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Datasheet for the decision of 11 June 2010

Case Number: T 0900/08 - 3.5.03

Application Number: 02761568.1

Publication Number: 1440557

IPC: H04M 3/00

Language of the proceedings: EN

Title of invention:
System and method for interfacing a wireless telephone to a personal computer

Applicant:
Siemens Aktiengesellschaft

Opponent:
-

Headword:
Interfacing cordless telephone and computer/SIEMENS

Relevant legal provisions:
EPC Art. 56

Relevant legal provisions (EPC 1973):
-

Keyword:
"Inventive step - no"

Decisions cited:
-

Catchword:
-

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Beschwerdekammern | Boards of Appeal | Chambres de recours

Case Number: T 0900/08 - 3.5.03

D E C I S I O N
of the Technical Board of Appeal 3.5.03
of 11 June 2010

Appellant: Siemens Aktiengesellschaft
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Decision under appeal: **Decision of the Examining Division of the European Patent Office posted 4 February 2008 refusing European application No. 02761568.1 pursuant to Article 97(2) EPC.**

Composition of the Board:

Chairman: A. Clelland
Members: B. Noll
R. Moufang

Summary of Facts and Submissions

I. This appeal is against the decision of the examining division posted on 4 February 2008 refusing European application no. 02761568.1. The ground for refusal given in the decision was that the subject-matter of independent claims 1, 8 and 15 of a main request lacked novelty (Article 54(2) EPC) and the subject-matter of the dependent claims lacked an inventive step (Article 56 EPC). Claims of first and second auxiliary requests were not admitted by the examining division since they were held to be late filed and did not appear to overcome the objections raised against the main request.

II. The applicant filed an appeal against this decision. Together with the notice of appeal sets of claims of a main and an auxiliary request were filed. It was requested that the impugned decision be set aside and a patent be granted on the basis of the main or the auxiliary request. As an auxiliary measure, oral proceedings were requested.

III. In a communication the board gave a preliminary opinion on the requests on file as regards clarity (Article 84 EPC), novelty (Article 54 EPC) and inventive step (Article 56 EPC). The following documents were referred to in the communication:

D1: US 6 308 062 B1
D2: EP 0 936 827 A1

IV. On 27 November 2009 the appellant filed a set of amended claims of a main request. Arguments in support

of the patentability of the new claims were given in the accompanying letter.

V. Claim 1 reads as follows:

"A cordless telephone, comprising:
a control processor, a transceiver, a display and at least one user interface key forming a wireless computer interface adapted to interface to a personal computer;
characterized in that said at least one user interface key is adapted to supervise communicating over said wireless computer interface,
wherein activating a particular one of said at least one user interface key causes said personal computer to download a menu of options corresponding to a list of programs on said personal computer to said cordless telephone, said control processor, display and transceiver displays said list of programs being currently accessible on said personal computer such that the program is being selectable from the menu and sends according to said selection a signal via a wireless interface to the personal computer, which in response thereof activates the corresponding program."

VI. The board issued a summons to oral proceedings and set out the points to be discussed in an annex to the summons.

VII. Oral proceedings were held on 11 June 2010. In the course of the oral proceedings the appellant confirmed

as the sole request that the impugned decision be set aside and a patent be granted on the basis of claims 1 to 15 as filed on 27 November 2009.

At the end of the oral proceedings the board's decision was announced.

Reasons for the Decision

1. *The invention*

The invention concerns a cordless telephone which, as described in the application section "background of the invention", is not only for conventional telephony but provides extended facilities to the user such as retrieval and display of e-mail messages. As cordless telephones have gradually been reduced in size over time, the user interface has become smaller. It will be understood that the numeric keyboard of such telephones only provides a limited number of input possibilities. The general object derived from the application is thus to implement a suitable user interface with extended facilities on a cordless telephone.

Extended facilities are implemented in the telephone by establishing a connection between the cordless telephone and a computer. By depressing a PC function key 22 provided on the telephone a connection to the computer is established, and the computer transmits a menu to the cordless telephone. Upon selection of an item from the menu the computer carries out the corresponding function or program.

2. *The prior art*

2.1 D1 is in the same technical field as the application and discloses a cordless telephone system which offers the user access to software functionalities within a computer. The cordless telephone includes a processor 140, a radio transceiver module 138 and a user interface 160 (cf. figure 4). The user interface includes a button 147 which enables access to services provided by the personal computer through an intelligent agent interface which is provided by intelligent agent software function 240 running on the computer (column 4, lines 35 to 37 and column 5, lines 33 to 44). Once the intelligent agent interface is activated, it provides the user with access to the software functionalities through a hierarchically organized menu (figure 6). Thus, the user is led by the menu shown in figure 6 to select software functionalities by depressing a corresponding sequence of buttons, for example, button "5" followed by "1" for selecting the e-mail service. Upon depressing a key a DTMF signal, which is understood by the intelligent agent interface as a command for accessing the corresponding program, is sent to the computer. The above description of the operation of D1 was not disputed by the appellant.

2.2 The appellant argued that the telephone according to claim 1 is distinguished from D1, inter alia, in that selection of a program is made by way of the displayed menu rather than using a key, and the signal sent to the computer is according to this menu selection. It was further argued that sending a DTMF signal upon depressing a key in D1 could not be considered as

equivalent to a selection from a graphical menu as in the application since displaying a graphical menu, and selecting from it, would require a more sophisticated cordless telephone.

The board notes that displaying a menu, and selecting from it, are only briefly described in the application. The only passage relating to the operation of the user interface which the board can find in the published application is at page 7 lines 2 to 4 which state "The cursor control 310 may be used to scroll down or around on the display 308. Finally, a keypad (not shown) may be provided for keying in program commands or other text". The use of a keypad for keying in program commands or text does not however distinguish the application from the D1 telephone which is likewise configured to receive commands (e.g. "directory", cf. key "6" in figure 6) or text ("A-Z") by means of keystrokes by the user. Furthermore, as stated at point 2.1 above, the DTMF signals inform the intelligent agent about which program is to be activated, and nothing else is intended in the application by the signal generated in response to a menu selection. Hence, the feature referred to above does not distinguish the claimed invention from the D1 cordless telephone.

2.3 In the impugned decision it was held (cf. the last two paragraphs at point 1.2 of the reasons) that the download of a menu from the computer to the telephone was implicitly disclosed in D1 since a download of a menu "was common practise in many applications regarding Internet, hypertext or Java".

The board does not agree with this assertion as D1 is silent as to how the user is made aware of the menu. Thus, it is theoretically possible that the menu in D1 is not displayed on the display of the cordless telephone but the user has the menu on a sheet of paper in similar format to figure 6 of D1.

2.4 It follows from the above that the claimed telephone is distinguished from D1 by the features that activating a user interface key causes the personal computer to download the menu of options corresponding to the list of programs on the personal computer to the cordless telephone and that the processor, display and transceiver display the list of programs. The cordless telephone of claim 1 is therefore novel having regard to D1 (Article 54(2) EPC).

3. *Inventive step (Article 56 EPC)*

3.1 The appellant considered the technical problem to be solved by the invention as "the activation of programs (software functionalities) residing on a personal computer by a cordless telephone having both no common software architecture consisting of separate software layers enabling communication between software functionalities (the personal computer) and the cordless telephone" (cf. page 2 of the letter filed on 27 November 2009). This formulation of the problem is not considered as appropriate by the board since, on the one hand, there is no feature in claim 1 addressing any point of software architecture or software layer and, on the other hand, D1 already discloses a solution for activating programs on a computer by means of a cordless telephone. In the view of the board, starting

out from D1 as the most relevant prior art and having regard to the differing features mentioned above, the technical problem is to provide the user of a cordless telephone with a menu of selectable extended services in a convenient way.

3.2 Regarding this technical problem, D2 discloses a cordless telephone system in which an additional service of establishing call-backs provided by the base station is accessible from the cordless telephone through a menu displayed on a screen 60 (cf. the last sentence in paragraph [0021]). Firstly, a connection to the base station is established by selection from a local menu stored in the cordless telephone (paragraph [0027]). This paragraph goes on to state that, upon establishing a connection to the base station, a further menu is received from the base station in which the user selects the call-back service. Thus, starting out from D1 as the closest prior art, the skilled person would be led by D2 to store in the D1 telephone system the menu for selecting a service at the device providing the additional service, i.e. the personal computer, and to make this menu available by transmitting it to the cordless telephone at the time the user requests a connection with the device. Thus, the skilled person would arrive at the cordless telephone as claimed in claim 1 without the exercise of inventive skill.

3.3 The appellant argued that D2 related only to the implementation of a call-back system in a telephone system. This was not a program in the sense of the application, and D2 did not disclose that a signal for program selection is sent to the personal computer and

that in response to that signal the program is activated.

Thee board does not find these arguments convincing. The menu consists only of a list of commands presented to the user of the system and, possibly, instructions on how a user can select one of the commands. By selecting one of the choices offered by the menu the user instructs the system. The nature of this instruction, i.e. the functionality invoked upon selection of a menu item, is a matter which is separate and unrelated to the issue how the menu is made aware to the user. Thus, the skilled person would derive from D2 the teaching of how to make a menu available to the user of a cordless telephone, irrespective of the functionalities represented by the choices in the menu.

3.4 In conclusion, the cordless telephone according to claim 1 lacks an inventive step (Article 56 EPC).

4. Since the subject-matter of claim 1 fails to meet the requirements of Article 56 EPC the appeal must be dismissed.

Order

For these reasons it is decided that:

The appeal is dismissed.

The Registrar: The Chairman:

D. Magliano A. S. Clelland