According to the decision appealed, D1 anticipated the subject-matter of claim 1 of the then main request (Article 54 EPC). Claim 1 according to the sole auxiliary request was found unacceptable for lack of inventive step over D2 (Article 56 EPC).

IV. With the statement of grounds of appeal, dated 27 February 2004, the appellant requested that the decision be set aside and a patent be granted on the basis of amended claims according to a main request or two auxiliary requests.

V. In a communication from the Board the opinion was expressed that claim 1 of the main request was not clear and comprised amendments not based on the original application documents. It was further indicated that the auxiliary requests appeared to be unacceptable for lack of inventive step with respect to document D5. Documents D1 and D2 were referred to as also disclosing relevant prior art.

VI. By letter dated 6 June 2006, the appellant filed amended claims 1-20 constituting a new and final single request. Claim 1 read:

"1. A cross-media communication system between an online information service (14) and a telephone access service (16) comprising:
a communications server (28) at said online information service (14) for receiving an email message addressed to a subscriber of said online information service (14);
means for applying a rule (38) to forward said email message to said telephone access service (16), said rule defined by said subscriber of said online information service (14) and applied by said communications server (28) upon receipt of said email message at said communications server (28);
means at said communications server (28) for formatting and addressing said email message for delivery to said telephone access service (16);
a telephone access service mailbox (10, 58) at said online information service (14) for receiving said email message formatted and addressed for delivery to said telephone access service;
an email gateway (60) at said telephone access service (16) for retrieving said email message from telephone access service mailbox (10, 58) at said online information service;
an email server (62) at said telephone access service (16) for receiving said email message from said email gateway (60) and storing said email message for retrieval by said subscriber; and
a text-to-speech processor (66) at said telephone access service (16) for locating said email message at said email server (62) and converting said email

message for audio output when said subscriber calls said telephone access (16) service to retrieve said email message."

Independent claim 6 was directed to a corresponding method. Independent claims 11 and 16 concerned an analogous system resp. method relating to a voice message instead of an e-mail message.

VII. Oral proceedings were held on 4 July 2006. The appellant requested that the decision under appeal be set aside and a patent be granted on the basis of claims 1-20 as filed with the letter of 6 June 2006.

VIII. At the end of the oral proceedings the Board announced its decision.

Reasons for the Decision

1. The invention

The invention according to claim 1 is a "cross-media communication system between an online information service and a telephone access service". The term "cross-media" indicates that the message medium is altered. In the present case received e-mails are converted to voice messages. The receiving party ("subscriber") defines rules, based for example on the identity of the sender (see e.g. fig. 8), which determine which e-mail messages are to be converted, and how. The central features in claim 1 concern the transmission of an e-mail message from the online

information service to the telephone access service (cf. point 3 below).

2. The prior art

With respect to the invention as defined by claim 1 in its final version, D2 appears to be the closest prior art document. D2 describes a cross-media communication system for sending messages from an e-mail network 1003 (fig. 1) to a voice-based message system 1000, the latter system comprising a LAN interface 84, a controller 10 and mass storage 12. A computer 1002 connected to the e-mail network receives an e-mail message addressed to an e-mail user. Provided this user has stored a corresponding instruction in his "profile" (col. 4, l. 32-37), the computer forwards the e-mail by way of the LAN interface 84 to the voice-based message system 1000, where it is converted to speech (as indicated by the last alternative mentioned at col. 6, l. 29-33). It can be regarded as implicitly disclosed that the e-mail message is formatted and addressed as appropriate before delivery to the message system. Subsequently, the e-mail is converted to audio by means of a text-to-speech processor and recorded in the mass storage unit 12.

3. Novelty

The Board considers that D2 discloses a communications server, means for applying a rule and means for formatting and addressing the e-mail message as set out in the first four paragraphs of claim 1. The remaining features of the claim mainly define how data are exchanged between the online information service and

the telephone access service. A mailbox at the online information service receives the e-mails. An e-mail gateway at the telephone access service retrieves the e-mails from the mailbox and sends them on to an e-mail server which stores them for retrieval by the subscriber. When the subscriber calls, the messages are converted for audio output by a text-to-speech processor.

D2 describes that e-mails are sent from the e-mail computer 1002 over the LAN 1001 to the message system 1000. It also discloses text-to-speech conversion of e-mail messages. However, as no further details about the transmissions over the LAN are disclosed, the invention as defined in claim 1 is new (Article 54 EPC).

4. Inventive step

4.1 When starting from D2, the technical problem solved by the invention may be seen in implementing the details of the data exchange.

The invention comprises a *mailbox* at the online information service from which an *e-mail gateway* at the telephone access service retrieves e-mails messages intended to be converted to speech. The term "mailbox" usually indicates a buffer memory whose contents can be retrieved, often by polling (as disclosed in the present application, p. 17, l. 3-6). In D2 the disclosure of a transmission of e-mail data is only by implication, so that nothing is known about the way these data are sent. However, there is nothing original about transmitting data using a polling procedure. This is a standard communication technique which the skilled

person would make use of in appropriate circumstances. Whether the mailbox is provided on service level, as according to the invention, or on subscriber level (as frequently done) appears to be of little, if any, technical relevance. The appellant has not indicated any surprising effects associated with the polling of the mailbox, nor are any such effects apparent from the description. Thus, this feature must be regarded as an obvious possibility.

An *e-mail gateway* is conventionally used for converting e-mail messages from one format to another. The invention employs this well known tool in the standard context of e-mail transmission between networks. The skilled person, faced with the problem of implementing the connection between the e-mail computer 1002 and the controller 10 in D2 in a way permitting messages to be exchanged, would be more or less obliged to use a gateway.

4.2 Furthermore, according to claim 1 an *e-mail server* receives and stores the e-mails. In D2 it is presumably the controller 10 which performs the task of receiving the e-mails intended to be converted to speech, and it appears possible to identify the controller with such a server. The storage of e-mails is not explicitly disclosed in D2, and indeed it appears equally possible to convert messages to speech *before* storage as vice versa. However, as long as the conversion and storage operations *are* performed, it is difficult to see that their relative order has any technical significance. The appellant has argued that the claimed alternative is inventive since it has the advantage of assigning the text-to-speech conversion to the telephone access

service, which has more expertise in this field than the online information service (cf. the description, p. 8, l. 9 and 10). The Board, however, does not regard this reasoning to be convincing since, as noted above, D2 explicitly states that the conversion can take place on the voice communication side.

4.3 Finally, the appellant argues that the message system 1000 in D2 is not a "telephone access service" within the meaning of the present application.

The Board notes that the description uses, apparently synonymously, the two expressions "telephone access service" and "telephone access service provider". Thus, the "telephone access service" is typically a company to which users subscribe. It is self-evident, and also accepted by the appellant, that the legal status of the telephone access service can have no technical implications for the subject-matter of claim 1. In the Board's view, the only means which are implied by the expression "telephone access service" are the hard- and software required to permit a user access to a telephone network from a *technical* point of view (but independent of any legal or commercial restraints, such as subscription). The situation in D2, however, is in no way different, since the message system 1000 clearly provides the technical means for enabling a user to make and receive phone calls. Thus, the Board is not able to accept the appellant's allegation that D2 does not disclose a "telephone access service".

4.4 It follows that the technical differences which have been found to exist between the invention as set out in claim 1 and the system known from D2 represent

conventional circuit realisations of implementation tasks which the skilled person could easily identify from an analysis of D2. The subject-matter of claim 1 therefore 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. Steinbrener