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Datasheet for the decision
of 28 April 2016

Case Number: T 0071/12 - 3.5.05

Application Number: 07107758.0

Publication Number: 1860544

IPC: G06F3/12, G06F17/24

Language of the proceedings: EN

Title of invention:

Automated job submitter for submitting a print job to a
printer

Applicant:

Océ-Technologies B.V.

Headword:

Automated image document printing/OCE

Relevant legal provisions:

EPC Art. 54

Keyword:

Novelty - (no)

Decisions cited:

EPA Form 3030

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It can be changed at any time and without notice.

Catchword:

Case Number: **T 0071/12 - 3.5.05**

D E C I S I O N
of Technical Board of Appeal 3.5.05
of 28 April 2016

Appellant: (Applicant)	Océ-Technologies B.V. St. Urbanusweg 43 5914 CA Venlo (NL)
Representative:	Vanoppen, Ronny R.J. Océ-Technologies B.V. Corporate Patents Postbus 101 5900 MA Venlo (NL)
Decision under appeal:	**Decision of the Examining Division of the European Patent Office posted on 20 July 2011 refusing European patent application No. 07107758.0 pursuant to Article 97(2) EPC.**

Composition of the Board:

Chair	A. Ritzka
Members:	P. Cretaine
	D. Prietzel-Funk

Summary of Facts and Submissions

I.   The appeal is against the decision of the examining
        division, posted on 20 July 2011, to refuse European
        patent application No. 07107758.0 on the grounds of
        lack of novelty (Article 54 EPC), having regard to the
        disclosure of

        D1: US 2003/0189726.

II.   Notice of appeal was received on 26 August 2011 and the
        appeal fee was paid on the same day. The statement
        setting out the grounds of appeal was received on
        21 November 2011. The appellant requested that the
        decision under appeal be set aside and that a patent be
        granted on the basis of the claims on which the
        decision was based, i.e. claims 1 to 11 filed with
        letter of 24 May 2011. Oral proceedings were requested
        on an auxiliary basis.

III.   A summons to oral proceedings was issued on 21 December
        2015. In an annex to this summons, the board gave its
        preliminary opinion on the appeal pursuant to Article
        15(1) RPBA. A novelty objection was raised under
        Article 54 EPC based on the disclosure of D1.

IV.   By response dated 31 March 2016, the appellant provided
        arguments in support of novelty and announced that it
        would not be attending the oral proceedings.

V.   Oral proceedings were held as scheduled on
        28 April 2016 in the absence of the appellant. The
        board established from the file that the appellant's
        final request was that the decision under appeal be set
        aside and that a patent be granted on the basis of
        claims 1 to 11 submitted with the letter dated 24 May

2011. After due deliberation on the basis of that
request and the written submissions, the decision of
the board was announced at the end of the oral
proceedings.

VI.   Claim 1 of the **sole** request reads as follows:

"Method for processing a document comprising image data
to be printed (S6) comprising the steps of
- analysing the document (S8);
- identifying image attributes based on the analysis of
the document (S10);
- automatically assigning appearance features to the
document according to predefined rules (S16), which
take into account the identified image attributes;
- acquiring a description of print resources of at
least one printing apparatus (S18), and;
- automatically assigning print settings to the
document (S20),
- whereby the assigned print settings are suited for
activating print resources of the at least one printing
apparatus which print resources enable printing of the
image data with an appearance consistent with the
assigned appearance features."

The request comprises further independent claims
directed to a corresponding apparatus (claim 9) and a
corresponding computer program (claim 11).

Reasons for the Decision

1.   The appeal is admissible.

2.   Non-attendance of the appellant at oral proceedings

The appellant decided not to attend the scheduled oral proceedings and provided written comments in support of patentability of the claims on file in response to the novelty objection raised in the board's communication under Article 15(1) RPBA.

Pursuant to Article 15(3) RPBA, 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".

In the present case, the board considered it expedient to maintain the date set for oral proceedings and was in a position to announce a decision at the end of those.

3.   Novelty - Article 54 EPC

3.1   D1 discloses a method for automatically creating templates for printing documents ("Instance Documents") comprising image data (see for instance paragraph [0033]: "a picture of an automobile", and paragraph [0039]: "adds a picture to the Instance Document"). Each document is automatically analysed to be placed in a group of documents, or family, having identical values for a set of variant parameters (see paragraph [0053]) which impact how the printed document is to be produced (see paragraph [0052]). Variant parameters include in particular the indication of pages exceeding the imageable area (see [0054], [0079] and [0092]) and the indication of the orientation of pages (see [0028], [0051], [0054], [0063], [0073], [0083], [0086], [0092] and [0112]). These two variants fall under the definition of "image attributes" given in paragraph

[0015] of the description of the present application. D1 further discloses that the variant parameters are automatically retrieved from an Instance Document by scanning the XML portion of the document (see [0054]). Based on the automatic retrieval of the variant parameters in the Instance Document and its subsequent allocation to a VDP Family, a Static Imposition Template is assigned to the Instance Document. A Static Imposition Template is a set of rules for mapping the pages of an Instance Document on to sheets of media (see [0109]). A Static Imposition Template falls under the definition of "appearance features" given in paragraph [0022] of the description of the present application. D1 further discloses that a software queries a printing device for its manufacturing capabilities (see [0102] and [0111]), which amounts to acquiring a description of print resources of the printing apparatus as required by claim 1. D1 then discloses assigning print settings to the documents such that the print resources enable printing of the image data with an appearance consistent with the assigned appearance features (see [0119]).

In the board's judgement, the wording of claim 1, interpreted in the light of the description, can thus be read onto the disclosure of D1. Therefore claim 1 does not meet the requirements of Article 54 EPC.

3.2   The appellant argued that the "product intend data" in D1, which corresponded to the appearance features in claim 1, were printing device independent, depended on the recipient of the document, and were therefore not derived from the image attributes. The board acknowledges that the product intend data added to a document in D1 when creating an Instance Document are based on information that characterise the recipient.

However, as explained in paragraph 3.1 above, the
formulation of present claim 1 is such that the
appearance features defined in that claim can be read
onto the Static Imposition Template of D1 and not onto
the product intend data, since the Static Imposition
Template is assigned to the Instance Document based on
automatically identified image attributes and not based
on records of information characterising the recipient.

The appellant further argued in that respect that a
Static Imposition Template involved, according to
paragraph [0107] of D1, consideration of the mapping of
the logically specified media and finishing
specifications to the physical capabilities of a
printing device and comprised, therefore, device
dependent parameters, whereas the appearance features
defined in claim 1 were only device independent
parameters. The board is, however, not convinced by
this argument since the appearance features of the
present application do themselves depend on the
printing device capabilities. In that respect, it is
described in paragraph [0025] that the appearance
features assigned to a document are collectively
described in an appearance template. Paragraphs [0013]
and [0022] further describe that the appearance
template is selected from an existing list of pre-
defined appearance templates, and paragraph [0028]
mentions that a document will be sent to the most
adequate printer, based on the template associated to
that document. It is thus implicit from these passages
that the appearance templates are not device
independent parameters, as argued by the appellant, but
rather depend on the printing capabilities of the
available printing devices.

The appellant further argued that in D1 an operator was
needed to define the parameter to group the various
Instance Documents whereas the claimed method did not
rely on viewing the document for assigning appearance
features. The board acknowledges that in D1 the choice
of the variant parameter values defining VDP Families
is performed by an operator. However, the assigning of
an Instance Document to a VDP family, and thus to a
Static Imposition Template, i.e. to appearance
features, is performed automatically without the
involvement of an operator (see D1, [0092]), as
required by claim 1.

Moreover, the appellant stated that the decision under
appeal was lacking an analysis of the disclosure of D1
in the context of D1 as a whole, contrary to the
requirements of the case law. In the analysis of the
board, however, terms like "image attributes" and
"appearance features" have been construed based on the
definition and examples given in the description. It is
true that the overall scheme disclosed in D1 involves
an initial step of authoring several documents based on
data drawn from a database containing records of
information that characterizes the individual
recipients (see [0004] of the description). Even so,
it remains the case that the sequence of steps further
applied to each document in D1, in particular
identifying image attributes in this document and
assigning appearance features to this document based on
the identified image attributes, anticipates the
sequence of steps defined in claim 1. In that respect,
the board considers that each "Instance Document"
treated by the procedure disclosed in D1 represents a
"document comprising image data" in the sense of claim
1.

4.   Hence, the appellant's sole request does not meet the
        requirement of Article 54 EPC.

Order

For these reasons it is decided that:

The appeal is dismissed.

The Registrar: The Chair:

P. Cremona   A. Ritzka

Decision electronically authenticated