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Datasheet for the decision
of 10 July 2019

Case Number: T 1350/13 - 3.4.01

Application Number: 04752504.3

Publication Number: 1639517

IPC: G06K7/10, G06F3/12

Language of the proceedings: EN

Title of invention:
XML PRINTER SYSTEM WITH RFID CAPABILITY

Applicant:
Zebra Technologies Corporation

Headword:
XML printer system / ZEBRA

Relevant legal provisions:
EPC Art. 56

Keyword:
Inventive step - (no)

Case Number: T 1350/13 - 3.4.01

D E C I S I O N
of Technical Board of Appeal 3.4.01
of 10 July 2019

Appellant: (Applicant)	Zebra Technologies Corporation 3 Overlook Point Lincolnshire, IL 60069 (US)
Representative:	Haseltine Lake Kempner LLP Redcliff Quay 120 Redcliff Street Bristol BS1 6HU (GB)
Decision under appeal:	**Decision of the Examining Division of the European Patent Office posted on 11 December 2012 refusing European patent application No. 04752504.3 pursuant to Article 97(2) EPC.**

Composition of the Board:

Chairman	P. Scriven
Members:	B. Noll
	J. Geschwind

Summary of Facts and Submissions

I.   This appeal is against the decision of the Examining
        Division to refuse European patent application
        04752504.3 on the grounds that the invention of the
        main request and two auxiliary requests did not involve
        an inventive step and that the second auxiliary request
        did not comply with Article 123(2) EPC.

II.   In the statement setting out its grounds of appeal, the
        appellant requested that the decision under appeal be
        set aside and that a patent be granted on the basis of
        a main request or one of three auxiliary requests, all
        filed with the statement of grounds of appeal. The main
        request was identical to the first auxiliary request
        before the Examining Division. Oral proceedings were
        requested, if the Board did not intend to order the
        grant of a patent.

III.   The appellant's substantive requests have remained
        unchanged.

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

        An XML printer system (300) configured to
        facilitate printing bar code labels, tags,
        tickets, cards or other media and encoding
        of RFID devices (62) associated with a
        media[sic], based upon an extensible markup
        language (XML) input data stream, the XML
        printer system comprising:

        a computer system having:

        a memory subsystem;

a communication interface;

an XML processor (320) configured to receive an XML input data stream, the XML input data stream based on an existing Printer Control Language, PCL, format template that includes proprietary printer control language commands and variable fields, wherein the PCL format template is received and stored in the memory subsystem prior to printing of an actual barcode label, and comprises association data for matching variable fields in the existing format template with data subsequently received in the XML input data stream:[sic]

a variable data integrator (328) configured to associate XML data in the XML input data stream with the variable fields defined by the existing format template, using the association data previously stored;

a formatting engine (394) configured to format the associated XML input data according to a format governed by the existing format template; and

a rendering engine configured to receive the associated and formatted XML data and generate a printable presentation (190) of the bar code label, tag, ticket, card or other media and generate information for the RFID device (62).

V.   Claim 1 of the first auxiliary request differs in that the claimed printer system is a "hybrid" XML printer

system and that the definition of the XML processor
reads:

> ...
> *an XML processor (320) configured to receive*
> *an XML input data stream, the XML input data*
> *stream based on an existing Printer Control*
> *Language, PCL, format template that includes*
> *proprietary printer control language*
> *commands and proprietary commands that*
> *define variable fields to be populated with*
> *variable data from XML input data received*
> *at a later time, wherein the PCL format*
> *template is received and stored in the*
> *memory subsystem prior to printing of an*
> *actual barcode label, and further comprises*
> *association data for matching the variable*
> *fields in the existing format template with*
> *data subsequently received in the XML input*
> *data stream*
> ...

VI.   Claim 1 of the second auxiliary request further differs
       in that it defines "field number commands" instead of
       "proprietary commands" in the definition of the XML
       processor.

VII.   Claim 1 of the third auxiliary request further adds, at
       the end of the definition of the XML processor:

> ...
> *and wherein the XML input data stream comprises*
> *an attribute for specifying a particular*
> *existing format template to use:[sic]*
> ...

and, in the definition of the variable data integrator, replacing "existing format template" with "specified existing format template".

VIII.   In the statement of grounds, the appellant argued that US patent specification US 6 540 142 B1 (D4) was to be considered as the closest prior art, and that the invention defined in claim 1 would not have been obvious having regard to D4 alone or in combination with D1.

IX.   In a communication accompanying a summons to oral proceedings, the Board raised objections of lack of inventive step, clarity and added subject-matter.

X.   With regard to the main request, the following was stated in the Board's communication:

    4. The Board does not see any reason why only D4 should be considered a reasonable starting point. The appellant's argument is that D4 discloses an XML-based printing system intended for label printing. However, the claimed printer system is not limited by features specific to a label printing, and the intention of printing labels is not a technical matter.

    The D1 printer system is likewise XML-based, since content is submitted to the printing system as XML-data. The Board is, therefore, of the view that the Examining Division did not err when starting out from D1. There is no reason not to start from D1 when assessing inventive step.

    5. D1 discloses an XML printer system

facilitating printing of XML-based content on a media 260. D1 does not specify bar code labels or tags to be printed, not tickets or cards as print media as claim 1 does. However, it is held that bar code labels and tags exemplify specific graphic representations of information to be printed, and tickets and cards exemplify certain types of media as regards their intended use in commerce or in private life. Therefore, these words only have, at best, explanative character but do not limit the claimed printer system.

The D1 printer system comprises a computer system, represented by Fig. 1 or Fig. 2, and includes a print spooler as a memory subsystem and a communication interface (212, Fig. 2). The printer system further comprises a print services facility (PSF 450, Fig. 4) and an IPDS printer 470, which implement the functions of an XML processor, a variable data integrator, a formatting engine and a rendering engine in the wording of claim 1. More particularly, PSF 450 is configured to receive XML input data 450 defining content to be printed. PSF 450 also receives a data map 430, which is a format template including format instructions ("position" etc.) and also contains association data encoded as concatenated tags 436. The data map is evidently received before printing the content and is also stored. PSF 450 operates as a data integrator within the meaning of claim 1, by associating a content element in the XML input data 440 with a variable field in the data map by means of the concatenated tags 436. PSF 450 formats the associated XML input data by creating an IPDS data stream and forwarding it

*to the IPDS printer 470, which renders the IPDS
data, thereby generating a printable
representation of the formatted content.*

*6. The claimed printer system is defined by the
following additional features:*

*(a) the received data stream is based on a PCL
format template that includes proprietary
printer control language commands and variable
fields, the PCL format template being received
and stored in the memory subsystem prior to
printing of an actual barcode label and
comprising association data for matching
variable fields in the existing format template
with data subsequently received in the XML input
data stream; and*

*(b) the printer system is for encoding of RFID
devices and the rendering engine is for
generating information for the RFID device.*

*7. Features (a) and (b) are unrelated. Their
contribution to inventive step has therefore to
be assessed separately.*

*8. First considering feature (b), it appears
that its aim is to enhance the versatility of
the printer system. Adding an RFID write
facility to a printer for encoding an RFID
device, and thereby enhancing the versatility of
the printer, is suggested in D2 (paragraph 18,
for example) and does not, therefore, contribute
to an inventive step.*

9. Regarding feature group (a), the skilled

person infers from D1 that a data map must consist of two different elements, namely a set of printer-specific commands such as position etc. which instruct the printer at which position and how dedicated content is to be printed on a printing medium, and association information which identifies content marked by a particular XML tag to a particular set of printer-specific commands. If the existing printer command language does not include commands for associating content according to its tag, the command language is not capable of printing XML-based content. The skilled person, when seeking a solution to this problem, would consider extending the printer language command set. The extension of an existing command set of a program language for the purpose of adapting it to more recent developments in computing technology is a normal task of the skilled person. The skilled person would consider amending the existing command set in a way suggested by in Fig. 4 of D1, namely by providing, as an additional instruction, a command corresponding to the qualified tag 436 in addition to the existing printer-specific commands. This consideration does therefore not require the exercise of inventive skill.

It therefore appears that the printer of claim 1 lacks inventive step.

XI.   With regard to the first auxiliary request, the Board objected that the feature of the PCL format template including proprietary commands that define variable fields to be populated with variable data from XML input data received at a later time related to an

undisclosed generalization of an example and did
therefore not comply with Article 123(2) EPC. As
regards inventive step, the following was stated:

> 12. *Further, the Board does not see any*
> *technical limitation due to this feature. Given*
> *that D1 discloses that the "qualified tag" 436,*
> *e.g. "TAG1 TAG2" defines a variable field which*
> *is later filled with content from the XML input*
> *data stream marked by a corresponding XML tag*
> *<TAG1><TAG2>, it is only a matter of wording,*
> *not of substance, naming this command as a*
> *"proprietary" command. Therefore, the objections*
> *above apply for the same reasons.*

XII.   With regard to the second auxiliary request, the Board
        further objected that the wording "field number"
        introduced a lack of clarity and that the objection of
        lack of inventive step against the main request equally
        applied for the same reasons.

XIII.   With regard to the third auxiliary request, it was
        further stated in the communication:

> 14. *[...] Further, it is known from D4 that the*
> *XML input data stream can include an attribute*
> *for specifying a particular format template file*
> *to be used for formatting the XML input data,*
> *see code segment 1 in column 10, in particular*
> *code lines 3 and 7. This feature, therefore,*
> *does not contribute to an inventive step.*

XIV.   The appellant informed the Board that neither the
        appellant nor its representative would attend the oral
        proceedings, and requested that the oral proceedings be
        conducted in the appellant's absence.

XV.   In consequence, the Board cancelled the oral
         proceedings.

Reasons for the Decision

The appellant did not contest any of the objections raised in
the Board's communication. Furthermore, by indicating that they
would not be represented at the oral proceedings and that the
oral proceedings be conducted in their absence, the appellant
expressly waived any remaining chance to argue their case,
orally or in writing.

The appellant gave no reasons why oral proceedings should be
held in the absence of any party, and the Board sees none.

The Board sees no reason to depart from its preliminary opinion
(see points VI to IX above). Thus, all substantive requests
fail to comply (at least) with Article 56 EPC. The appeal can
therefore not be allowed.

Order

For these reasons it is decided that:

The appeal is dismissed.

The Registrar: The Chairman:

R. Schumacher   P. Scriven

Decision electronically authenticated