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**Datasheet for the decision
of 17 September 2009**

Case Number: T 0073/08 - 3.5.03

Application Number: 05005662.1

Publication Number: 1578099

IPC: H04M 3/42

Language of the proceedings: EN

Title of invention:

CTI system

Applicant:

NEC Infrontia Corporation

Headword:

CTI system/NEC

Relevant legal provisions:

EPC Art. 56

Keyword:

"Inventive step - main and auxiliary requests (no)"

Decisions cited:

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Catchword:

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Case Number: T 0073/08 - 3.5.03

D E C I S I O N
of the Technical Board of Appeal 3.5.03
of 17 September 2009

Appellant: NEC Infrontia Corporation
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Decision under appeal: Decision of the examining division of the
European Patent Office posted 21 June 2007
refusing European application No. 05005662.1
pursuant to Article 97(1) EPC 1973.

Composition of the Board:

Chairman: A. S. Clelland
Members: F. van der Voort
M.-B. Tardo-Dino

Summary of Facts and Submissions

- I. This appeal is against the decision of the examining division refusing European patent application No. 05005662.1 (publication number EP 1 578 099 A).
- The refusal was based on the ground that the subject-matter of the claims did not involve an inventive step (Articles 52(1) and 56 EPC).
- II. The following documents, which are referred to in the decision under appeal, are relevant to the present decision:
- D1: US 2002/0004403 A;
D2: US 5 197 092 A;
D3: US 5 825 864 A; and
D5: US 2003/0235173 A.
- III. In the statement of grounds of appeal the appellant requested that the decision be rectified by the examining division under Article 109(1) EPC or, in the case of a remittal to the Boards of Appeal, that a patent be granted on the basis of a set of claims of a main request or, alternatively, on the basis of a set of claims of an auxiliary request, both sets as filed with the statement of grounds of appeal. Oral proceedings were conditionally requested.
- IV. In a communication annexed to a summons to oral proceedings the board raised, without prejudice to its final decision, objections under, *inter alia*, Article 52(1) EPC in combination with Article 56 EPC (lack of inventive step).

- V. In preparation for the oral proceedings the appellant filed with a letter dated 13 August 2009 claims of a new main request and a new auxiliary request and presented arguments in support.
- VI. Oral proceedings were held on 17 September 2009. The appellant requested that the decision be set aside and that a patent be granted on the basis of claims 1 to 12 of the main request or, alternatively, on the basis of claims 1 to 10 of the auxiliary request, both as filed with the letter dated 13 August 2009. At the end of the oral proceedings the board's decision was announced.
- VII. Independent claim 4 of the main request reads as follows:

"A CTI system comprising a telephone terminal (12-2) having an ID reader (19-2; 19-2'; 19-2"), a server-connected main unit (11, 13) for controlling said telephone terminal, and an information processing terminal (16-1) having an ID tag (18-1; 18-1'; 18-1"),

wherein the ID reader of said telephone terminal is adapted to read, as readout information, ID information out of the ID tag of said information processing terminal in a non-contact manner by positioning the ID tag of said information processing terminal and the ID reader of said telephone terminal in close proximity to each other;

said telephone terminal is adapted to send said readout information to said server-connected main unit;

said server-connected main unit has an association table (131) comprising a setting information table and a change information table, said setting information

table being adapted to registering [sic] setting information (131a) which preliminarily associates said information processing terminal and a different telephone terminal with each other, said server-connected main unit being adapted to make, with reference to said readout information received from said telephone terminal, the change information table of said association table store change information (131b) which associates said information processing terminal and said telephone terminal with each other; and

said server-connected main unit is adapted, in response to a request for call origination, response and disconnection of said information processing terminal, to carry out call control for call origination, response and disconnection of said telephone terminal associated with said information processing terminal with reference to the change information table of said association table."

Independent claim 3 of the auxiliary request differs from claim 4 of the main request in that the following feature:

"said server-connected main unit is adapted to erase said change information to cancel association between said information processing terminal and said telephone terminal by again positioning the ID tag of said information processing terminal and the ID reader of said telephone terminal in proximity to each other."

is added and in that, in the fourth paragraph, "registering" and, in the fifth paragraph, "disconnection of said telephone" are replaced by

"register" and "disconnection said telephone" [*sic*], respectively.

Reasons for the Decision

1. *Inventive step - claim 4 of the main request*

- 1.1 Document D2 discloses, using the language of claim 4 of the main request, a CTI (Computer Telephone Integration) system which includes a telephone terminal (see Figs 1 and 2, receiving station 10, 74) having an ID reader (col. 4, lines 6 to 13), a server-connected main unit (central exchange 70 connected to central office 72) for controlling the receiving station, and an information processing terminal (personal communicator 12, 77) containing ID information (central exchange telephone number of the home system and a system ID (SID) number) in a memory. The ID reader of the receiving station is adapted to read, as readout information, the ID information out of the personal communicator when the personal communicator is placed in the receiving station. The receiving station is adapted to send the readout information to the central exchange (col. 4, lines 43 to 47). The central exchange has an association data file (col. 5, lines 31 to 34, "the subscriber's calling file") for registering information which preliminarily associates the personal communicator and a different telephone terminal, e.g. a previously used receiving station, with each other, by registering the call forwarding number of that telephone terminal in the calling file, and is adapted to make, with reference to the readout information received from the currently used receiving station, the

file to store change information which associates the currently used receiving station and the personal communicator with each other (col. 3, lines 25 to 37, col. 4, lines 57 to 64). The central exchange is thereby adapted to carry out call control for the receiving station associated with the personal communicator with reference to the information in the file (col. 3, lines 25 to 37, and col. 4, lines 57 to 64) in that, in response to a request for location updating by placing the personal communicator in the receiving station, any call made to the person to whom the personal communicator belongs will be forwarded to the receiving station in question and the personal communicator is switched off (col. 4, lines 54 to 64). Hence, the request for location updating is also a request for receiving incoming calls at the receiving station, i.e. a request of the personal communicator for call response or call forwarding.

- 1.2 The appellant argued that in the system of D2 the receiving station alone could not serve as a telephone and is therefore not a telephone terminal.

However, the board notes that in D2 the receiving station 74 may include a "conventional landline phone" 75 and a separate holder element 79 for the personal communicator 77 (see col. 5, lines 58 to 61, and Fig. 2). In the board's view, the term "conventional landline phone" implies that the receiving station alone can serve as a telephone.

1.3 D2 does not disclose the following features of claim 4 of the main request:

i) the information processing terminal (i.e. the personal communicator 12, 77 in D2) has an ID tag which contains the ID information which is read out in a non-contact manner;

ii) the association data file is an association table which comprises a setting information table and a change information table, in which the setting information table is adapted to register setting information which preliminarily associates the information processing terminal and the different telephone terminal with each other, in which the server-connected main unit is adapted to make, with reference to the readout information received from the telephone terminal, the change information table to store change information which associates the information processing terminal and the telephone terminal with each other; and

iii) the server-connected main unit is adapted, in response to a request for call origination and disconnection of the information processing terminal, to carry out call control for call origination and disconnection of the telephone terminal associated with the information processing terminal with reference to the change information table of the association table.

1.4 Regarding feature i), the board notes that in D2 no details are given as to how the ID information is stored in the memory of the personal communicator and how it is read out by the receiving station. However,

the use of a tag consisting of a RAM memory for storing/reading/writing ID information (cf. the application as published, col. 10, lines 55 to 58) was well-known at the priority date (16 March 2004), see, e.g., D1, paragraph [0038] and Fig. 4, or D5, paragraph [0040] and Fig. 5. Further, reading out data from a handset by a telephone receiving station using wireless communication, e.g. RFID, DECT or Bluetooth technology, was also well-known at the priority date, see, e.g., D1, paragraphs [0042], [0048] and [0054], or D3, col. 4, lines 50 to 57, and Fig. 1. These considerations by the board were not contested by the appellant.

- 1.5 With respect to feature ii), the appellant argued that in D2, if the personal communicator is returned back to an original receiving station, the original call forwarding number of the original receiving station must again be registered in the subscriber's calling file because it was deleted ("disappears"), whereas according to the claimed system it would be sufficient to erase the change information only and, hence, it would not be necessary to again register the original setting.

In the board's view, however, D2 is completely silent as to how the new call forwarding number is stored in the association data file (subscriber's calling file) and what happens with the previously stored call forwarding number. Further, the board considers that in the system of D2, e.g. when used in an office environment (col. 3, lines 20 to 24), if a call comes in and the called person to whom the personal communicator belongs cannot be reached by the central

exchange, for example because the communicator is switched off and is not placed in a receiving station, it would be desirable to redirect the call to, e.g., a voice-mailbox. In the board's judgement, the use of voicemail was well-known at the priority date. Hence, its application to the system of D2 would not contribute to an inventive step. In the system of D2 this application would require that in the central exchange 70 the telephone number of the personal communicator 12, 77 is permanently associated with the extension number of the voice-mailbox. This implies that, if the person to whom the personal communicator belongs subsequently desires that telephone calls be directed to him/her at a particular receiving station, as described in D2 (see point 1.1 above), the call forwarding number must additionally be stored in the association data file.

In view of these considerations it would have been obvious to a person skilled in the art to implement the association data file in the central exchange of D2 as an association table which includes a setting information table which preliminarily associates a personal communicator with a different telephone terminal, e.g. a voice-mailbox, and, in addition, a change information table which associates the personal communicator with a receiving station, if any. These considerations were not contested by the appellant.

- 1.6 With respect to feature iii), the appellant argued that, with the claimed system, telephone numbers which were stored in the information processing terminal could be transferred to the telephone terminal by positioning the information processing terminal in close proximity

to the telephone terminal. The person to whom the personal communicator belonged would thereby be able to select any one of the telephone numbers stored in the telephone terminal and set up a telephone call, which was referred to in the claim as "call origination". This feature was said to be particularly useful, since the information processing terminal itself was not a mobile telephone and, hence, could not be used for setting up a call. In support of its arguments the appellant referred to paragraphs [0037] and [0058] of the application as published.

The board does not find these arguments convincing, since none of the features the appellant referred to, i.e. a storage of telephone numbers in the information processing terminal, a transfer of these telephone numbers to the telephone terminal by positioning the information processing terminal in close proximity to the telephone terminal, a selection of one of the telephone numbers stored in the telephone terminal for setting up a call by the person to whom the personal communicator belongs, and the fact that the information processing terminal is not a mobile telephone, are part of the claimed subject-matter.

Taking the description, drawings and claims of the application as filed into account, the board interprets the claim and, in particular, feature iii) as follows:

As specified in the claim, the association of the information processing terminal with the telephone terminal can be achieved by positioning the information processing terminal in close proximity to the telephone terminal, which initiates the steps of reading out the

information, sending it to the main unit and making the appropriate entries in the change information table. As a result of the association, the server-connected main unit is adapted to carry out call control. This interpretation is also in line with the passages referred to by the appellant, see paragraph [0037] ("... establish the association ... Therefore, ... the main unit ... can carry out control ...") and paragraph [0058] ("... association is established so that the main unit 11 can carry out control ..." (underlining by the board)). Hence, positioning the information processing terminal in close proximity to the telephone terminal constitutes a request for call control (see also point 1.1 above). Once the association is made, the main unit carries out call control for the telephone terminal and the person to whom the information processing terminal belongs is in a position, simply by using the associated telephone terminal, to make outgoing calls in his/her name (call origination) or terminate any incoming or outgoing call (call disconnection).

In the system of D2, once the association of the personal communicator and the receiving station is made in the central exchange, it is evident that the person to whom the personal communicator belongs can not only receive incoming calls at the receiving station, but can also make outgoing calls and terminate calls by using the receiving station.

Hence, in view of the above interpretation and the disclosure of D2, feature iii) does not contribute to an inventive step either.

1.7 The board concludes that a person skilled in the art, starting out from D2 and faced with the problem of implementing the known system, would, taking into account his/her common general knowledge, have arrived at a system which includes all the features of claim 4 of the main request without exercising inventive skill. The subject-matter of claim 4 of the main request does not therefore involve an inventive step (Articles 52(1) and 56 EPC).

1.8 The main request is therefore not allowable.

2. *Inventive step - claim 3 of the auxiliary request*

2.1 The additional feature as specified in claim 3 of the auxiliary request (see point VII above) does not contribute to an inventive step either for the following reasons:

2.2 D2 does not describe how a call forwarding is cancelled. In the board's judgement, however, each one of several different ways of achieving this, e.g. by removing the personal communicator from the receiving station, by pressing a dedicated button on the personal communicator or on the receiving station, or by taking out the personal communicator and reinserting it back into the receiving station for a moment, is well within the ordinary skills of the skilled person. Further, it was well-known at the priority date to cancel a value stored in a memory by overwriting it with a new value, thereby erasing the previous value.

Hence, the feature that the server-connected main unit is adapted to erase the change information, in order to

cancel the association, by again positioning the ID reader and the ID tag in close proximity to each other does not contribute to an inventive step.

The board notes that the above considerations in respect of claim 3 of the auxiliary request were not contested by the appellant.

2.3 In view of the above and the reasons as given in respect of claim 4 of the main request, the board concludes that the subject-matter of claim 3 of the auxiliary request does not involve an inventive step (Articles 52(1) and 56 EPC) either.

2.4 The auxiliary request is therefore not allowable.

3. There being no allowable request, it follows that the appeal must be dismissed.

Order

For these reasons it is decided that:

The appeal is dismissed.

The Registrar:

The Chairman:

A. Vottner

A. S. Clelland