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**Datasheet for the decision
of 14 November 2008**

Case Number: T 1822/06 - 3.2.02

Application Number: 02018921.3

Publication Number: 1287781

IPC: A61B 1/00

Language of the proceedings: EN

Title of invention:

Endoscope image filing system and method

Applicant:

Olympus Corporation

Opponent:

-

Headword:

-

Relevant legal provisions:

EPC Art. 52(1), 56

Relevant legal provisions (EPC 1973):

-

Keyword:

"Inventive step (yes, after amendment)"

Decisions cited:

-

Catchword:

-



Case Number: T 1822/06 - 3.2.02

D E C I S I O N
of the Technical Board of Appeal 3.2.02
of 14 November 2008

Appellant: Olympus Corporation
43-2, Hatagaya 2-chome
Shibuya-ku
Tokyo (JP)

Representative: von Hellfeld, Axel
Wuesthoff & Wuesthoff
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Decision under appeal: Decision of the Examining Division of the
European Patent Office posted 20 July 2006
refusing European application No. 02018921.3
pursuant to Article 97(1) EPC.

Composition of the Board:

Chairman: T. Kriner
Members: S. Chowdhury
A. Pignatelli

Summary of Facts and Submissions

I. This appeal is against the decision of the examining division dated 20 July 2006 to refuse European patent application No. 02 018 921.3.

The grounds of refusal were that the subject-matter of claims 1 and 11 then on file lacked an inventive step, having regard to the following documents:

D1: US-A-5 697 885

D5: US-A-5 659 741

D6: US-A-5 924 074

D7: Kleinholz et al. "Multimedia and PACS -Setting the Platform for Improved and New Medical Services in Hospitals and Regions", Computer Assisted Radiology, 1996, pages 313-322.

II. On 19 September 2006 the appellant lodged an appeal against the decision and paid the prescribed fee on the same day. On 20 November 2006 a statement of grounds of appeal was filed.

III. The appellant requests that the decision under appeal be set aside and that a patent be granted on the basis of the following documents:

- claims 1-18 as filed with telefax dated 7 November 2008;
- description pages 1 and 5-30 as originally filed;
- description pages 2-4 and 31 as filed with letter of 20 August 2003;
- description page 2a as filed with letter of 13 September 2004; and

- Figures 1-12 as originally filed.

IV. Independent claims 1 and 9 read as follows:

"1. An endoscope image filing system having an image filing device (2) recording image signals output from an endoscope device (1) by associating the image signals with examination information relating to an endoscope examination, comprising: endoscope examination information recording means (21e) for recording the examination information and displaying the examination information on examination information display means (21d, 22) including a scheduler screen (41) which comprises a graphical user interface; search range input means (23, 24) for inputting a search range (42a, 42b) for a search in respect of the examination information; and endoscope examination information search means (21a, 21b, 21c) for performing a search in respect of the examination information recorded by the endoscope examination information recording means (21e) in accordance with the input search range; wherein the scheduler screen (41) has buttons (41ja, 41jb) and activating one of the buttons (41ja, 41jb) on the scheduler screen (41) automatically sets a before/after search range in order to change the input search range to a predetermined range immediately preceding/succeeding the input search range and triggers search executing means (21a, 21b, 21c) for performing a new search in respect of the examination information recorded by the endoscope examination information recording means (21e) in accordance with the new search range and displays the results of the

new search on the examination information display means (21d, 22).

9. An endoscope image filing method having an image filing device (2) recording image signals output from an endoscope device (1) by associating the image signals with examination information relating to an endoscope examination, comprising steps of: an endoscope examination information recording step for recording the examination information and displaying the examination information on examination information display means (21d, 22) including a scheduler screen (41) which comprises a graphical user interface; a search range input step for inputting a search range for performing a search in respect of the examination information; and an endoscope examination information search step for performing a search in respect of the examination information recorded by the endoscope examination information recording step in accordance with the input search range; wherein activating one of multiple buttons (41ja, 41jb) on the scheduler screen (41), automatically sets a before/after search range in order to change the input search range to a predetermined range immediately preceding/succeeding the input search range and triggers the following steps: a search executing step for performing a new search in respect of the examination information recorded by the endoscope examination information recording step in accordance with the new search range and a display step for displaying the results of the new search on the examination information display."

Claims 2 to 8 and 10 to 18 are dependent claims.

Reasons for the Decision

1. The appeal is admissible.

2. *Amendments*

Claims 1 and 9 are based on claims 1 and 3, respectively, as originally filed, duly amended and amplified so as to clarify the claims and render them supported by the description. The amended claims are supported by the description, particularly from paragraphs [0056] to [0098]. The dependent claims are based on the corresponding original dependent claims.

No objection to the claims arises under Article 123(2) EPC, accordingly.

3. *Novelty*

Novelty of the claimed subject-matter was not questioned during the examination procedure and the Board sees no reason to disagree in this respect.

4. *Inventive step*

4.1 The application

The application relates to an endoscope image filing system and method in which image signals from an endoscope device are recorded together with examination information. An image filing device (computer) is programmed to generate a scheduler screen which comprises a graphical user interface (GUI) and which

contains examination information and an examination information record.

The data items in an examination information row in the GUI are provided as filter buttons which may be used to call up a search screen in which a search range (e.g. a date range) is entered and a search in this range is performed and the result displayed in an area of the screen. This is the result of an initial search.

If, for example, no results are obtained in the initial search or if another search needs to be done, this is done simply by pressing a "before" or "after" button on the GUI and the computer then automatically selects a predetermined (date) range immediately preceding or succeeding the first search range, respectively, carries out the search, and displays the result.

- 4.2 Essential features of the invention as claimed in claims 1 and 9 are the "before" and "after" buttons on the scheduler screen, which automatically set a before/after search range in order to change the input search range to a predetermined range immediately preceding/succeeding the input search range and trigger search executing means for performing a new search in respect of the examination information recorded by the endoscope examination information recording means in accordance with the new search range, and display the results of the new search on the examination information display means.

These features bring the advantage that in order to perform a new search it is not necessary for the user to reopen the search window, enter new search criteria,

close the search window, return to the main window, press a search button, and wait for the search with the newly entered search criteria to be performed and the results displayed on the screen.

Instead, the user only has to click on one of the "before" and "after" buttons which triggers an automatic search of a new range and displays the result. This is convenient and fast.

- 4.3 D1 discloses an endoscope image filing system (Figure 39) in which time-serial images are recorded so that variations with time of an object may be observed. A data base of the endoscope images may be searched (Figures 44 and 45) according to specific search parameters (e.g. patients name or ID number), for which a user is required to open a search screen into which the search condition must be input for every search. The result of the search is not examination information but an endoscope image.

There is no disclosure of pressing a before/after button to automatically search a previous/succeeding range.

- 4.4 D5 discloses a computer system for storing the individual medical history of persons on a storage card which may be carried on the person. In an emergency situation the card may be read to quickly give a summary of the person's medical history. A card may record the person's name, hospital visits, symptoms, diagnosis, medicines taken, etc. The system may also record images (column 11, line 17). The data on a card

may be transferred to a remote computer database, which may be searched later.

Figure 1 shows the setup of the system, and it includes a remote computer 6 which centrally collects data from many individuals. This computer 6 can search the data so as to allow epidemiological studies to be carried out, e.g. how many cases of a given disease occurred during a given year.

Figure 7 shows how the database may be searched. A user can enter a search statement in a window 64, which contains at least two fields, a date field and a key field. A date range is entered and a search for results within this range is made. The key field may include words such as "back pain", so only cases of back pains occurring within the given date range will show up in the search result.

If another search is to be performed then the window 64 must be re-opened and the search statement re-entered into the window, there is no disclosure of pressing a before/after button to automatically search a previous/succeeding range.

- 4.5 D6 and D7 do not disclose systems in which buttons on a scheduler screen automatically set a before/after search range in order to change the input search range to a predetermined range immediately preceding/succeeding the input search range and trigger search executing means for performing a new search in respect of the examination information recorded by the endoscope examination information recording means in accordance with the new search range and displays the

results of the new search on the examination information display means.

- 4.6 Thus, the above essential features of the independent claims are not disclosed or suggested in the prior art, so that the independent claims involve an inventive step, accordingly.

Order

For these reasons it is decided that:

1. The decision under appeal is set aside.

2. The case is remitted to the department of the first instance with the order to grant a patent on the basis of the following application documents:
 - claims 1-18 as filed with telefax dated 7 November 2008;
 - description pages 1 and 5-30 as originally filed;
 - description pages 2-4 and 31 as filed with letter of 20 August 2003;
 - description page 2a as filed with letter of 13 September 2004; and
 - Figures 1-12 as originally filed.

The Registrar

The Chairman

V. Commare

T. Kriner