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**Datasheet for the decision
of 8 December 2016**

Case Number: T 1284/13 - 3.5.05

Application Number: 00123734.6

Publication Number: 1098266

IPC: G06F3/12, G06K15/00, B42C19/00

Language of the proceedings: EN

Title of invention:
Print control method and apparatus

Applicant:
CANON KABUSHIKI KAISHA

Headword:
Displaying preview of spread of a book/CANON

Relevant legal provisions:
EPC Art. 52(2)(d), 52(3), 56

Keyword:
Inventive step - main request (yes)

Decisions cited:

Catchword:



Beschwerdekammern
Boards of Appeal
Chambres de recours

European Patent Office
D-80298 MUNICH
GERMANY
Tel. +49 (0) 89 2399-0
Fax +49 (0) 89 2399-4465

Case Number: T 1284/13 - 3.5.05

D E C I S I O N
of Technical Board of Appeal 3.5.05
of 8 December 2016

Appellant: CANON KABUSHIKI KAISHA
(Applicant) 30-2, Shimomaruko 3-chome
Ohta-ku
Tokyo (JP)

Representative: TBK
Bavariaring 4-6
80336 München (DE)

Decision under appeal: **Decision of the Examining Division of the
European Patent Office posted on 28 January 2013
refusing European patent application
No. 00123734.6 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 of the European Patent Office posted on 28 January 2013 refusing European patent application No. 00123734.6 pursuant to Article 97(2) EPC with regard to prior-art publications:

D1: JP 10 309841 A,
D2: US 6 307 637 B1,
D4: US 5 289 569 A,
D5: EP 0 915 414 A2 and
D6: JP 3 189724 A.

II. The notice of appeal was received on 3 April 2013. The appeal fee was paid on the same day. The statement setting out the grounds of appeal was received on 22 May 2013. The appellant requested that the appealed decision be set aside and that a patent be granted on the basis of the main request, on which the decision under appeal was based, or on the basis of the auxiliary request filed with the statement setting out the grounds of appeal. Oral proceedings were requested on an auxiliary basis.

III. With a communication dated 5 July 2016 the board summoned the appellant to oral proceedings on 8 December 2016. With a communication dated 25 October 2016 publication D7 (US 4640611 A1) was introduced into the proceedings on the board's own motion (Article 114(1) EPC) and the preliminary opinion was expressed that both requests lacked inventive step (Article 56 EPC). In particular, the subject-matter of claim 1 of both requests did not appear to involve an inventive step starting from D1/D2 combined with the teaching of D5, or starting from D5 combined with

common general knowledge, or starting from D5 combined with either D1/D2 or with D7.

- IV. By letter dated 16 November 2016 the appellant submitted a set of claims according to an amended auxiliary request supported by arguments in favour of inventive step for both requests.
- V. Oral proceedings were held on 8 December 2016. The appellant requested that the decision under appeal be set aside and that a patent be granted on the basis of the main request (claims 1 to 24) as filed with letter dated 13 July 2011, or, subsidiarily, on the basis of the auxiliary request, comprising claims 1, 7 and 19 as filed with letter dated 16 November 2016 and claims 2-6, 8-18 and 20-24 as filed with letter dated 13 July 2011.

Independent claim 1 according to the main request reads as follows:

"1. A preview image display method for displaying a print preview image performed in a print control apparatus (3000) having function to set a bookbinding print function for printing a book formed by stacking a first bookbinding unit in which a sheet is folded into two and a second binding unit in which a sheet is folded into two, wherein each of the first and second bookbinding units consists of one sheet, said preview image display method comprising:
a rendering step (S2205; S2905, S2906) of rendering images of the pages of application data generated by application when the bookbinding print is designated; characterized by
a display step (S2103) of displaying preview image of spread of the book based on the images of the pages

rendered in the rendering step as preview images, wherein the preview image of the spread of the book on which a last page of the first bookbinding unit and a first page of the second bookbinding unit are arranged and the preview image of the spread of the book on which pages of same bookbinding unit are arranged are displayed with different forms."

VI. After due consideration of the appellant's arguments the chair announced the decision of the board.

Reasons for the Decision

1. Admissibility

The appeal complies with Articles 106 to 108 EPC (see Facts and Submissions, point II above). It is therefore admissible.

Main request

2. Interpretation of claim 1

The board interprets the expression "spread of the book" of claim 1 as a preview of two pages of a physical book with a pair of logical pages belonging to the view of an opened book. Hence, the display of two logical pages belonging to the front and the back of the same physical page, which would require the physical page to be turned and which therefore cannot be looked at simultaneously, are not considered to be a preview image of a spread of a book. In comparison to the more general expression "spread pages", the feature "spread of the book" is regarded as a limiting feature.

The term "stacking" in claim 1 is understood to mean the vertical piling up of bookbinding units, each of a sheet folded into two. This term is therefore likewise regarded as a limiting feature.

3. Article 52(2) EPC

The claimed preview display image method according to claim 1 is considered to be part of a bookbinding manufacturing process to produce a book. Despite involving the presentation of information, this is not directed to the information content as such and, hence, does not fall under Article 52(2)(d) and (3) EPC. The same is true for corresponding independent claim 9 directed to a print control apparatus and corresponding independent claim 17.

4. Article 56 EPC - Inventive step

Japanese document D1 (prior art) corresponds technically to D2 (published on 23 October 2001). For linguistic reasons, D2 was quoted throughout the first-instance proceedings and the document is hereinafter referred to as D1/D2. This approach was not challenged by the appellant.

4.1 The board agrees with the decision under appeal that D1/D2 is pertinent prior art.

4.2 The board further agrees that the subject-matter of claim 1 differs from the preview method known from D1 in that the preview image includes displaying a spread of the book with a last page of the first bookbinding unit and a first page of the second bookbinding unit and displaying a spread of the book with pages from the same bookbinding unit using different forms.

- 4.3 The underlying objective problem is regarded as being to create a preview image taking a layout that is created by stacking different bookbinding units.
- 4.4 According to claim 1 a bookbinding unit consists of a single sheet that is folded into two. When displaying two pages in the layout of a spread of a book (see point 2 above), the problem arises that whenever a preview of a spread of book is displayed, the user does not know whether two pages of the same bookbinding unit, i.e. the same sheet of paper, are displayed or of different bookbinding units, i.e. different sheets of paper. The skilled person would therefore look for solutions to the objective problem in which a preview makes it possible to distinguish between the sheets of paper of different bookbinding units.
- 4.5 D5 deals with printing previews (see e.g. print preview processor 38-3, figure 45) by displaying a double-page spread on the screen for displaying the print preview image (see [0031]). D5 discloses a solution of the problem for two different modes of printing, i.e. double-sided printing or not. While a conventional preview is chosen if double-sided printing is not set (see [0163]), in double-sided printing mode face/back-side information is added to each page (see [0161]) which is displayed in a preview (see [0164]).

According to D5 every unfolded sheet of paper forms a block comparable to a bookbinding unit. This has the consequence that whenever a preview of two logical pages is displayed, the user does not know whether two pages of the same sheet (front page and back page) are displayed, or two pages of different sheets. In order to allow the user to know this, D5 suggests adding

front/back-side information to the preview image of a page.

- 4.6 However, this is different from the situation of bookbinding units of sheets folded into two, as known from D1/D2. While the user, whenever a preview of a spread of book is displayed, does not know whether two pages of the same bookbinding unit, i.e. the same sheet of paper, are displayed or of different bookbinding units, i.e. different sheets of paper, this problem does not arise in D5. Assuming a preview of a spread of a book was displayed according to the teaching of D5, it was always clear that pages of different sheets of paper are displayed. Thus, the board is not convinced that the skilled person finds in D5 a solution to the objective problem dealing with bookbinding units of sheets folded into two.
- 4.7 The subject-matter of claim 1 is therefore not rendered obvious by the disclosure of D1/D2 when combined with the teaching D5.
5. Alternatively, starting from the teaching of D5 (see in particular the twelfth embodiment, [0158] to [0164] with corresponding figures and figure 45), this publication does not disclose that printing a book is formed by stacking a first bookbinding unit in which a sheet is folded into two and a second binding unit in which a sheet is folded into two and furthermore does not disclose that a preview image is displayed in the form of a spread of a book.
- 5.1 The underlying objective problem is regarded as using more complex binding techniques in order to come up with a book format.

5.2 However, the claimed solution is not rendered obvious by the further prior art on record according to D1/D2 or D7. While it was known in the art to use folded sheets for binding books (see D1/D2, column 9, lines 6 to 18; D7, column 2, lines 4 to 53, figures 9, 10, 12C and 13 to 23B; both showing spread pages), it is neither disclosed to display preview images of a spread of a book (D1/D2 merely discloses a WYSIWYG functionality without addressing the problems of stacking bookbinding units; D7 discloses a different way of stacking folded sheets and fails to disclose or suggest a preview as a spread of a book, since e.g. figure 16 shows spread pages which are not neighbouring pages), nor is it rendered obvious how to display such preview images for stacked bookbinding units according to the claimed solution.

5.3 Further prior-art documents D4 and D6 likewise do not render the claimed solution obvious.

D4 does not refer to bookbinding units at all and therefore does not provide any further information about modifying the preview functionality of D5 so as to indicate separate bookbinding units. D4 discloses a preview image to which print processing and binding processing have been applied (see figure 11). Since document D4 aims to check whether pages that belong together are displayed on a double spread page, the preview of three or more pages can only be in the same manner of displaying double spread pages.

D6 discloses displaying a right page and a left page side by side and merely discloses displaying a preview image such that a pair of pages of spread pages is arranged in parallel.

6. The subject-matter of claim 1 therefore involves an inventive step (Article 56 EPC) starting from D1/D2 combined with the teaching of D5, or starting from D5 combined with either D1/D2 or with one of D4, D6 and D7.

The same reasoning applies to corresponding independent claims 9 and 17.

The dependent claims also involve an inventive step, because they refer back to the independent claims.

7. Under these circumstances, the board did not have to deal with the auxiliary request.

Order

For these reasons it is decided that:

1. The decision under appeal is set aside.
2. The case is remitted to the examining division with the order to grant a patent on the basis of the following documents:
 - Claims 1 to 24 as filed with letter dated 13 July 2011 (main request)
 - Description, pages
 - 1, 5-77 as originally filed
 - 2, 3, 78 as filed with letter dated 23 September 2009
 - Drawings, sheets
 - 1/38-31/38 and 33/38-38/38 as originally filed
 - 32/38 as filed with letter dated 26 October 2012

The Registrar:

The Chair:



K. Götz-Wein

A. Ritzka

Decision electronically authenticated