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**Datasheet for the decision
of 16 July 2014**

Case Number: T 0157/10 - 3.5.05

Application Number: 05256395.4

Publication Number: 1775655

IPC: G06F3/023

Language of the proceedings: EN

Title of invention:

Automatic language selection for improving text accuracy

Applicant:

BlackBerry Limited

Headword:

Automatic language selection/BLACKBERRY

Relevant legal provisions:

EPC 1973 Art. 84, 56

EPC Art. 123(2)

Keyword:

Claims - clarity and support (yes - after amendment)

Extension of subject-matter (no)

Inventive step (yes)

Decisions cited:

Catchword:



**Beschwerdekammern
Boards of Appeal
Chambres de recours**

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Case Number: T 0157/10 - 3.5.05

D E C I S I O N
of Technical Board of Appeal 3.5.05
of 16 July 2014

Appellant: BlackBerry Limited
(Applicant) 2200 University Avenue East
Waterloo, ON N2K 0A7 (CA)

Representative: Roberts, Gwilym Vaughan
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Decision under appeal: **Decision of the Examining Division of the
European Patent Office posted on 3 September
2009 refusing European patent application No.
05256395.4 pursuant to Article 97(2) EPC.**

Composition of the Board:

Chairwoman A. Ritzka
Members: P. Corcoran
D. Prietzel-Funk

Summary of Facts and Submissions

- I. The decision under appeal is the decision of the examining division to refuse the present application which was delivered during oral proceedings held on 20 August 2009 with written reasons being dispatched on 3 September 2009.
- II. The impugned decision was taken with respect to a main request comprising 20 claims filed with the letter of 14 August 2007 and an auxiliary request comprising 20 claims filed with the letter of 16 July 2009.
- III. The following prior art documents were cited in the impugned decision:
- D1: US 2005/0108017 A;
 - D2: EP 1 255 184 A;
 - D3: EP 1 480 420 A;
 - D4: Patent Abstracts of Japan, Vol. 1995, No. 06, 31 July 1995 & JP 07085060 A.
- IV. In said decision the examining division found that the subject-matter of claims 1 and 16 of the main request did not meet the requirements of Article 56 EPC with respect to inventive step in the light of D1. A similar finding was arrived at with respect to claims 1 and 16 of the auxiliary request.
- V. Notice of appeal was received at the EPO on 29 October 2009 with the appropriate fee being paid on 2 November 2009. A written statement setting out the grounds of appeal was received at the EPO on 29 December 2009.
- VI. With the statement setting out the grounds of appeal, the appellant requested that the decision under appeal be set aside and that a patent be granted on the basis

of "the main request submitted with our letter of 16 July 2009", i.e. the main request comprising 20 claims filed with the letter of 14 August 2007 and maintained with the letter of 16 July 2009, or on the basis of the auxiliary request filed with the letter of 16 July 2009.

VII. Claim 1 of the aforementioned main request reads as follows:

"A method for selecting (126, 132, 136, 160, 202, 216) a number of languages used by a text disambiguation function executed by an electronic device (4) during a text entry session, the method comprising:

determining a context for said text entry session;
and

responsive to said determining, selecting (126, 132, 136, 160, 202, 216) automatically at least some of said number of languages used by said text disambiguation function during said text entry session, wherein:

said selecting (126, 132, 136, 160, 202, 216) at least some of said number of languages comprises:

choosing a language when a predetermined percentage of a number of recipients of said text entry share a common language, or when a predetermined threshold of a number of recipients of said text entry who share a common language is met or exceeded; or

choosing (138, 158, 218, 219) a default language when the predetermined percentage of said number of recipients of said text entry do not share said common language, or when the predetermined threshold of said number of recipients of said text entry who share said common language is not met or exceeded."

VIII. Claim 1 of the aforementioned auxiliary request reads as follows:

"A method for selecting (126, 132, 136, 160, 202, 216) a number of languages used by a text disambiguation function executed by an electronic device (4) during a text entry session, the method comprising:

determining a context for said text entry session; and responsive to said determining, selecting (126, 132, 136, 160, 202, 216) automatically at least some of said number of languages used by said text disambiguation function during said text entry session, wherein recipients of said text entry each have a primary and a secondary language; and:

said selecting (126, 132, 136, 160, 202, 216) at least some of said number of languages comprises:

choosing, from the primary and secondary languages of the recipients, the language common to the greatest number of recipients."

IX. With respect to the aforementioned auxiliary request, the appellant made submissions in its written statement to the effect that D1 only disclosed a single language identifier associated with the user information. In particular, the appellant submitted that D1 did not disclose or suggest multiple recipients of text entries each having a primary and a secondary language preference and referred to [0024] of D1 according to which the user information only has a single language identifier. In cases involving multiple recipient languages, D1 taught manual rather than automatic language selection and a skilled person would therefore not have even considered the existence of a secondary language of the message recipient. Even if they had done, D1 did not disclose or suggest the very specific method of choosing from the primary and secondary

languages of the recipients the language common to the greatest number of recipients. On this basis, the appellant submitted that the skilled person would not have arrived at the claimed invention starting from D1.

X. In a communication accompanying a summons to oral proceedings to be held on 16 July 2014, the board gave its preliminary opinion that the appellant's requests were not allowable and, *inter alia*, made the following observations:

- (i) With respect to the main request, the board expressed reservations as to whether claim 1 thereof complied with the requirements of Article 84 EPC, *inter alia* with respect to defining the essential technical features of the invention. The board further expressed the opinion that the subject-matter of claim 1 of the main request did not involve an inventive step over D1.

- (ii) With respect to the auxiliary request, it was noted *inter alia* that the specification in claim 1 thereof to the effect that each recipient might have a primary and a secondary language appeared to relate to characteristics of the recipients rather than technical features of the invention. The board expressed the opinion that, in order to comply with the requirements of Article 84 EPC, the claim wording should be amended to give more concrete expression to the technical features of the invention. Reference was made in this regard to [0044] of the published application which disclosed a plurality of language tags associated with each recipient.

(iii) The board noted that it was inclined to concur with the appellant's submissions to the effect that D1 only disclosed a single language identifier and that neither D1 nor any of the other available prior art documents disclosed the association of multiple language identifiers with a recipient. Accordingly, there did not appear to be any grounds for assuming that it would be obvious for the skilled person to consider extending the teaching of D1 in this manner.

(iv) The board was of the preliminary opinion that an amended version of claim 1 of the auxiliary request on file would be more likely to comply with the inventive step requirement of Article 52(1) EPC, than an amended version of claim 1 of the main request on file.

XI. With a letter of reply dated 16 June 2014, the appellant filed a further auxiliary request. Two more auxiliary requests were filed with a subsequent letter dated 10 July 2014.

XII. During oral proceedings, which were held as scheduled on 16 July 2014, the appellant filed a new main request and withdrew all of the other requests on file.

XIII. The appellant requested that the decision under appeal be set aside and that a patent be granted on the basis of the claims of the main request filed during the oral proceedings.

XIV. Claim 1 of the appellants main and sole request reads as follows:
"A method for selecting (126, 132, 136, 160, 202, 216) a language from a number of languages used by a text

disambiguation function executed by an electronic device (4) during a text entry session, wherein recipients of said text entry each have a primary language tag and a secondary language tag associated therewith, the method comprising:

determining a context for said text entry session based on the primary and secondary language tags; and

responsive to said determining, selecting (126, 132, 136, 160, 202, 216) automatically a language used by said text disambiguation function during said text entry session; and:

said selecting (126, 132, 136, 160, 202, 216) a language comprises:

choosing, from the primary and secondary language tags of the recipients, the language associated with the language tag common to the greatest number of recipients."

- XV. At the end of the oral proceedings the chair announced the board's decision.

Reasons for the Decision

1. The appeal is admissible. The board judges that the appeal is allowable for the reasons which follow.
2. *Articles 84 and 123(2) EPC*
 - 2.1 Claim 1 of the main request is based on claim 1 of the auxiliary request filed with the letter of 16 July 2009 according to which the procedure for selecting a language for the disambiguation routine takes account of the primary and secondary language preferences of the intended recipients.

- 2.2 The present claim 1 incorporates amendments in response to the observations made by the board in its communication and, in particular, includes a specification to the effect that each of the intended recipients of a text entry has an associated primary language tag and a secondary language tag.
- 2.3 This specification is supported by [0044] of the originally filed application which discloses the storage of contact information associated with a recipient. This contact information includes a plurality of fields or "tags" specifying a recipient's language preferences, in particular a "preferred language tag" and a "secondary language tag".
- 2.4 The board judges that in the context of a method executed by an electronic device for selecting a language to be used by a text disambiguation function, the contact information fields or "language tags" associated with a recipient can be considered to represent technical features of the invention insofar as they constitute data stored in electronic format on the device and used by the device to automate the process of language selection.
- 2.5 In view of the foregoing, the board is satisfied that the amendments to claim 1 of the main request define the matter for which protection is sought in terms of its technical features and in a manner supported by the description as originally filed such that said claim complies with the requirements of Articles 84 and 123(2) EPC.

3. *Inventive step*

- 3.1 The claimed method is based on the provision of a "primary language tag" and a "secondary language tag" associated with each of the recipients of a text entry whereby the primary and secondary language tags are taken into consideration when selecting a language to be used by the disambiguation routine.
- 3.2 The underlying technical problem may be formulated as how to automate the selection of a language from a number of languages available for a disambiguation routine when preparing text entries for a plurality of recipients who do not necessarily share a common language preferences.
- 3.3 The board concurs with the appellant's submissions to the effect that neither D1 nor any of the other available prior art documents disclose or suggest the association of multiple language identifiers with each of a plurality of recipients and the consideration of multiple language identifiers when selecting a language to be used by a disambiguation routine. D1 in particular only discloses a single language identifier associated with a user (cf. D1: [0024], emphasis added: "*... the language for the word recognition, utilised during message editing, is then selected based on the language identifier associated with the user information.*")
- 3.4 Whereas the provision of additional language identifiers or "tags" for each recipient may, in itself, represent a relatively straightforward measure from a technical point of view, the board judges that, in the given context, there is no identifiable basis for concluding that, in the light of the available

prior art, it would have been obvious for the skilled person to consider extending the teaching of D1 in this manner. In this regard, the board notes that D1 makes no mention of the problem of automating language selection when preparing text entries for a plurality of recipients who do not necessarily share a common language preference and there is likewise no disclosure or suggestion of said problem or any hint towards the claimed solution in any of the other cited prior art documents.

3.5 Hence, although it can be argued that the skilled person could have provided an additional "secondary language tag" without undue difficulty, there is no apparent reason as to why he would have been motivated to do so having regard to the available prior art which neither discloses nor suggests taking multiple language identifiers into consideration when selecting a language to be used by a disambiguation routine.

3.6 Hence, the board takes the view that the subject-matter of claim 1 of the main request cannot be derived in an obvious manner starting from D1.

4. *Conclusions*

4.1 In view of the foregoing, the board concludes that the subject-matter of claim 1 of the main request involves an inventive step.

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 first instance with the order to grant a patent on the basis of claims 1 to 14 of the main request filed during the oral proceedings, and a description to be adapted.

The Registrar:

The Chairwoman:



K. Götz-Wein

A. Ritzka

Decision electronically authenticated