Internal distribution code:
(A) [-] Publication in OJ
(B) [-] To Chairmen and Members
(C) [-] To Chairmen
(D) [X] No distribution

Datasheet for the decision
of 6 June 2018

Case Number: T 1495/11 - 3.5.05

Application Number: 02709636.1

Publication Number: 1362282

IPC: G06F3/12

Language of the proceedings: EN

Title of invention:
METHOD AND APPARATUS FOR AUTOMATICALLY MANAGING CAPABILITIES
IN A VIRTUAL PRINTER GROUP

Applicant:
Electronics for Imaging, Inc.

Headword:
Super Print Capabilities File/EFI

Relevant legal provisions:
RPBA Art. 13(1)
EPC Art. 56, 83

Keyword:

Decisions cited:

Catchword:

Case Number: **T 1495/11 - 3.5.05**

D E C I S I O N
of Technical Board of Appeal 3.5.05
of 6 June 2018

Appellant: (Applicant)	Electronics for Imaging, Inc. 303 Velocity Way Foster City, CA 94404 (US)
Representative:	Zimmermann, Tankred Klaus Schoppe, Zimmermann, Stöckeler Zinkler, Schenk & Partner mbB Patentanwälte Radlkoferstrasse 2 81373 München (DE)
Decision under appeal:	Decision of the Examining Division of the European Patent Office posted on 13 January 2011 refusing European patent application No. 02709636.1 pursuant to Article 97(2) EPC.

Composition of the Board:

Chair	A. Ritzka
Members:	E. Konak
	D. Prietzel-Funk

Summary of Facts and Submissions

I.   The appeal is against the decision of the examining
        division to refuse the application for violating the
        requirements of Article 123(2) EPC.

II.   With its statement setting out the grounds of appeal,
        the appellant filed claims 1 to 3 of one sole request.
        It requested that the decision be set aside and a
        patent granted on the basis of this request. Oral
        proceedings were requested as an auxiliary measure.

III.   In its preliminary opinion annexed to the summons to
        oral proceedings the board raised objections under
        Articles 123(2), 84, 83 and 56 EPC. The following
        document was introduced into the proceedings:

        D4: EP 0 917 042 A2.

IV.   In reply to the summons to oral proceedings the
        appellant filed claims 1 to 3 of a new request to
        replace the sole request on file. It further informed
        the board that it would not be attending the oral
        proceedings. Oral proceedings were thus held *in
        absentia*.

V.   Claim 1 reads as follows:

        "A method for controlling a printing apparatus coupled
        to a plurality of printers (60,70,80,90) having
        different capabilities comprising:
        forming a virtual printer group (SO) [sic] representing
        a plurality of printers (60,70,80,90) having different
        capabilities, wherein:

each printer (60,70,80,90) associated with a
corresponding printer capabilities file that specifies
a capability of the printer (60,70,80,90), wherein each
printer capabilities file is presented either in a
protocol readable by said printing apparatus or in a
protocol not readable by said printing apparatus, said
method further comprising:
automatically determining the printer capabilities of
each printer in the virtual printer group, wherein the
determining comprises:
reading capabilities from those printer capabilities
files that are presented in the protocol readable by
said printing apparatus, forming read capabilities, and
looking up via the internet or a database the
capabilities of those printers having a printer
capabilities file in the protocol not readable by said
printing apparatus, forming determined capabilities;
merging the printer capabilities to create a super
print capabilities file wherein said merging step
comprises merging the read capabilities and the
determined capabilities to create the super print
capabilities file;
receiving a print command that comprises a set of
printing options;
matching the printing options to the super print
capabilities file;
determining a printer (60,70,80,90) in the virtual
printer group (50) based on the matched printing
options based on print options that match the super
print capabilities file; and
executing the print command on the determined printer
(60,70,80,90) in the virtual printer group (50) based
on the matched printing options, characterized in that:
said method further comprises reporting to a user the
status of the print command, including an indication of

which printer from the virtual printer group the print
command was executed upon, further comprising:
sending an electronic message when printing is
completed;
sending an electronic message about a location where
said printing is executed; and
sending an electronic message to the client about any
changes in job status;
said capabilities at least include folding options,
binding options, collating options, booklet options,
drilling options, and trimming options; and
said printing options comprised in the received print
command include at least print command options."

Reasons for the Decision

1.   The sole request on file was filed after the appellant
        filed its grounds of appeal and may thus be admitted at
        the board's discretion (Article 13(1) RPBA).

2.   Among the criteria used by the boards of appeal to
        decide on the admissibility of such requests is whether
        the request addresses still outstanding objections (see
        Case Law of the Boards of Appeal, 8th edition, IV.E.
        4.4.1).

2.1   In its preliminary opinion the board had raised
        objections with regard to, *inter alia,* sufficiency of
        disclosure (Article 83 EPC) and inventive step (Article
        56 EPC).

2.1.1   The board had questioned, firstly, whether the
        application disclosed the invention in a manner
        sufficiently clear and complete for it to be carried
        out by a person skilled in the art (Article 83 EPC).

The only example of a "super print capabilities file" disclosed in the application is in figures 3A to 3D and cannot be used as such to match the printing options of an incoming print command to the printing capabilities of a particular printer, as it provides merely a merged list of all print capabilities cumulatively provided by the printers in the network, but does not specify which printer possesses which capabilities.

2.1.2   The board had objected, secondly, that the subject-matter of then claim 1 did not establish an inventive step (Article 56 EPC) over D4. D4 uses a database (600 in figure 2) storing a dynamically maintained list of the capabilities of printers in a networked printer system ([0021] and [0026]) which seems to serve the functions allegedly served by the so-called "super print capabilities file" of the invention. In the board's preliminary view the only distinguishing features of then claim 1 over the disclosure of D4 seemed to consist of looking up via the internet or a database the capabilities of printers with which the printing apparatus does not have a common protocol, the kinds of notification sent to the user and the finishing capabilities offered by the system. All these distinguishing features seemed to be obvious modifications to the system of D4.

2.2   Amended claim 1 does not overcome these outstanding objections under Articles 83 and 56 EPC, although it addresses other objections raised in the board's preliminary opinion under Articles 123(2) and 84 EPC. The appellant argues, on the one hand, that "it would be abundantly clear to a skilled person that the super print capabilities file must identify the specific printer that has each capability", but fails to clarify why the only example given in the application does not.

It argues, on the other hand, that amended claim 1 is inventive over D4, as "there is no disclosure of a super print capabilities file" in D4, but this time fails to specify how the so-called "super printer capabilities file" differs from database 600 in D4. The board sees no possibility of reconciling these two lines of argument. If the contribution of the invention to the relevant art lies in the so-called "super print capabilities file", the description should describe in detail at least one example of a "super print capabilities file", which the present application does not. Thus, amended claim 1 does not overcome the outstanding objections under Articles 83 and 56 EPC.

2.3   The appellant further submitted that "D4 solves a different problem from the present application", which "rather than finding a print job for a printer, selects a printer that is capable of printing a received print job." The board cannot follow this argument, as D4 is evidently concerned with the distribution of received print jobs to printers capable of printing them (see abstract, first sentence; claim 1, preamble).

2.4   As claim 1 does not overcome still outstanding objections, the sole request on file is clearly not allowable. Therefore the board exercises its discretion under Article 13(1) RPBA not to admit it into the appeal proceedings.

Order

For these reasons it is decided that:

The appeal is dismissed.

The Registrar: The Chair:

K. Götz-Wein   A. Ritzka

Decision electronically authenticated