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**Datasheet for the decision
of 19 December 2013**

Case Number: T 1239/10 - 3.5.05

Application Number: 04255256.2

Publication Number: 1630648

IPC: G06F3/023

Language of the proceedings: EN

Title of invention:

Handheld electronic device with text disambiguation

Applicant:

BlackBerry Limited

Headword:

Handheld electronic device with text disambiguation/BLACKBERRY

Relevant legal provisions:

EPC Art. 52(1), 54(2), 56
RPBA Art. 15(3)

Keyword:

Novelty - (no)
Inventive step - (no)

Decisions cited:

Catchword:



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Chambres de recours**

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Case Number: T 1239/10 - 3.5.05

**D E C I S I O N
of Technical Board of Appeal 3.5.05
of 19 December 2013**

Appellant: BlackBerry Limited
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Decision under appeal: Decision of the Examining Division of the
European Patent Office posted on 13 January 2010
refusing European patent application No.
04255256.2 pursuant to Article 97(2) EPC.

Composition of the Board:

Chair: A. Ritzka
Members: M. Höhn
F. Blumer

Summary of Facts and Submissions

I. This appeal is against the decision of the examining division, posted on 13 January 2010, refusing European patent application No. 04255256.2 on the ground of lack of inventive step according to Article 56 EPC with regard to prior art publications:

D1: US 6204848 B1 and

D2: EP 1296216 A1.

II. The notice of appeal was received on 15 March 2010. The appeal fee was paid on the following day. The statement setting out the grounds of appeal was received on 21 May 2010. The appellant requested that the appealed decision be set aside and that a patent be granted on the basis of the set of claims submitted with the statement setting out the grounds of appeal. Oral proceedings were requested on an auxiliary basis.

III. A summons to oral proceedings, to be held on 19 December 2013, was issued on 6 August 2013. In an annex accompanying the summons the board expressed the preliminary opinion that the subject-matter of independent claims 1 and 7 appeared to fulfil the requirements of Article 123(2) EPC. However, claims 1 and 7 did not appear to fulfil the requirements of Articles 54(2) and 56 EPC. The board gave its reasons for the objections and explained why it did not consider the appellant's arguments convincing.

IV. By letter dated 21 November 2013 the appellant withdrew its request for oral proceedings and by letter dated 12 December 2013 informed the board that it would not be attending the oral proceedings.

V. Independent claim 1 according to the sole request reads as follows:

"1. A method of enabling input into a handheld electronic device (4), the handheld electronic device including an input apparatus (8), an output apparatus (12), and a processor apparatus (16, 20), the input apparatus including a number of input members (28), the number of input members including a number of linguistic input members (28), each linguistic input member of at least a portion of the number of linguistic input members having a plurality of linguistic elements (48) assigned thereto, the processor apparatus including a processor (16) and a memory (20), the memory including a disambiguation routine (22) that is adapted to provide a disambiguation function, the output apparatus including a display (60), the method comprising:
outputting on the display a number of linguistic entries;
detecting an initiation of an activity session on a linguistic entry of the number of linguistic entries, said linguistic entry including a number of linguistic elements;
detecting as a number of editing inputs on said linguistic entry of the number of linguistic entries a number of actuations of a number of said input members having a plurality of linguistic elements assigned thereto; and
outputting on the display a number of proposed linguistic entries, the number of proposed linguistic entries comprising a default proposed linguistic entry being output at a text component (68) on the display and a number of variant proposed linguistic entries being output at a variant component (72) on the display, each proposed linguistic entry of at least a

portion of the number of proposed linguistic entries being output on the display in a condition including all of the linguistic elements of said linguistic entry except as modified by said number of editing inputs."

- VI. The appellant requested in writing that the decision under appeal be set aside and that a patent be granted on the basis of the main request (sole request, claims 1-7) as filed with the statement setting out the grounds of appeal dated 21 May 2010.
- VII. Oral proceedings were held on 19 December 2013 in the absence of the appellant. After due deliberation on the basis of the written submissions, the board announced its decision.

Reasons for the Decision

Admissibility

The appeal complies with Articles 106 to 108 EPC (see Facts and Submissions, point II above). It is therefore admissible.

1. Non-attendance at oral proceedings

By letter dated 21 November 2013 the appellant withdrew its request for oral proceedings and by letter dated 12 December 2013 informed the board that it would not be attending the oral proceedings. The board, however, considered it expedient to maintain the date set for oral proceedings. Nobody attended on behalf of the appellant.

Article 15(3) RPBA stipulates that the board is not obliged to delay any step in the proceedings, including

its decision, by reason only of the absence at the oral proceedings of any party duly summoned who may then be treated as relying only on its written case.

Hence, the board was in a position to announce a decision at the end of the oral proceedings.

2. Interpretation of independent claim 1
 - 2.1 According to paragraph [42] of the application as filed "the expression "a number of" and variations thereof shall refer broadly to any quantity, including a quantity of one, and in certain circumstances herein can also refer to a quantity of zero".
 - 2.2 Following this interpretation the board judges that the feature "a number of variant proposed linguistic entries" of claim 1 can be interpreted as being a plurality of variants, only one variant or even zero variants, i.e. no variants are displayed, but only the default proposed entry.
 - 2.3 It is left open what such "certain circumstances" are in the context of the wording of claim 1 and whether the subject-matter of claim 1 comprises conditions according to such circumstances. Claim 1 can therefore be interpreted broadly in this regard.
 - 2.4 Claim 1 does not specify that the default proposed linguistic entry and the number of variant proposed linguistic entries are being simultaneously output on the display. The claimed subject-matter therefore covers the case in which those linguistic entries are output one by one.

3. Amendments - Article 123(2) EPC

3.1 Claim 1 has been amended by deletion of the term "variant" in the expression "the number of variant proposed linguistic entries being output". The same amendment has been made to corresponding independent device claim 7.

3.2 The board accepts this amendment in view of the disclosure in paragraph [97] as filed (corresponding to the same paragraph as published), which supports that a default linguistic entry and its variants are displayed.

The amendment to independent claims 1 and 7 therefore fulfils the requirements of Article 123(2) EPC.

4. Novelty and Inventive step - Articles 52(1), 54(2) and 56 EPC

4.1 The examining division argued that D2 is considered to be the closest prior art on file. The board agrees with the reasoning in the decision under appeal that D2 discloses (the references below referring to this publication) a method of enabling input into a handheld electronic device (Fig. 1), the handheld electronic device including an input apparatus ([14] - keypad 2), an output apparatus ([14] - display 3), and a processor apparatus ([19] - processor 18), the input apparatus including a number of input members ([22] - keys 7 of said keypad), the number of input members including a number of linguistic input members ([22] - alphanumeric character keys 7 of said keypad), each linguistic input member of at least a portion of the number of linguistic input members having a plurality of linguistic elements assigned thereto ([22] - "most of

these keys have multiple meanings"), the processor apparatus including a processor and a memory ([18] - "RAM memory 17a and a Flash memory 17b"), the memory including a disambiguation routine that is adapted to provide a disambiguation function ([19] - "software instructions in the memory ... include ... a disambiguation program 42"), the output apparatus including a display ([14] - "display 3"), the method comprising:
outputting on the display a number of linguistic entries (Fig.6);
detecting an initiation of an activity session on a linguistic entry of the number of linguistic entries, said linguistic entry including a number of linguistic elements ([58] - "activate the entire word");
detecting as a number of editing inputs on said linguistic entry of the number of linguistic entries a number of actuations of a number of said input members having a plurality of linguistic elements assigned thereto ([58] - "add additional characters").

4.2 In the board's view, D2 further discloses the step of outputting on the display a default proposed linguistic entry being output at a text component (78) on the display in a condition including all of the linguistic elements of said linguistic entry except as modified by said number of editing inputs ([58] - "to generate matches" - the most likely of the generated matches is shown on the display - see [30]).

4.3 According to the decision under appeal, the subject-matter of claim 1 is distinguished from the disclosure of D2 in that a number of variant proposed linguistic entries are also output on the display (see page 5, first paragraph of the decision under appeal).

4.4 The board, however, is not convinced that such a difference actually exists over D2, in particular in the light of the interpretation of the expression "a number of" according to the description of the present application (see point 3.2 above).

4.5 According to claim 1, a number of variant proposed linguistic entries are being output at a variant component (72) on the display together with the default proposed linguistic entry, each proposed linguistic entry of at least a portion of the number of proposed linguistic entries being output on the display.

Since the expression "a number of" is to be understood to comprise also the case of zero (see [42] of the present application), this feature is only optional and, hence, cannot be regarded as limiting the subject-matter of claim 1.

When claim 1 is interpreted in the light of the description, the subject-matter of claim 1 is therefore anticipated by the disclosure of D2 for the reasons set out above (Articles 52(1) and 54(2) EPC).

4.6 But even if the expression "a number of" is interpreted to be one or more, D2 discloses such a feature in the light of claim 1, comprising that a default proposed linguistic entry and a number of variant proposed linguistic entries are being output on the display one after the other. D2 discloses that all the matches will be shown and that the user can scroll through the list of matches by replacing the active underlined word in the text and by selecting the alternative match candidate in the same way as the default match candidate (see D2, [47-49]).

The subject-matter of claim 1 is therefore anticipated by the disclosure of D2 for the reasons set out above (Article 52(1) and 54(2) EPC), even if the expression "a number of" is interpreted to be one or more.

- 4.7 In the board's judgement, it would at least not require an inventive activity of the skilled person to provide more than one proposed linguistic entry at a time in order to render the selection of matches more convenient for the user. Depending on the size of the display such a measure is considered to be within the common general knowledge of the skilled person and not to provide any unexpected technical effect or technical hurdle to be overcome. D2 therefore at least renders the subject-matter of claim 1 obvious (Article 56 EPC) in view of the skilled person's common general knowledge.
5. In addition, the board notes that such a solution of the problem of facilitating the input for a user is also obvious in view of the disclosure of D1.
- 5.1 D1 discloses simultaneously displaying a plurality of matches on the display (see e.g. figure 5, bottom line of the display; see also figure 6). The skilled person would recognize that the teaching of D1 can be used for creating an original linguistic entry as well as for editing an existing linguistic entry (see e.g. the reference to the text editing cursor 50 in figure 1 and column 3, lines 44 to 48 of D1).
- 5.2 With regard to the appellant's argument (see page 2, last paragraph of the statement setting out the grounds of appeal) that a non-edited portion of a linguistic entry is effectively "locked", the board notes that, on the one hand, such a feature is not specified in

independent claim 1, and, on the other hand, even if it were claimed, the same feature is disclosed in D1. D1 explicitly discloses that part of a linguistic entry can be locked (see figure 5c; figure 6g) and only new letters vary (see figure 5d; figure 6h). This is a clear indication that the teaching of D1 is based on the same basic concept as argued by the appellant for the present invention.

- 5.3 As an additional remark, the board would like to note that for the same reasons D1 therefore discloses that linguistic entries are being output on the display in a condition including all of the linguistic elements of said linguistic entry except as modified by said number of editing inputs according to the last feature of claim 1.

The subject-matter of claim 1 is therefore also obvious (Article 56 EPC) in view of D2 when combined with the teaching of D1.

The same reasoning applies *mutatis mutandis* to corresponding independent claim 7.

Order

For these reasons it is decided that:

The appeal is dismissed.

The Registrar:

The Chair:



K. Götz

A. Ritzka

Decision electronically authenticated