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**Datasheet for the decision
of 26 September 2013**

Case Number: T 0621/13 - 3.5.04

Application Number: 09165366.7

Publication Number: 2146322

IPC: G06T11/00, G06T13/00, G06T15/00

Language of the proceedings: EN

Title of invention:
Method and apparatus for producing animation

Applicant:
Samsung Electronics Co., Ltd.

Headword:

Relevant legal provisions:
EPC Art. 84

Keyword:
Claims - clarity (no)

Decisions cited:

Catchword:



**Beschwerdekammern
Boards of Appeal
Chambres de recours**

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Case Number: T 0621/13 - 3.5.04

**D E C I S I O N
of Technical Board of Appeal 3.5.04
of 26 September 2013**

Appellant: Samsung Electronics Co., Ltd.
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Decision under appeal: **Decision of the Examining Division of the European Patent Office posted on 17 August 2012 refusing European patent application No. 09165366.7 pursuant to Article 97(2) EPC.**

Composition of the Board:

Chairman: F. Edlinger
Members: R. Gerdes
B. Müller

Summary of Facts and Submissions

- I. The appeal is directed against the decision to refuse European patent application No. 09 165 366.7, published as EP 2 146 322 A1.
- II. The patent application was refused by the examining division on the grounds that claim 1 of the main request and of the first and second auxiliary requests did not comply with Article 84 EPC.
- III. The applicant appealed against this decision and with the statement of grounds of appeal submitted claims of a main request as well as of first to fourth auxiliary requests, respectively.
- IV. In a communication annexed to a summons to oral proceedings the board indicated inter alia that it considered the claims of all requests unallowable for lack of clarity.

The board made the following observations:

"Main Request

...

Clarity, Article 84 EPC

4. At present the board tends to agree with the examining division that the claims are not clear.

4.1 Claim 1 specifies a step of "analyzing received user-level contents in a planning coordinator (210) included in the automatic directing engine (200)". It is not apparent from claim 1 which kind of operations are performed as part of the analysis in the planning coordinator. According to the description the analysis

is carried out "in consideration of characteristics of various direction fields of the animation with respect to the conditions of the direction elements corresponding to each direction unit output from the virtual director" (see paragraphs [0057] and [0083]). It seems that these passages do not help to clarify the analysis step, partially because the direction fields are undefined in the application documents, partially because of the vague wording employed ("in consideration of", "various", "corresponding"). Hence, even after consultation of the description it appears unclear how the analysing step is performed.

It is also noted that the further method step of claim 1 referring to "selecting ... based on the analysed received user level contents" does not imply that the user level contents have been modified by the analysis. Hence, it is unclear whether the results of the analysis are employed in further steps of the method.

...

First Auxiliary Request

...

Clarity, Article 84 EPC

6. In addition to the objections under point 4 the following points should be noted with respect to clarity of the added features:

...

Second to Fourth Auxiliary Requests

...

7. Claim 1 of the second to fourth auxiliary requests appears to be identical to claim 1 of the main

request, the first and the second auxiliary requests, respectively, underlying the decision under appeal.

The appellant has not submitted any arguments in the statement of grounds as to why the contested decision was wrong or should be set aside with respect to these claims. Instead the relevant passages of the statement of grounds only contain a repetition of the explanations submitted with a letter of 27 June 2012 and relating to the amendments then made. According to Article 12(2) RPBA the statement of grounds of appeal shall contain a party's complete case.

...

Clarity, Article 84 EPC

8. At present the board tends to agree with the arguments given by the examining division in the decision under appeal (see sections 2.1 to 2.3 of that decision)."

V. Oral proceedings were held by the board on 26 September 2013. As announced beforehand the appellant was not represented in the oral proceedings. The board noted that the appellant had requested in writing 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 the first to fourth auxiliary requests, all filed with the statement of grounds of appeal and that, in case novelty and/or inventive step objections arise, the case be remitted to the examining division.

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

"A method of interactively producing an animation in an automatic directing engine (200) having a user interface (100), the method comprising:
providing regulated information of animation direction knowledge obtained by standardizing animation direction knowledge into a plurality of direction rules and converting the direction rules into computer readable data stored in the direction knowledge (DB) of the automatic directing engine (200);
receiving user-level contents in the user interface (100) from a user, the user-level contents corresponding to one template type of a various types of templates defining input formats in the user interface (100);
analyzing received user-level contents in a planning coordinator (210) included in the automatic directing engine (200);
selecting regulated information of animation direction knowledge from the available regulated information of animation direction knowledge based on the analyzed received user level contents;
applying the selected regulated information of animation direction knowledge to the user level contents;
creating and storing a video script according to a syntax of a script programming language (such as XML) representing the animation in a virtual writer (240) included in the automatic directing engine (200), wherein the video script is based on the applied regulated information of animation direction knowledge."

VII. Claim 1 of the first auxiliary request contains the following additional features, which are inserted after the "providing ..." and the "selecting ..." method steps, respectively:

"providing a classification system of direction elements included in a rule manager (220) of the automatic directing engine (200);"

and

"classifying the received user-level contents in a virtual director (212) included in the automatic directing engine (200);".

Reasons for the Decision

1. The appeal is admissible.
2. In the communication annexed to the summons to oral proceedings, the board expressed its view that claim 1 of all current requests seemed to infringe the requirements of Article 84 EPC (see above, point IV).

In particular, claim 1 of both the main request and the first auxiliary request contain additional amendments over claim 1 of the main request on which the decision under appeal was based. The board observed in the communication that claim 1, at least in respect of the analyzing and selecting steps, did not clearly define the matter for which protection was sought (see point 4.1, reproduced above).

Claim 1 of the second to fourth auxiliary requests are identical to claim 1 of the main request, the first and the second auxiliary requests, respectively, underlying the decision under appeal. In this respect the board observed that the appellant had not submitted any arguments in the statement of grounds as to why the

contested decision was wrong or should be set aside with respect to these claims, and that it tended to agree with the examining division that the claims were not clear.

3. The appellant neither attempted to rebut the board's provisional opinion, nor submitted any new requests aimed at overcoming the objections. The board sees no reason to deviate from its preliminary opinion.
4. It follows that the decision under appeal cannot be set aside.

Order

For these reasons it is decided that:

The appeal is dismissed.

The Registrar:

The Chairman:



K. Boelicke

F. Edlinger

Decision electronically authenticated