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**Datasheet for the decision  
of 1 April 2014**

**Case Number:** T 1472/10 - 3.5.05

**Application Number:** 02769560.0

**Publication Number:** 1388779

**IPC:** G06F3/00, G06F3/033

**Language of the proceedings:** EN

**Title of invention:**

METHOD FOR CONNECTING COMPUTER BODY TO WIRELESS PERIPHERAL,  
COMPUTER, AND WIRELESS PERIPHERAL

**Applicant:**

Sony Corporation

**Headword:**

Controlling different computer bodies by a wireless  
peripheral/SONY

**Relevant legal provisions:**

EPC Art. 56, 84

**Keyword:**

Claims - clarity after amendment (yes)  
Inventive step - (yes)

**Decisions cited:**

**Catchword:**



**Beschwerdekammern  
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Case Number: T 1472/10 - 3.5.05

**D E C I S I O N  
of Technical Board of Appeal 3.5.05  
of 1 April 2014**

**Appellant:** Sony Corporation  
(Applicant) 1-7-1 Konan  
Minato-ku  
Tokyo (JP)

**Representative:** Turner, James Arthur  
D Young & Co LLP  
120 Holborn  
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**Decision under appeal:** **Decision of the Examining Division of the European Patent Office posted on 28 December 2009 refusing European patent application No. 02769560.0 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 28 December 2009, refusing European patent application No. 02769560.0 on the ground of lack of inventive step (Article 56 EPC) with regard to prior art publication:

D1: US 5930368 A1.

II. The notice of appeal was received on 3 February 2010. The appeal fee was paid on 17 February 2010. The statement setting out the grounds of appeal was received on 28 April 2010. The appellant requested that the appealed decision be set aside and that a patent be granted on the basis of one of the sets of claims according to the main request and the auxiliary request on which the decision under appeal is based. Oral proceedings were requested on an auxiliary basis for the case that the board did not agree with either of the two requests.

III. By a communication dated 18 November 2013 the board informed the appellant that after a first assessment of the appeal the board was of the preliminary opinion that the main request was novel and involved an inventive step. However, the board was not yet in a position to grant a patent on the basis of the main request, because of a problem with clarity (Article 84 EPC) with regard to the use of the reference characters 10 and 10' in claims 1 and 10 as well as in the description. Furthermore, claims 12 and 13 appeared to lack clarity.

IV. By letter dated 17 January 2014 the appellant submitted a set of claims 1 to 16 according to an amended main request in which the reference characters 10 and 10' in the independent claims were used in accordance with the description. The subject-matter of former claims 12 and 13 was deleted.

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

"1. A connection system for setting communication between a computer body (10) and wireless peripheral equipment which are connectable by wireless communication, said system comprising:  
characteristic identification information (25) held in said wireless peripheral equipment side;  
an ID reader (15) for reading said identification information mounted on said computer body side (10);  
and  
connection setting means (12) for setting a wireless data transfer channel between said computer body (10) and said wireless peripheral equipment by specifying said wireless peripheral equipment in accordance with identification information read by said ID reader (15), characterised in that when the wireless peripheral equipment is already communicating with another computer body (10'), the computer body (10) to which the wireless peripheral equipment is to be connected sends a message to the other computer body, whereby in response to this, the connection between the other computer body (10') and the wireless peripheral equipment is terminated."

Claim 10 is directed to a corresponding computer system.

## **Reasons for the Decision**

### 1. Admissibility

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

## **Main request**

### 2. Clarity - Article 84 EPC

All the objections raised in the communication dated 18 November 2013 concerning lack of clarity have been addressed by the appellant and have been overcome by amendment in the present independent claims. Since the subject-matter according to former dependent claims 12 and 13 objected to under Article 84 EPC for lack of clarity has been deleted from the set of claims, the requirements of Article 84 EPC are fulfilled.

### 3. Inventive step - Article 56 EPC

#### 3.1 D1 is considered to be the closest prior art to the subject-matter of claim 1.

D1 discloses a computer system comprising a docking station for a mouse (see e.g. figure 1). A communication is established and identifiers are exchanged when the mouse is brought into proximity with the docking station. In the board's view, the embodiment without an encryption disclosed in D1 (see column 3, line 21 onwards) constitutes the closest prior art and teaches the subject-matter according to the preamble of claim 1.

The board further notes that the alternative embodiment disclosed in column 6, line 38 onwards of D1 is not considered to be pertinent, because the ID is provided by the computer and not read from the wireless mouse, according to this embodiment.

- 3.2 The subject-matter of claim 1 therefore differs from D1 in the features of the characterizing portion of claim 1.
- 3.3 The board does not concur with the objective problem in the decision under appeal, which is considered to be too broad. The underlying objective technical problem has to be regarded as how to avoid a wireless peripheral equipment controlling several computers.
- 3.4 This problem is addressed in D1, which proposes the use of an encryption as a solution (see e.g. column 6, lines 44 to 46). This is presented as a benefit, i.e. an explicit solution to this problem, and therefore has to be regarded as a preferred solution. In contrast to the finding in the decision under appeal, it is not a mere bonus effect.
- 3.5 In particular, the favourable encryption disclosed in D1 serves the purpose of avoiding a "re-docking". In the board's judgement this also includes avoiding a re-docking with any other computer, as is the case according to claim 1. The teaching of D1 therefore leads away from the claimed solution according to the characterizing portion, because it suggests using encryption in order to avoid a wireless peripheral equipment controlling several computers, but it does not disclose or suggest sending a termination request

as claimed. D1 is completely silent on a termination request according to the claimed solution.

- 3.6 The other prior art on record is considered to be more remote than D1 and is essentially directed to the use of an ID for secure wireless communication between a computer and a mouse. It discloses switching an ID on the wireless mouse in order to control different computers, but it does not disclose or suggest sending a termination request as claimed.

The subject-matter according to claim 1 therefore involves an inventive step over the disclosure of D1 (Article 56 EPC).

- 3.7 The above reasoning with respect to claim 1 applies *mutatis mutandis* to corresponding independent claim 10 directed to a computer system, which therefore involves an inventive step as well (Article 56 EPC).

- 3.8 The dependent claims, which specify further limiting features, also comply with the provisions of Article 56 EPC.

4. For these reasons, the main request fulfils the requirements of the EPC and the board does not need to deal with the auxiliary request. The precautionary request for oral proceedings, hence, does not need to be dealt with.

## 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 16 as submitted with letter dated 17 January 2014, description pages 1 to 3 and 13 to 23 as originally filed and pages 4 to 10 as submitted with letter dated 29 June 2009, and drawing sheets 1/7 to 7/7 as originally filed.

The Registrar:

The Chair:



K. Götz

A. Ritzka

Decision electronically authenticated