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Datasheet for the decision of 28 November 2007

Case Number: T 1325/04 - 3.5.01

Application Number: 95938064.3

Publication Number: 0861463

IPC: G06F 3/12

Language of the proceedings: EN

Title of invention:
Assembly of a set of images in a digital copying/printing machine

Applicant:
Océ-Technologies B.V.

Opponent:
-

Headword:
Assembling images/OCÉ-TECHNOLOGIES

Relevant legal provisions:
-

Relevant legal provisions (EPC 1973):
EPC Art. 56

Keyword:
"Inventive step (no)"

Decisions cited:
-

Catchword:
-

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Beschwerdekammern | Boards of Appeal | Chambres de recours

Case Number: T 1325/04 - 3.5.01

D E C I S I O N
of the Technical Board of Appeal 3.5.01
of 28 November 2007

Appellant: Océ-Technologies B.V.
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Decision under appeal: **Decision of the Examining Division of the European Patent Office posted 2 July 2004 refusing European application No. 95938064.3 pursuant to Article 97(1) EPC.**

Composition of the Board:

Chairman: S. Steinbrener
Members: R. R. K. Zimmermann
A. Pignatelli

Summary of Facts and Submissions

I. Euro-PCT application no. 95 938 064.3, published as international publication no. WO-A-96/18142, claimed a priority date of 9 December 1994 for a system and a method for assembling a set of images in a digital copying and printing machine.

II. The application was refused by the competent examination division for lack of inventive step taking into account as prior art documents D1 and D2:

D1: EP-A-0 606 139 (published in July 1994)
D2: US-A-5 081 494 (published in 1992).

The decision was notified by registered letter posted on 2 July 2004.

The applicant (appellant) filed an appeal against the refusal decision and paid the appeal fee on 11 August 2004. A written statement setting out the grounds for appeal was filed on 28 October 2004.

III. In an annex to summons to oral proceedings, the Board, communicated its preliminary view that it was doubtful whether there was any clear distinction between the claimed subject matter and the prior art disclosed in document D1. Furthermore, the function of selectively adding data to a print job was considered to be anticipated by document D2.

IV. In a reply letter dated 26 October 2007, the appellant filed a new set of 25 claims, claim 1 reading as follows:

"1. A digital image reproduction apparatus capable of assembling a set of digital images and reproducing said set on image supports, such as sheets of paper,
comprising
an electro-optical scanner (1), for scanning a document and generating printable digital image data corresponding to said document;
an inputting unit (2) for receiving and storing print files fed from a digital environment and for generating printable digital image data corresponding to said received print files;
a storage unit (15) for temporary storage of digital image data;
a printing unit (3) for printing on image supports images corresponding to digital image data in the storage unit (15);
an operating unit (19) provided with operating means operable by an operator; and
a control unit (18) connected to the scanner (1), the inputting unit (2), the storage unit (15), the printing unit (3) and the operating unit (19), said control unit (18) having a first mode in which it controls the scanner (1) to scan a document and store digital image data generated during scanning in the storage unit (15) and
a second mode in which it controls the inputting unit (2) to generate digital image data corresponding to a received and stored print file as selected by means of a selection command inputted using the operating means (19),

either said first or said second mode being selectable for an operator using the operating means of said operating unit (19),
said control unit (18) being adapted to control an assembling action upon a start command from an operator using the operating means, in which it starts a generating process for printable digital image data and adds said data to a collection file in said storage unit (15) without having said generated printable digital image data printed, the control unit further controlling a printing action upon a start command from an operator using the operating means, in which it causes the printing unit (3) to completely print the said collection file,
wherein
the control unit controls a said assembling action in either said first or said second mode, as selected by the operator using the operating means (19)."

V. Oral proceedings before the Board were held on 28 November 2007 in which the matter was discussed with the appellant's representatives.

VI. The appellant requested that the decision under appeal be set aside and a patent be granted on the basis of claims 1 to 25 as filed with letter dated 26 October 2007.

In support of its requests, the appellant argued that the inventive system was the first of its kind which allowed to assembly a set of image data files supplied from a digital environment despite the different file

formats which might be used to encode the data and which were a real hurdle in trying to combine such files. The invention solved this format problem by "rasterising" the input files before collecting and assembling the image data in one collection file. The functionality of assembling image data files from different sources offered a number of advantages, which were not available from the prior art.

Document D1, although referring to network, scan and print services, did not disclose the combination of data files from different sources. The embodiment described therein exclusively related to the "scanned image data input from scanner section 6" so that the editing and collating functions disclosed therein were only applied to documents fed from the same source and thus encoded in one single file format. Document D1 was actually not the closest prior art for it was only about maximising the combined bandwidth of disk drive devices, a problem not relevant to the present invention.

Document D2 did not give any hint to combine image data files originating from different image devices. Where it referred to "different document sources" it still meant a single scanning device operated in different operating modes. The image files produced in these different modes used the same data format.

There was no reason or incentive to encourage the skilled person to combine these two documents. The invention, therefore, was neither anticipated nor rendered obvious by any combination of the cited prior art.

VII. The Board announced the decision in the oral proceedings on 28 November 2007.

Reasons for the Decision

1. The appeal is admissible.

2. However, the appeal is not allowable since already the subject matter of claim 1 does not meet the requirement of inventive step.

Claim 1 is directed to an image printing system which allows to collect and assemble digital image data from different inputting units, for example the image data from an image file generated by an electro-optical scanner and a print file received via a network from a remote unit ("digital environment").

The Board considers document D1 to be the closest piece of prior art since it discloses an image printing system having both remote and on-site image inputs enabling the system to provide network, scan, and print services (see document D1, col. 4, line 35 to col. 5, line 2). Since a skilled person is well aware that a more complex technical system may be optimised in various respects, the fact that the emphasis of this document is on maximising the bandwidth of data transfer between the main memory and the clients within the printing system is not a barrier for the skilled person to understand the broader technical teaching of the document and does thus not, as the appellant argued, disqualify this document as closest prior art.

The printing system of document D1 comprises, in the terminology of present claim 1, an electro-optical scanner (document D1, fig. 2: platen 20, CCD) and an inputting unit for receiving print files from a digital environment (document D1, fig. 2: box "NET" in the image input section 4 together with col. 4, lines 41 to 50) for generating printable digital image data corresponding to the scanned document and the received print file, respectively. It is noted that according to the present application the term "print file" includes data files of any generally used format as follows from the description page 6, line 23 to page 7, line 5.

The system comprises a temporary storage of digital image data (document D1, figs. 2 and 3: system memory 61 and disk memory 56), a printing unit for printing images corresponding to the stored digital image data (document D1, fig. 2: printer 8), an operating unit provided with operating means operable by an operator (document D1, figs. 1 and 2: user interface 52, 62 to 66), and a control unit connected as defined in present claim 1 (document D1, fig. 2: system control 54). Since the system provides network and scan services (see above), it must be operable under operator control in a first mode in which it controls the scanner and in a second mode in which it controls the inputting unit to receive the print files from a remote network unit. As can be concluded from fig. 2, all received image data, whether received from so scanner 6 or from the network NET are fed to the image input controller 50, compressed and placed in image files, and temporarily stored in system memory 61 (see also document D1, col. 5, lines 26 to 57). An image file apparently

comprises a plurality of parts which may be collated, decomposed, rotated and otherwise edited as follows from col. 5, lines 35 to 49. The image file is hence a kind of collection file in the storage unit, which may be sent to the printing unit on command (document D1, fig. 2: image output control 60 and printer 8 and col. 5, lines 46 to 57).

Document D1 does not unambiguously disclose that the image data received from the scanner and from the remote network unit may be collected in one single image file for editing and print out. The Board considered the issue of whether the term "collection file" may encompass the set of print data put into the printing queue 164 shown in document D1, fig. 9, which would then anticipate the subject matter of present claim 1. The answer to this question would depend on the meaning to be given to the term "file".

However, this issue can be left undecided since in any event the difference does not provide an inventive contribution over the prior art.

Document D2 concerns a printing machine so similar to the printing machine of document D1 that even some of the drawings are identical. A central feature of this machine is the function to build up a print job from a plurality of smaller print jobs (see document D2, col. 1, lines 5 to 8, col. 6, line 62 to col. 7, line 24, as well as claim 1, for example). Each print job can be complemented by adding material and documents received from other document sources (document D2, col. 4, lines 8 to 23, col. 5, line 36 to col. 6, line 16, and 62 ff. already cited above). Since

such functionality has clear advantages with respect to collation versatility, it is obvious to implement the same function in the printing system of document D1, where the image data can be received from different units, like a remote network unit and an on-site scanner. The subject matter of present claim 1 does thus not involve an inventive step over the prior art of documents D1 and D2.

The appellant argued that the system of document D2 did not allow to combine and assemble image files having different formats as the application claims. However, this argument is not accepted by the Board since the claim wording does not specify any formats and hence covers embodiments where all received image files are encoded using the same format. Moreover, in a situation where a network actually provides different file formats, the skilled person wishing to assemble data from different sources into one document as proposed in document D2 would consider it an obvious solution to convert the data into a common data format at some appropriate stage of the printing system.

In summary, the subject matter of present claim 1 does not meet the requirement of inventive step as set out in Articles 52(1) and 56 EPC.

Order

For these reasons it is decided that:

The appeal is dismissed.

The Registrar: The Chairman:

T. Buschek S. Steinbrener