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**Datasheet for the decision
of 18 June 2015**

Case Number: T 0691/10 - 3.4.01

Application Number: 06734613.0

Publication Number: 1849155

IPC: G10L15/24, G06K9/00

Language of the proceedings: EN

Title of invention:

METHOD AND APPARATUS UTILIZING VOICE INPUT TO RESOLVE
AMBIGUOUS MANUALLY ENTERED TEXT INPUT

Applicant:

Tegic Communications, Inc.

Headword:

Relevant legal provisions:

RPBA Art. 13(1)

Keyword:

Late-filed requests, clearly allowable (no)

Decisions cited:

Catchword:



**Beschwerdekammern
Boards of Appeal
Chambres de recours**

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Case Number: T 0691/10 - 3.4.01

D E C I S I O N
of Technical Board of Appeal 3.4.01
of 18 June 2015

Appellant: Tegic Communications, Inc.
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Decision under appeal: **Decision of the Examining Division of the
European Patent Office posted on 1 December 2009
refusing European patent application No.
06734613.0 pursuant to Article 97(2) EPC.**

Composition of the Board:

Chairman G. Assi
Members: P. Fontenay
J. Geschwind

Summary of Facts and Submissions

- I. The appeal, filed on 8 February 2010, lies from the decision of the examining division, dispatched on 1 December 2009, to refuse European patent application No. 06 734 613.0. The appeal fee was paid on 8 February 2010. The statement setting out the grounds of appeal was filed on 24 March 2010.
- II. In the decision under appeal, the examining division refused the application for failure to comply with the provisions of Article 54(1), (2) EPC 1973. The objection of lack of novelty relied on the disclosure of document US-A-2004/0049388 (D1) (cf. Reasons for the Decision, points II.1 and II.3).
- III. With the grounds of appeal, the appellant (applicant) observed that the decision under appeal was based on the wrong set of claims, namely the claims filed by letter of 29 October 2009. This set of claims had, however, been replaced by letter dated 10 November 2009 by an amended set of claims.

Although formally deficient, the Board did not remit the case to the examining division under Article 11 RPBA because the deficiency was not fundamental. Indeed, independent claims 1 and 14 of the set of claims filed on 10 November 2009 are identical to claims 1 and 14 of 29 October 2009 on which the decision is based.

- IV. With the statement setting out the grounds of appeal, the appellant requested, as a main request, that the decision under appeal be set aside and a patent be granted on the basis of claims 1 to 18 filed with

letter of 10 November 2009, during the examination proceedings.

V. In accordance with an appellant's auxiliary request, summons to attend oral proceedings were issued on 22 December 2014.

VI. In a communication of the Board pursuant to Article 15(1) RPBA dated 6 March 2015, the appellant was informed of the provisional opinion of the Board with regard to the main request then on file.

In this respect, the Board drew the appellant's attention to shortcomings under Article 84 EPC 1973 and Article 123(2) EPC. Concerning the issues of novelty and inventive step, although a complete assessment was not carried out in view of the objections raised under clarity and added subject-matter, attention was drawn to the embodiment described with regard to Figure 55 in D1. In the Board's view, the passage of the description referring to this embodiment appeared to establish that the speech recognition operation was limited to a list of candidates which had been previously determined on the basis of an initial user's input, as acknowledged by the examining division in its decision.

VII. With a letter of reply dated 18 May 2015, the appellant filed a new main main request and an auxiliary request.

Moreover, the appellant did not agree with the assessment of document D1 relied upon by the Board. In particular, the process disclosed with regard to Figure 23, referred to by reference in the passage relating to Figure 55, was considered to contradict the Board's view.

VIII. Oral proceedings before the Board took place on 18 June 2015 in the absence of the appellant, as announced by letter of 15 June 2015.

IX. Claim 1 of the main request reads as follows:

"1. A digital data processing device (100) programmed to perform operations of resolving inherently ambiguous user input received via manually operated text entry tool, the operations comprising:

via manually operated text entry tool (102), receiving (802) user input that is inherently ambiguous because the user input concurrently represents multiple different possible combinations of at least one of the following: alphanumeric text, handwritten strokes, categories of handwritten strokes, phonetic spelling, tonal input;

independent of any other user input, identifying (604) in a predefined text vocabulary all entries corresponding to any of the different possible combinations, comprising: (1) a vocabulary entry is a word of which the user input forms one of: a root, stem, syllable, affix, (2) a vocabulary entry is a phrase of which the user input forms a word; (3) a vocabulary entry is a word represented by the user input, (4) a vocabulary entry is at least one ideographic character and the user input forms all or a part of the ideographic character, (5) a vocabulary entry is one or more ideographic radicals of ideographic characters, and the user input forms all or a part of the one or more ideographic radicals;

visibly presenting (608, 1206) a list of the identified entries of the vocabulary for viewing by the user;

after visibly presenting the list, responsive to the device receiving spoken user input, performing speech recognition (612) of the spoken user input; and responsive to the recognized speech comprising an utterance specifying one of the identified entries (1208), visibly providing an output comprising the specified entry (614, 1212)."

Claims 2 to 14 of the main request depend on claim 1.

Claim 15 of the main request reads as follows:

"15. Circuitry (400) of multiple interconnected electrically conductive elements configured to operate a digital data processing device (500) to perform operations (600) for resolving inherently ambiguous user input received via manually operated text entry tool, the operations comprising:

via manually operated text entry tool (102), receiving (602) user input that is inherently ambiguous because the user input concurrently represents multiple different possible combinations of at least one of the following: alphanumeric text, handwritten strokes, categories of handwritten strokes, phonetic spelling, tonal input;

independent of any other user input, identifying (604) in a predefined text vocabulary all entries corresponding to any of the different possible combinations, comprising: (1) a vocabulary entry is a word of which the user input forms one of: a root, stem, syllable, affix, (2) a vocabulary entry is a phrase of which the user input forms a word; (3) a vocabulary entry is a word represented by the user input, (4) a vocabulary entry is at least one ideographic character and the user input forms all or a part of the ideographic character, (5) a vocabulary

entry is one or more ideographic radicals of ideographic characters, and the user input forms all or a part of the one or more ideographic radicals;

visibly presenting (608, 1206) a list of the identified entries of the vocabulary for viewing by the user;

after visibly presenting the list, responsive to the device receiving spoken user input, performing speech recognition (612) of the spoken user input; and responsive to the recognized speech comprising an utterance specifying one of the identified entries (1208), visibly providing an output comprising the specified entry (614, 1212)."

Claims 16 to 18 of the main request depend on independent claim 15.

X. Claim 1 of the auxiliary request reads as follows:

"1. A digital data processing device {100} programmed to perform operations of resolving inherently ambiguous user input received via manually operated text entry tool, the operations comprising:

via manually operated text entry tool (102), receiving (602) user input that is inherently ambiguous because the user input concurrently represents multiple different possible combinations of at least one of the following: alphanumeric text, handwritten strokes, categories of handwritten strokes, phonetic spelling, tonal input;

independent of any other user input, identifying (604) in a predefined text vocabulary all entries corresponding to any of the different possible combinations, comprising: (1) a vocabulary entry is a word of which the user input forms one of: a root, stem, syllable, affix, (2) a vocabulary entry is a

phrase of which the user input forms a word; (3) a vocabulary entry is a word represented by the user input, (4) a vocabulary entry is at least one ideographic character and the user input forms all or a part of the ideographic character, (5) a vocabulary entry is one or more ideographic radicals of ideographic characters, and the user input forms all or a part of the one or more ideographic radicals;

visibly presenting (608, 1208) a list of the identified entries of the vocabulary for viewing by the user;

after visibly presenting the list, responsive to the device receiving spoken user input, performing speech recognition (612) of the spoken user input; and

responsive to the recognized speech forming an utterance including pronunciation of one of the identified entries (1208) or including pronunciation of phonetic forms of one of the identified entries, adding this entry at an insertion point of a text entry field of the text entry tool and clearing the received user input that is inherently ambiguous (614, 1212)."

Claims 2 to 14 of the auxiliary request depend on claim 1.

Independent claim 15 of the auxiliary request reads as follows:

"15. Circuitry (400) of multiple interconnected electrically conductive elements configured to operate a digital data processing device (500) to perform operations (600) for resolving inherently ambiguous user input received via manually operated text entry tool, the operations comprising:

via manually operated text entry tool (102), receiving (602) user input that is inherently ambiguous

because the user input concurrently represents multiple different possible combinations of at least one of the following: alphanumeric text, handwritten strokes, categories of handwritten strokes, phonetic spelling, tonal input;

independent of any other user input, identifying (604) in a predefined text vocabulary all entries corresponding to any of the different possible combinations, comprising: (1) a vocabulary entry is a word of which the user input forms one of: a root, stem, syllable, affix, (2) a vocabulary entry is a phrase of which the user input forms a word; (3) a vocabulary entry is a word represented by the user input, (4) a vocabulary entry is at least one ideographic character and the user input forms all or a part of the ideographic character, (5) a vocabulary entry is one or more ideographic radicals of ideographic characters, and the user input forms all or a part of the one or more ideographic radicals;

visibly presenting (608, 1206) a list of the identified entries of the vocabulary for viewing by the user;

after visibly presenting the list, responsive to the device receiving spoken user input, performing speech recognition (812) of the spoken user input; and

responsive to the recognized speech forming an utterance including pronunciation of one of the identified entries (1208) or including pronunciation of phonetic forms of one of the identified entries, adding this entry at an insertion point of a text entry field of the text entry tool and clearing the received user input that is inherently ambiguous (614, 1212)."

Claims 16 to 18 of the auxiliary request depend on independent claim 15.

Reasons for the Decision

1. *Applicable law*

It is noted that the revised version of the Convention (EPC 2000) does not apply to European patent applications pending at the time of its entry into force (13 December 2007), unless otherwise provided. In the present decision, where Articles or Rules of the former version of the EPC apply, their citation is followed by the indication "1973".

2. *Admissibility of the appeal*

The appeal meets the requirements of Articles 106 to 108 EPC and Rule 99 EPC. It is thus admissible.

3. *Admissibility of the requests filed by letter of 18 May 2015*

3.1 According to Article 13(1) RPBA "Any amendment to a party's case after it has filed its grounds of appeal or reply may be admitted and considered at the Board's discretion. The discretion shall be exercised in view of *inter alia* the complexity of the new subject-matter submitted, the current state of the proceedings and the need for procedural economy".

Moreover, the case law of the boards of appeal has established criteria for admitting amended claims in appeal proceedings (see Case Law, 7th edition 2013, point IV.E.4.4.1). *Inter alia*, it should be considered whether the amended claims are *prima facie* allowable, which means that they overcome the raised objections without leading to new ones.

3.2 While it is acknowledged that the amendments carried out with the requests filed by letter of 18 May 2015 constitute an attempt to meet the requirements of Article 84 EPC 1973 as to clarity and Article 123(2) EPC as to added subject-matter, the Board fails to identify how said amendments could invalidate the objections made in point 3 of its communication and the novelty assessment of the examining division in the contested decision.

In this respect, the appellant in its letter of 18 May 2015 (cf. page 4, second paragraph) cited paragraph [0171] of D1 according to which "*the getChoices routine 2300 includes a function 2302 which tests to see if there has been a prior recognition for the selection for which the routine has been called that has been performed with the current utterance list and filter values (that is, filter string and filter range values). If so, it causes function 2304 to return with the choices from that prior recognition, since there have been no changes in the recognition parameters since the time the prior recognition was made*". In view of this disclosure, the appellant held that there was no suggestion in D1 that said routine could be used to specify a visibly presented entry, contrary to the Board's opinion.

3.3 As the appellant did not attend the oral proceedings before the Board, it was imperative that the appellant's requests filed by letter of 18 May 2015 at least *prima facie* meet all the objections raised in order to be admitted into the appeal proceedings. This, however, is not the case.

3.4 The Board acknowledges the disclosure of Figure 23 and paragraph [0171] of D1, as cited by the appellant. However, the disclosure of Figure 55 and the corresponding paragraph [0298] should also be considered, in the context of which "*the getChoices routine*" of Figure 23 has to be read. This paragraph explicitly refers to a "*slightly modified version of the "get" choices function described above with regard to Figure 23*". In the Board's judgment, this statement implies that the parameters such as selection parameter, filter string and filter range required by the "*getChoices routine*" routine of Figure 23 are those which result from the selection of the misrecognised words by the user.

This interpretation with regard to Figure 55 is corroborated by the statement in paragraph [0298] according to which "*By operation of a slightly modified version of the "get" choices function ... this will cause the recognition scores from recognizing the utterance 5520 to be combined with the recognition results from combining the handwritten "REC" in the input pointed to by numerals 5504 and 5506 to select a best scoring candidate*".

However, even if it was assumed, in favour of the appellant, that the "*getChoices routine*" of Figure 23 is carried out independently of the selected misrecognised words, as put forward by the appellant, the statement in paragraph [0298] reproduced above would then imply that a choice would be performed based on candidates present in both lists and their associated scores (probabilities), thus also corresponding to a process as claimed.

For this reason, the Board does not find convincing the appellant's argumentation which does not suffice, at least on a *prima facie* basis to overcome the objection of lack of novelty raised by the examining division on the basis of the disclosure of Figure 55 in D1.

- 3.5 The reutterance function referred to in paragraph [0298] of D1 relies on the pronunciation of the selected misrecognised words (cf. paragraph [0167]) as recited in claim 1 of the auxiliary request.

For this reason, it is not apparent, how these amendments could affect the finding of the Board with regard to the main request.

- 3.6 Consequently, during the oral proceedings the Board, exercising its discretionary power under Article 13(1) RPBA, did not admit into the appeal proceedings the main request and the auxiliary request, filed by letter of 18 May 2013.

Order

For these reasons it is decided that:

The appeal is dismissed.

The Registrar:

The Chairman:



R. Schumacher

G. Assi

Decision electronically authenticated