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**Datasheet for the decision
of 11 November 2008**

Case Number: T 1419/05 - 3.5.05

Application Number: 99910830.1

Publication Number: 1077403

IPC: G06F 3/16

Language of the proceedings: EN

Title of invention:

Document read-aloud device, read-aloud control method, and recording medium

Applicant:

FUJITSU LIMITED

Opponent:

-

Headword:

Document read-aloud control/FUJITSU

Relevant legal provisions:

EPC Art. 113(1)

RPBA Art. 15(3)

Relevant legal provisions (EPC 1973):

EPC Art. 56

Keyword:

Inventive step - no

Decisions cited:

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Catchword:

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Case Number: T 1419/05 - 3.5.05

DECISION
of the Technical Board of Appeal 3.5.05
of 11 November 2008

Appellant: FUJITSU LIMITED
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Decision under appeal: Decision of the Examining Division of the
European Patent Office posted 7 July 2005
refusing European application No. 99910830.1
pursuant to Article 97(1) EPC 1973.

Composition of the Board:

Chairman: D. H. Rees
Members: M. Höhn
P. Schmitz

Summary of Facts and Submissions

I. This appeal is against the decision of the examining division dispatched 7 July 2005, refusing European patent application No. 99910830.1. The decision was based on prior art documents

D5: EP-A-0 598 598 and

D6: EP-A-0 810 582.

According to the decision independent claims 1, 6 and 8 lacked an inventive step (Article 56 EPC 1973) in the light of the disclosure of prior art document D5 when combined with the teaching of document D6.

II. In the statement setting out the grounds of appeal dated 4 November 2005 it was requested that the decision to refuse be set aside and the application be remitted to the first instance for further prosecution. Oral proceedings were also requested as an auxiliary measure.

III. Independent claim 1 on which the decision under appeal was based reads as follows:

"1. A document reading system for analyzing a document containing texts and tags associated with the texts, the tags being set irrespective of reading conditions and serving to control display of the document, the system reading aloud the texts in the document by use of a voice synthesizing module (14), the system characterized by:

a basic reading condition setting module (4) for allowing a user to set a basic reading condition for the entire document;

an individual reading condition setting module (5) for allowing a user to set, for each kind of tag, an individual reading condition for reading the text associated with the tag;

an individual reading on/off specifying module (6) for allowing a user to set, for each kind of tag, an on/off reading condition for whether to read the text associated with the tag;

an attribute analyzing module (2) for detecting the tags in the document; and

a selective reading module (15) for automatically reading aloud the texts initially with reference to the basic reading condition set by said basic reading condition setting module (4), and, in response to detection of a tag by the attribute analyzing module (2), selectively reading aloud the text associated with the tag with reference to the individual reading condition and the on/off reading condition set for the tag."

- IV. A summons to oral proceedings to be held on 11 November 2008 in accordance with the appellant's request was issued on 21 July 2008. In an annex accompanying the summons the board expressed the preliminary opinion that the subject-matters of the independent claims did not satisfy the requirements of Article 84 EPC 1973 and were considered obvious in the light of the prior art on record when combined with the skilled person's common general knowledge (Article 56 EPC 1973). The board gave its reasons for these objections and why the appellant's arguments were not convincing.

- V. In correspondence to the appellant's intention previously communicated to the board, nobody appeared to represent the appellant at the oral proceedings on 11 November 2008, which were then held in the appellant's absence.
- VI. The appellant had requested in writing that the decision to refuse be set aside and the application be remitted to the first instance for further prosecution. The board therefore decided on the basis of claims 1 to 9 filed during oral proceedings before the first instance on 21 June 2005 on which the decision under appeal was based.
- VII. After deliberation the board announced its decision.

Reasons for the Decision

1. The appellant was duly summoned, but did not appear in the oral proceedings. According to Article 15(3) RPBA the board shall not be obliged to delay any step in the proceedings, including its decision, by reason only of the absence at the oral proceedings of any party duly summoned who may then be treated as relying only on its written case. Further since the appellant had been informed in the board's communication of the objections against the application, there can be no question of the appellant being taken by surprise and the appellant's right to be heard has been observed (Article 113(1) EPC).

2. In the appealed decision the examining division argued that the independent claims lack an inventive step over document D5 as closest prior art when combined with the teaching of document D6. The examining division identified as features distinguishing from D5:

(a) a basic reading condition setting module for allowing a user to set a basic reading condition,

(b) an individual reading condition setting module for allowing a user to set for each kind of tag an individual reading condition and

(c) an individual reading on/off specifying module for allowing a user to set for each kind of tag such a condition by the user for whether to read the text associated with the tag.

2.1 The underlying objective problem of these distinguishing features (a) to (c) was considered by the examining division as providing a way of defining user-friendly reading conditions.

2.2 The board follows this analysis which also was agreed upon by the appellant (see statement setting out the grounds of appeal, section II 1., first paragraph).

3. Interpretation of claim 1:

Claim 1 lacks clarity, which would in itself be grounds for dismissing the appeal. However, given that the clarity objections could be fairly easily be overcome the board judges it preferable to base its decision on the issue of inventive step. Accordingly it is

necessary to give the board's interpretation of various claimed features.

3.1 According to claim 1 and the description of the present application the tags defining the reading conditions for the text to be displayed are analyzed in order to control the voice synthesizing module accordingly. The expression "irrespective of reading conditions" in line 3 of claim 1 is therefore taken to refer to conditions for reading aloud. With recourse to the description, it would appear that the appellant is attempting to distinguish text formatting commands from speech synthesis commands. However, as the claim is formulated ordinary HTML-tags for formatting text to be displayed in order to be read on a display or to be printed out can also be considered "reading conditions", e.g. bold text or headline format.

3.2 Moreover, this feature is misleading. Whatever the user intended by a tag "abc", it is interpreted by the document reading system as a speech synthesis command. Thus the claimed feature refers to the intention of the writer of the document rather than the technical functioning of the claimed "document reading system".

The same applies to the distinction between basic and individual reading conditions. The board understands that there are two different sets of conditions to be activated, one of which is used as a preset condition. The choice of names "basic" and "individual" is a non-technical constraint in the domain of the abstract "concept of a basic reading condition" (a term used by the appellant in the grounds for appeal on p. 2, third

paragraph) of the claimed reading system rather than an aspect of its actual technical implementation.

In the same way "serving to control display of the document" is not a feature of a document reading system, but rather relates to a feature of some other system, namely a document displaying system.

Thus these features do not restrict the matter for which protection is sought.

4. Article 52(1) EPC and 56 EPC 1973

4.1 The appellant did not respond to the objection in the appealed decision (page 9, first paragraph) setting out that providing a user interface as shown in D6 which inherently serves for the purpose of adjusting parameters (in the context of D5 the reading conditions) was also considered common general knowledge of a skilled person by the examining division, an objection pointed out in the board's summons to oral proceedings. The board shares the examining division's point of view. Therefore, the appellant's argument that D6 concerns the production of documents for being read aloud and would not be combined with D5 is irrelevant when assessing inventive step, because the skilled person would naturally apply the common general knowledge to the teaching of D5 when trying to solve the problem posed and therefore does not need to combine D5 with D6.

4.2 D5 already discloses user modifications of a table in figure 4A. This would motivate the skilled person to consider also manipulating other relevant reading condition data in other tables, such as those shown in

figures 4B or 4C. D5 mentions the use of "format templates" (see col. 8, l. 42 onwards) for the table shown in figure 4C. It is natural to use one such template as a default, therefore defining "basic" reading conditions. Templates are usually provided as a kind of set of preset conditions and therefore it would also be natural to consider modifying the table 4C by providing different templates thereby allowing settings of reading conditions by a user and to consider dividing the reading conditions into default and further reading conditions in order to solve the problem of providing user friendly reading conditions. The implementation of these measures according to distinguishing features (a) and (b) by a user interface for making aural highlighting adjustable is therefore considered obvious, being within the common general knowledge of the skilled person that would be applied where necessary, and not having any surprising effect.

- 4.3 With regard to distinguishing feature (c) the board agrees with the examining division that selective reading depending on tags was a well known standard feature of HTML documents before the priority date of the present application in the sense that various tagged texts are not normally displayed (e.g. comments). And that, as pointed out by the appellant, selective reading is known from D5 (see col. 5, l. 6-11). Therefore, none of the distinguishing features (a) to (c) involves an inventive step. Thus, the subject-matter of claim 1 is obvious in the light of document D5 when combined with the skilled person's common general knowledge.

5. Since the request is not allowable, the appeal must be dismissed.

Order

For these reasons it is decided that:

The appeal is dismissed.

The Registrar

The Chairman

K. Götz

D. H. Rees