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Datasheet for the decision of 29 January 2014

Case Number: T 2071/12 - 3.5.05

Application Number: 10002681.4

Publication Number: 2189878

IPC: G06F3/00, G06F3/033

Language of the proceedings: EN

Title of invention:
Connection system between computer body and wireless peripheral equipment, computer, and wireless peripheral equipment

Applicant:
Sony Corporation

Headword:
Connection system between computer body and wireless peripheral equipment/SONY

Relevant legal provisions:
EPC Art. 56, 84

Keyword:
Claims - clarity after amendment (yes)
Inventive step - (no)

Decisions cited:

Catchword:

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Case Number: T 2071/12 - 3.5.05

D E C I S I O N
of Technical Board of Appeal 3.5.05
of 29 January 2014

Appellant: (Applicant)	Sony Corporation 1-7-1 Konan, Minato-ku Tokyo (JP)
Representative:	Jackson, Jonathan Andrew D Young & Co LLP 120 Holborn London EC1N 2DY (GB)
Decision under appeal:	**Decision of the Examining Division of the European Patent Office posted on 15 May 2012 refusing European patent application No. 10002681.4 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 15 May 2012, refusing European patent application No. 10002681.4 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 20 June 2012. The appeal fee was paid on 4 July 2012. The statement setting out the grounds of appeal was received on 14 September 2012. The appellant requested that the appealed decision be set aside and that a patent be granted on the basis of the set of claims according to the main request on which the decision under appeal is based. Oral proceedings were requested on an auxiliary basis.

III. A summons to oral proceedings to be held on 29 January 2014 was issued on 15 November 2013. In an annex accompanying the summons the board informed the appellant that after a first assessment of the appeal it was of the preliminary opinion that the main request involved a lack of 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. Also, claims 12 and 13 appeared to lack clarity. Furthermore, the subject-matter of the independent claims appeared to lack an inventive step (Article 56 EPC) over D1 with regard to the skilled person's common general knowledge or to the teaching of D2 (US 5990875 A1). Prior art publication D2 was introduced into the proceedings of

the board's own motion in accordance with Article 114(1) EPC.

IV. By letter dated 19 December 2013 the appellant submitted a set of claims 1 to 9 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 10 to 18 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'), in order to terminate the connection between the other computer body (10'), the other computer body (10') determines the time period that has elapsed since the wireless peripheral equipment last communicated with the other computer body (10'), wherein after a predetermined time, the

connection between the other computer body (10') and the wireless peripheral equipment is terminated."

VI. The appellant requested that the decision under appeal be set aside and that a patent be granted on the basis of claims 1 to 9 submitted with the letter dated 19 December 2013.

VII. Oral proceedings were held on 29 January 2014. After due deliberation the board announced its decision.

Reasons for the Decision

Admissibility

1. 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 objections raised in the communication dated 15 November 2013 for lack of clarity were addressed by the appellant and have been overcome by amendment in present claim 1. Since the subject-matter according to former claims 10 to 18 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 therefore 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.

Document D1 (see in particular figures 2 to 4 and accompanying text, and more particularly column 5, line 62, to column 6, line 47) discloses a computer system in combination with a wireless mouse. The mouse (10) comprises a support circuitry (64) carrying a unique identifier (UID; 66). The computer system comprises an infrared detector (30) suitable for reading the information transmitted by the mouse as infra red beams. When the mouse (10) is brought into the docking area (32), identifying information is exchanged and the computer mouse (10) is associated with the computer system. In an alternative embodiment, the mouse communicates with the computer using an electromagnetic coupling (see figure 9 and corresponding text).

3.2 The subject-matter of claim 1 therefore differs from the teaching of D1 in the features of the characterising portion.

3.3 The characterising portion of claim 1 *inter alia* specifies "when the wireless peripheral equipment is already communicating with another computer body (10')". However, this process is running in the background of every computer which is controlled by wireless peripheral equipment. This happens irrespective of whether such wireless peripheral equipment is to control another computer. In particular, it is not triggered by the new computer, i.e. the other computer which is now to be controlled by wireless peripheral equipment currently in communication with the first computer. Therefore, the

board interprets the characterising portion of claim 1 such that every computer which is controlled by wireless peripheral equipment is constantly checking for a time-out of the wireless connection. This finding was not questioned by the appellant.

According to this interpretation, the features of the characterising portion are considered to be merely in juxtaposition, not being linked by any technical interaction between the computer 10 and the other computer 10'. The features of the preamble solve the objective technical problem of how to establish a communication between a computer and wireless peripheral equipment, whereas the features of the characterising portion of claim 1 solve the different problem of how to terminate such a communication between a computer and wireless peripheral equipment, which is considered to be the underlying technical problem.

3.4 While the solution to the first problem according to the preamble of claim 1 is anticipated by D1, the board agrees with the reasoning in the decision under appeal, that the solution to the second problem underlying the characterising portion of claim 1 lacks an inventive step with regard to the skilled person's common general knowledge.

3.5 The appellant argued that D1 did not disclose what happened if a mouse was to be docked with a different computer, in particular not what happened to the connection to the first computer. However, the board does not agree, because D1 at least implicitly discloses that a wireless computer mouse can be used for controlling different computers by teaching the docking mechanism and an encryption of a wireless

connection in order to avoid several computers being controlled by a specific computer mouse at the same time.

3.6 In the board's judgement it goes without saying that every communication channel that has been established will have to be ended at some time, in particular because network resources in a wireless environment are generally limited. Since the "pre-determined time period" in claim 1 has not been specified, there is a broad time span for the communication channel covered by the characterising portion of claim 1, which therefore is interpreted broadly.

3.7 The board notes that the wording of claim 1 does not necessarily require that the connection to the first computer is terminated. In fact, when a user connects the wireless peripheral device to another computer and starts operating it, the first computer will still receive the wireless control signals. Irrespective of what would happen if both computers reacted to the received control signals, operating the wireless peripheral prevents the time-out of the connection to the first computer. Claim 1 does not specify that this connection is terminated, but when interpreting claim 1 in this way, a user interaction would be required in order to start the time-out. Otherwise, the claimed system would only function if the wireless peripheral device was used after the time-out of the connection to the first computer. In the light of the description, however, this is not what is envisaged, and the claimed subject-matter cannot be limited to such a special scenario.

3.8 The board agrees with the reasoning in the decision under appeal that it is within the common general

knowledge of the skilled person to either manually or automatically release such a wireless channel in order to render unused network resources available (see point 2.3 of the decision). The board considers the use of a time-out for automatically releasing a communication channel to be a standard solution to the problem without surprising or unexpected results and without the need for an inventive activity.

3.9 Alternatively, and supporting the skilled person's knowledge, the solution according to the characterising portion of claim 1 is also rendered obvious with regard to prior art publication D2, which belongs to the same technical field of wireless peripheral devices for controlling a computer. D2 discloses (see column 49, line 63 onwards): "Thus, the system checks to determine if the host computer 101 is still connected to the wireless interface device 100 in step 1430. If so, the system determines if the request for termination has timed out in step 1432. If not, the system waits for the timer to time out and disconnects the wireless interface device 100 from the host computer 100."

3.10 The appellant argued that the skilled person would not combine the teachings of D1 and D2, because D1 was directed to the objective of user friendliness (cf. D1, column 2, lines 17 to 20), whereas D2 required a cumbersome user interaction before a time-out occurred (with reference to the hot icon area in D2, column 49, line 38 onwards). However, this argument does not convince the board, because such a user interaction is implicitly required in claim 1 as well for the reasons presented in point 3.7 above. Furthermore, it is always a user interaction which starts the time-out, i.e. a counter is triggered by a user's last operation of the wireless peripheral. The skilled person would therefore

consider combining the teachings of D1 and D2 in order to solve the objective technical problem.

3.11 The subject-matter of independent claim 1 therefore does not involve an inventive step (Article 56 EPC) over D1 with regard to the skilled person's common general knowledge or to the teaching of D2.

Order

For these reasons it is decided that:

The appeal is dismissed.

The Registrar: The Chair:

K. Götz A. Ritzka

Decision electronically authenticated