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**Datasheet for the decision
of 21 December 2010**

Case Number: T 0393/07 - 3.5.04

Application Number: 01310701.6

Publication Number: 1220154

IPC: G06T 17/40

Language of the proceedings: EN

Title of invention:

Magnetic resonance imaging method and system

Applicant:

GE Medical Systems Global Technology Company LLC

Opponent:

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Headword:

-

Relevant legal provisions:

EPC Art. 123(2)

Relevant legal provisions (EPC 1973):

-

Keyword:

"Amendments - added subject-matter (yes)"

Decisions cited:

-

Catchword:

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Case Number: T 0393/07 - 3.5.04

D E C I S I O N
of the Technical Board of Appeal 3.5.04
of 21 December 2010

Appellant: GE Medical Systems Global Technology Company LLC
3000 North Grandview Boulevard
Waukesha
Wisconsin 53188 (US)

Representative: Pedder, James Cuthbert
London Patent Operation
General Electric International, Inc.
15 John Adam Street
London WC2N 6LU (GB)

Decision under appeal: Decision of the Examining Division of the
European Patent Office posted 10 October 2006
refusing European patent application
No. 01310701.6 pursuant to Article 97(1) EPC
1973.

Composition of the Board:

Chairman: F. Edlinger
Members: A. Dumont
B. Müller

Summary of Facts and Submissions

- I. The applicant filed an appeal against the decision of the examining division to refuse European patent application No. 01 310 701.6.
- II. The application was refused on the ground that the subject-matter of the claims filed with the letter of 22 August 2005 lacked inventive step.
- III. In the notice of appeal the appellant requested that the decision under appeal be set aside, and requested oral proceedings in the event that the board intended to confirm the decision to refuse. With the statement of grounds of appeal the appellant filed *inter alia* a replacement set of claims.
- IV. Claim 1 reads as follows:

"A graphic prescription interface comprising:
a first interface (200) comprising a first two-dimensional view of a first localizer image (202, 204, 206) and a second two-dimensional view of a second localizer image (202, 204, 206); and
characterized by a second interface (300), said second interface comprising a single three-dimensional view including said first and second localizer images (202, 204, 206), said three-dimensional view showing said first and second localizer images (202, 204, 206) relative to each other in stacked overlapping fashion in three dimensional space."
- V. The appellant argued that showing the first and second localizer images relative to each other in stacked

overlapping fashion in three-dimensional space, as depicted in figure 3 and described on pages 11 and 13, allowed the operator to operate efficiently and make an accurate prescription, giving the impression of a three-dimensional cross-section of the patient's anatomy, using image slabs representing prescribed images, corresponding to images to be acquired as a stack of image slices.

- VI. In a communication accompanying the summons to oral proceedings the board *inter alia* expressed doubts that showing the first and second localizer images "relative to each other in stacked overlapping fashion in three dimensional space" was directly and unambiguously disclosed in the application as filed (Article 123(2) EPC).
- VII. In a letter dated 15 October 2010 the appellant cancelled his request for oral proceedings and requested a decision according to the state of the file. The appellant did not comment on the substance of the objections raised by the board in its communication.
- VIII. In a communication dated 10 December 2010 the appellant was informed that the oral proceedings were cancelled.

Reasons for the Decision

1. The appeal is admissible.
2. Claim 1 has been amended with respect to refused claim 1 essentially by indicating that the first and

- second localizer images are shown relative to each other "in stacked overlapping fashion".
3. The board accepts that the first and second localizer images are arranged relative to each other "in overlapping fashion", in that they are shown in mutually orthogonal orientations in the three-dimensional space of figure 3 (see also page 3, first paragraph of the decision under appeal).
 4. The board however finds that showing the localizer images "in stacked overlapping fashion" is not disclosed in the application documents as originally filed for the following reasons.
 - 4.1 Page 11 (second and last paragraphs) of the description discloses three-dimensional image slabs being used to represent the prescribed images. Figure 3 shows a three-dimensional view with three slabs parallel to the coronal localizer image (206 in figures 2 and 3). This disclosure thus only relates to prescription marks or slabs, also shown as lines or rectangles in figures 2 and 5. However, claim 1 does not mention prescription marks or slabs but only the way the localizer images are displayed (see also page 3, first and second paragraphs, and page 5, first paragraph, of the decision under appeal).
 - 4.2 Page 13 (last sentence) states that "[s]ince images are typically acquired as a stack of image slices, the prescription marks are preferably caused to move/rotate as a group." This is the only passage in the description mentioning a stack. This statement does not relate to the representation of localizer images, but

only to a common movement of prescription marks in the three-dimensional view.

- 4.3 As a result, claim 1 ascribes to localizer images a feature ("in stacked overlapping fashion") initially disclosed only for prescription marks or slabs, which are used to represent the prescribed images.
5. Amended claim 1 thus contains subject-matter which extends beyond the content of the application as filed, contrary to Article 123(2) EPC.

Order

For these reasons it is decided that:

The appeal is dismissed.

The Registrar

The Chairman

L. Fernández Gómez

F. Edlinger