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**Datasheet for the decision
of 7 March 2017**

Case Number: T 0074/13 - 3.5.03

Application Number: 00970775.3

Publication Number: 1221248

IPC: H04M11/00, G06F11/36, G06F9/46

Language of the proceedings: EN

Title of invention:
System and method for interfacing a radiology information system to a central dictation system

Applicant:
DICTAPHONE CORPORATION

Headword:
Interface for a radiology information system/DICTAPHONE

Relevant legal provisions:
EPC Art. 84

Keyword:
Clarity (all requests) - no

Decisions cited:

Catchword:



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Case Number: T 0074/13 - 3.5.03

D E C I S I O N
of Technical Board of Appeal 3.5.03
of 7 March 2017

Appellant: DICTAPHONE CORPORATION
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Decision under appeal: Decision of the Examining Division of the
European Patent Office posted on 18 July 2012
refusing European patent application
No. 00970775.3 pursuant to Article 97(2) EPC.

Composition of the Board:

Chairman F. van der Voort
Members: K. Schenkel
O. Loizou

Summary of Facts and Submissions

- I. This appeal is against the decision of the examining division refusing European patent application No. 00970775.3, publication number WO 01/28211 A.
- II. The refusal was based on the ground that the subject-matter of claim 1 of a main request did not involve an inventive step (Article 56 EPC). Further, first to third auxiliary requests were not admitted for the reason that the amendments to claim 1 did not *prima facie* overcome the objections raised in respect of the main request (Rule 137(3) EPC).
- III. With the statement of grounds of appeal, the appellant filed sets of claims of a main request and first to third auxiliary requests and requested that the decision under appeal be set aside and that a patent be granted on the basis of the claims of the main request or, in the alternative, on the basis of the claims of one of the first to third auxiliary requests. Oral proceedings were conditionally requested.
- IV. In a communication accompanying a summons to oral proceedings, the board gave a preliminary opinion, in which objections under Article 84 EPC (clarity) and Article 56 (inventive step) were raised against claim 1 of each request.
- V. With a letter dated 9 February 2017, the appellant informed the board that it would not be attending the oral proceedings and that no further written submissions would be made. The request for oral proceedings was withdrawn and the appellant requested that a decision be taken according to the state of the file.

VI. Oral proceedings were held on 7 March 2017 in the absence of the appellant.

On the basis of the written submissions, the board understood the appellant to be requesting that the decision under appeal be set aside and that a patent be granted on the basis of the claims of the main request or, in the alternative, the claims of one of the first to third auxiliary requests, all requests as filed with the statement of grounds of appeal.

At the end of the oral proceedings, after due deliberation, the chairman announced the board's decision.

VII. Claim 1 of the main request reads as follows:

"A method of interfacing a central dictation system to a radiology information system with a software system (20, 22), the method comprising the steps of:

providing a first application module (20) configured to interface with the radiology information system and a database management system (36);

providing a second application module (22) configured to interface with the central dictation system, the first application module (20), and the database management system (36), the central dictation system having a dictation server (14);

receiving data from the radiology information system through the first application module (20) at the second application module (22);

sending, by the second application module (22) in response to receiving data from the radiology information system through the first application module (20), an inquiry to the database management system (36) to determine an accession number that corresponds to said received data;

receiving (40) patient information from the radiology information system at the first application module (20);

transmitting (42), in response to said step of receiving patient information, a query based on the patient information to the database management system (36) from a first manager application module (30) of the first application module (20), said query regarding whether corresponding patient information, including an accession number, exists within the system;

examining (44) the database management system (36) for a matching accession number;

determining (52) a type of an accession number associated with the patient information;

determining (54) a type of event based on the patient information;

updating (58) the database management system with the patient information in response to a determination that an accession number has been previously entered; and

writing (60) the type of event to a trace log."

VIII. Claim 1 of the first auxiliary request differs from claim 1 of the main request in that after the wording

"updating (58) the database management system with the patient information in response to a determination that an accession number has been previously entered;"

the following wording has been inserted:

"recording (70) by the first application module (20) that an accession number was entered during dictation in response to a determination (68) that an accession number has been queried for and dictated against;"

and in that the last paragraph now reads:

"writing (72) the event to a trace log."

IX. Claim 1 of the second auxiliary request differs from claim 1 of the first auxiliary request in that after the wording

"updating (58) the database management system with the patient information in response to a determination that an accession number has been previously entered;"

the following wording has been inserted:

"the method further comprising the steps of:
the first application module (20) querying (62) for the accession number;
the system recording (64) that an accession number was entered during dictation in response to a determination that an accession number was not previously entered and has not been queried for;"

and in that the last paragraph now reads:

"writing (60, 72) the type of event to a trace log."

X. Claim 1 of the third auxiliary request differs from claim 1 of the main request in that after the wording

"examining (44) the database management system (36) for a matching accession number;"

the following wording has been inserted:

"storing (46), in response to a matching accession number not being found, the patient information in the database management system (36); and in response to a matching accession number being found:".

Reasons for the Decision

1. *Main request - claim 1 - clarity (Article 84 EPC)*

1.1 Claim 1 of the main request includes the step of "determining (52) a type of an accession number associated with the patient information".

However, the term "type" of a number, here "type of an accession number", does not have a well-recognised meaning in the art. Nor does the claim give a specific definition of this term. The use of this term in the claim therefore gives rise to a lack of clarity.

1.2 The above considerations apply, *mutatis mutandis*, to the term "type of event" in "determining (54) a type of

event based on the patient information".

1.3 Further, in claim 1, reference is made five times to "an accession number", namely as follows:

- "an accession number that corresponds to said received data" (claim 1, fifth paragraph);
- "corresponding patient information, including an accession number" (claim 1, seventh paragraph);
- "examining (44) the database management system (36) for a matching accession number" (claim 1, eighth paragraph);
- "determining (52) a type of an accession number associated with the patient information" (claim 1, ninth paragraph); and
- "updating ... in response to a determination that an accession number has been previously entered" (claim 1, eleventh paragraph).

Firstly, it is unclear whether these references to an "accession number" are to the same accession number or to different accession numbers. Secondly, as regards the matching accession number mentioned in the eighth paragraph, it is unclear which of the accession numbers previously mentioned is examined for a match. Further, in the eleventh paragraph, in which reference is made to "a determination that an accession number has been previously entered", it is unclear whether the step in question refers to one of the previously mentioned accession numbers and, if so, which one(s), or, if not, to which other accession number.

- 1.4 For the above reasons, the board concludes that claim 1 of the main request lacks clarity (Article 84 EPC).
2. *Auxiliary requests - claim 1 - clarity (Article 84 EPC)*
 - 2.1 The reasons set out above in respect of claim 1 of the main request apply, *mutatis mutandis*, to claim 1 of each of the auxiliary requests, it being noted that each one of those claims includes all the features of claim 1 of the main request and that the features added (see points VIII to X above) do not overcome the clarity objections raised.
 - 2.2 The board therefore concludes that claim 1 of each of the first to third auxiliary requests lacks clarity (Article 84 EPC).
3. The board notes that the appellant did not make any substantive submissions in response to the objections raised by the board in its communication, including the above-mentioned clarity objections.
4. Since claim 1 of each request lacks clarity and, hence, contravenes Article 84 EPC, none of the requests on file is allowable.
5. As there is no allowable request, it follows that the appeal is to be dismissed.

Order

For these reasons it is decided that:

The appeal is dismissed.

The Registrar:

The Chairman:



G. Rauh

F. van der Voort

Decision electronically authenticated