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**Datasheet for the decision
of 20 May 2015**

Case Number: T 1448/11 - 3.5.03

Application Number: 05107708.9

Publication Number: 1630989

IPC: H04H7/00, G06F3/00

Language of the proceedings: EN

Title of invention:
Audio mixer controller

Applicant:
Yamaha Corporation

Headword:
Audio mixer/YAMAHA

Relevant legal provisions:
EPC Art. 84, 111(1)

Keyword:
Claims - clarity after amendment (yes)
Remittal to the department of first instance



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Boards of Appeal
Chambres de recours**

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Case Number: T 1448/11 - 3.5.03

D E C I S I O N
of Technical Board of Appeal 3.5.03
of 20 May 2015

Appellant: YAMAHA CORPORATION
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Decision under appeal: **Decision of the Examining Division of the
European Patent Office posted on 9 February 2011
refusing European patent application No.
05107708.9 pursuant to Article 97(2) EPC.**

Composition of the Board:

Chairman F. van der Voort
Members: B. Noll
O. Loizou

Summary of Facts and Submissions

I. This appeal is against the decision of the examining division refusing European patent application No. 05107708.9 on the ground that claim 1 filed during the oral proceedings before the examining division lacked clarity (Article 84 EPC).

More specifically, the examining division gave the following reasons:

"Claim 1 does not meet the requirements of Article 84 EPC.

The wording of claim 1 is objected to for the following reasons:

i. a physical control comprising a button (21), a rotary encoder (22) and a slider (23) in each category

The wording does not specify the number or any characteristics of the categories and suggests that there is a button in each "category", a rotary encoder in each "category" and a slider in each "category". It is therefore not clear how many types of buttons, rotary encoders or sliders there are and according to which properties they are classified in said categories.

ii. a designated partial area of the console

This wording presupposes a previous designation of a partial area of the console. However, such previous designation has not been specified in the claim. Moreover, the phrase also encompasses the

possibility that a fixed predetermined area is designated at the beginning of the processing. This is not supported by the wording of the description (see, for instance [0049]: "The user designates the area which the user desires to enlarge and display on the view, and thereby, the view of the enlarged designated area of the console can be displayed by the second display 60. The designation can be accepted as the area being designated, for example, when the panel view 51 is divided into a plurality of areas in advance, and the user touches a portion in a certain area on the view. In this case, it is not necessary to cause the first display 50 to display borders of the areas").

iii. designation of any control, to be assigned to a physical control on the operating portion (20), in the view (61) displayed by the second display (60)

Claim 1 specifies that the second display displays a view showing a designated partial area of the console. Claim 1 does not specify that said displayed area comprises a display of "controls", whatever is meant by "controls" in the second display. It is therefore not clear how any "control" in said view can be designated and assigned to a physical control.

iv. the physical control (21 - 23) in a same category as that of the control of which the designation is accepted

The wording implies a comparison between the category of the control designated in the second

display and the category of a physical control. However, claim 1 does not define any category of a control in the second display. Therefore, it is not clear what is to be compared."

- II. With the statement of grounds of appeal the appellant filed a set of claims 1 to 13 which replaced the claims on file.
- III. In a communication accompanying a summons to oral proceedings, the board gave a preliminary opinion on, inter alia, added subject-matter (Article 123(2) EPC) and clarity (Article 84 EPC).
- IV. With a letter dated 22 April 2015 the appellant filed, by way of replacement, claims of a main request and claims of an auxiliary request.
- V. Oral proceedings before the board were held on 20 May 2015. In the course of the oral proceedings the appellant filed, by way of its sole request, a set of claims 1 to 7, which replaced the requests on file.
- VI. The appellant requested that the decision under appeal be set aside and that a patent be granted on the basis of the claims 1 to 7 as filed during the oral proceedings before the board.
- VII. At the end of the oral proceedings, the chairman announced the board's decision.
- VIII. Claim 1 reads as follows:

"A mixer system comprising:

- a first display (50) and a second display (60);
- an operating portion (20) provided with physical

controls including a button (21), a rotary encoder (22) and a slider (23);

a mixing processor (30) that is adapted to process inputted audio signals and to output the processed audio signals; and

a mixer controller (10), said mixer controller comprising:

a first display controller for causing the first display (50) to display a first view (51) showing a representation of an entire console having a plurality of controls for controlling parameters for signal processing in the mixing processor (30);

means for storing category information indicating which category each of the controls included in said first view belongs to, said categories including a button, a rotary encoder and a slider;

means for allowing a user to designate, by user operation, a partial area of the representation of the console shown in said first view (51);

a second display controller for causing the second display (60) to display a second view (61) showing the designated partial area;

an accepting device for accepting designation of any one of the controls included in the second view (61) displayed by the second display (60), to be assigned to one of the physical controls on the operating portion (20);

an assigning device for assigning a parameter corresponding to the control of which designation the accepting device has accepted, to the one of the physical controls (21 to 23) that corresponds to the category of the control of which the designation is accepted, based on the stored category information of the control of which the designation is accepted; and

a parameter controller for causing the mixing processor (30) to change a value of the parameter

assigned to the physical control (21 to 23) by the assigning device, in accordance with an operation when the physical control (21 - 23) is operated."

Reasons for the Decision

1. *General*

The application relates to the field of audio mixing systems which are arranged for processing a relatively large number of audio channels. One type of a conventional mixing system is set up as a hard-wired console with a number of control elements (e.g. switches, rotary knobs and sliders), each of which is physically operable by the operator. The number of control elements present on the console generally corresponds to number of audio channels. Another type of conventional mixing system makes use of a personal computer by which the operator is able to set a parameter for audio processing via a graphical user interface.

In general, the application is concerned with combining the advantages of the "look and feel" offered to the operator by a conventional, physically operated control element and the scalability of a personal computer-based audio mixing system.

2. *Claim 1 - amendments (Article 123(2) EPC)*

Claim 1 is based on originally filed claim 13 and the following paragraphs of the description as originally filed (reference being made to the application published as EP 1 630 989 A2): paragraph [0038] (operating portion 20), paragraphs [0075] and [0076]

(storing category information), paragraph [0049] (designation of a partial area), and paragraphs [0051] to [0053] and [0073] (accepting a designation of a control, assigning a parameter to the corresponding physical control, based on the stored category information).

The board is therefore satisfied that claim 1 meets the requirement of Article 123(2) EPC.

3. *Claim 1 - clarity (Article 84 EPC)*

3.1 The reasons given in the impugned decision concerning lack of clarity (see point I above) do not apply to present claim 1:

(i) the objections raised at points i. and iv. of the reasons have been overcome by the present formulation of the third, seventh, eleventh and twelfth paragraphs of claim 1. More specifically, these paragraphs specify the relationship between the physical controls of the operating portion, the stored category information, and the parameter to be controlled by the control which has been selected in the second view;

(ii) the objections raised at points ii. and iii. have been overcome by the present formulation of the sixth and eighth to eleventh paragraphs of claim 1 ("allowing a user to designate, by user operation, ..." (eighth paragraph)), it being implicit from the sixth, tenth and eleventh paragraphs that the designated partial area in the second view includes at least one control.

3.2 The board is also otherwise satisfied that claim 1 is clear.

3.3 Claim 1 therefore complies with the requirements of Article 84 EPC.

4. *Remittal*

The application was refused solely on the ground that claim 1 lacked clarity (Article 84 EPC). Since, for the reasons set out above, this objection has been overcome, the decision under appeal is to be set aside.

Further, the board deems it appropriate that the substantive examination of the claimed subject-matter and the question of whether or not the dependent claims 2 to 7 meet the requirements of the EPC are matters best dealt with by the examining division. Therefore, in exercising its discretion pursuant to Article 111(1) EPC, the board remits the case to the department of first instance for further prosecution.

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 for further prosecution.

The Registrar:

The Chairman:



G. Rauh

F. van der Voort

Decision electronically authenticated