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**Datasheet for the decision  
of 18 October 2024**

**Case Number:** T 2430/22 - 3.5.05

**Application Number:** 17899019.8

**Publication Number:** 3591513

**IPC:** G06F3/14, G06F3/147

**Language of the proceedings:** EN

**Title of invention:**

DISPLAY CONTROL DEVICE, METHOD OF CONTROLLING DISPLAY, AND  
STORAGE MEDIUM

**Applicant:**

Honda Motor Co., Ltd.

**Headword:**

Image larger in size/HONDA

**Relevant legal provisions:**

EPC Art. 56

RPBA 2020 Art. 12(2), 12(6)

**Keyword:**

Inventive step - main request (no): no technical contribution of the distinguishing feature  
Late-filed auxiliary requests I and II: admitted (no)  
Late-filed auxiliary request I: admitted in first-instance proceedings (no)  
Late-filed auxiliary request I: error in use of discretion at first instance (no)  
Late-filed auxiliary request II: should have been submitted in first-instance proceedings (yes)  
Late-filed auxiliary request II: circumstances of appeal case justify admittance (no)

**Decisions cited:**

T 1802/13



**Beschwerdekammern**  
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Case Number: T 2430/22 - 3.5.05

**D E C I S I O N**  
**of Technical Board of Appeal 3.5.05**  
**of 18 October 2024**

**Appellant:** Honda Motor Co., Ltd.  
(Applicant) 1-1, Minami-Aoyama 2-chome  
Minato-ku  
Tokyo 107-8556 (JP)

**Representative:** Beder, Jens  
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Patent- und Rechtsanwälte  
Karlstraße 7  
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**Decision under appeal:** **Decision of the Examining Division of the  
European Patent Office posted on 13 May 2022  
refusing European patent application No.  
17899019.8 pursuant to Article 97(2) EPC.**

**Composition of the Board:**

**Chair** J. Eraso Helguera  
**Members:** E. Konak  
C. Almberg

## Summary of Facts and Submissions

I. The appeal is against the examining division's decision to refuse the present application. The examining division decided that the main request did not comply with Articles 56 and 84 EPC. Auxiliary request I was not admitted into the examination proceedings (Rule 137(3) EPC).

II. In the present decision, reference is made to the following prior-art document:

D1: WO 2016/178616 A1.

III. Oral proceedings were held before the board on 18 October 2024.

The appellant's final requests were 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 of one of **auxiliary requests I or II** filed with the statement of grounds of appeal.

At the end of the oral proceedings, the board's decision was announced.

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

"A display control apparatus (23) comprising:

- at least one processor (27),
- a memory (28), and
- at least one program,

the at least one program being stored in the memory (28), and being configured to be executed by the at least one processor (27),

wherein the at least one program includes instructions for executing:

- o acquiring a state of an automatic working machine (1), the state including a first state in which the automatic working machine (1) is in operation, and a second state in which an error has occurred in the automatic working machine (1); and

characterized in that

the at least one program further includes instructions for executing:

- o displaying an image indicating the acquired state in a display apparatus (26) comprised in the automatic working machine (1); and

- o causing the display apparatus (26) to display, with the image, an interface for controlling a start of a work of the automatic working machine (1), wherein the image illustrates the automatic working machine (1) in a size in accordance with the state, wherein, when the automatic working machine (1) is in the first state, the size is larger than the size when the automatic working machine (1) is in the second state."

Claim 1 of **auxiliary request I** reads as follows:

"A lawnmower comprising:

- a display control apparatus (23),
- at least one processor (27),
- a memory (28), and
- at least one program,

the at least one program being stored in the memory (28), and being configured to be executed by the at least one processor (27),

wherein the at least one program includes instructions for executing:

- o acquiring a state of the lawnmower (1), the state including a first state in which the lawnmower (1) is

in operation, and a second state in which an error has occurred in the lawnmower (1); and characterized in that the lawnmower comprises a display apparatus (26) and that the at least one program further includes instructions for executing:

- o displaying an image indicating the acquired state in the display apparatus (26) comprised in the lawnmower (1); and
- o causing the display apparatus (26) to display, with the image, an interface for controlling a start of a work of the lawnmower (1), wherein the image illustrates the lawnmower (1) in a size in accordance with the state, wherein, when the lawnmower (1) is in the first state, the size is larger than the size when the lawnmower (1) is in the second state."

Claim 1 of **auxiliary request II** differs from claim 1 of auxiliary request I as follows (with the additions underlined and the deletions ~~struck through~~):

"A lawnmower comprising: ~~•~~ a display control apparatus (23), the display control apparatus (23) comprising: [...]"

## Reasons for the Decision

1. Basis of appeal proceedings
  - 1.1 The alterations on appeal of the main request (an added colon) and of auxiliary request I (an added comma, an added colon, re-numbering of a claim) affect neither

the substantive issues nor the focus of the discussion in the present case. In the current circumstances, the main request and auxiliary request I filed with the statement of grounds of appeal are thus considered to form part of the basis of the appealed decision within the meaning of Article 12(2) RPBA. Auxiliary request II is, on the other hand, an entirely new request.

2. Main request - Inventive step (Article 56 EPC)

2.1 Claim 1 of the **main request** contains the following features (board's labelling):

- (a) A display control apparatus comprising: at least one processor, a memory, and at least one program, the at least one program being stored in the memory, and being configured to be executed by the at least one processor, wherein the at least one program includes instructions for executing:
- (b) acquiring a state of an automatic working machine, the state including a first state in which the automatic working machine is in operation, and a second state in which an error has occurred in the automatic working machine; and
- (c) the at least one program further includes instructions for executing: displaying an image indicating the acquired state in a display apparatus comprised in the automatic working machine; and
- (d) causing the display apparatus to display, with the image, an interface for controlling a start of a work of the automatic working machine,
- (e) wherein the image illustrates the automatic working machine in a size in accordance with the state, wherein, when the automatic working machine is in the first state, the size is larger than the size

when the automatic working machine is in the second state.

2.2 The appellant argued that at least feature (e) was new over D1 and contributed to an inventive step. It argued that feature (e) had many technical effects, which - although not mentioned in the application as filed - would be implicit to the skilled person, such as being able to indicate effectively to the user that an error has occurred even if a less advanced display apparatus is used, or better perceptibility under difficult light conditions, or catching the attention of the user.

The board was not convinced by these arguments. The content and appearance of an image displayed on the display of an "automatic working machine" is an entirely non-technical presentation of information. It is not disputed that D1 discloses displaying operation and error states of an automatic working machine. The images displayed according to feature (e) have merely a different appearance. This is a non-technical matter of design. In particular, the size of a displayed image does not credibly assist the user in performing a technical task by means of a continued and guided human-machine interaction process (see T 1802/13, page 10, second full paragraph). Therefore, feature (e) does not contribute to the technical character of the invention.

2.3 The appellant also argued that the size of the displayed image was analogous to "functional data" as it influenced the operation of the automatic working machine. Displaying the image in a smaller size than usual, in case an error occurs in the automatic working machine, made it possible for the user to decide whether to keep the machine switched on or to switch it



off. However, the analogy to "functional data" fails from the very beginning, since the image at hand is only relevant to human users, not to the machine itself.

- 2.4 The appellant argued (referring to T 528/07) that presenting an internal state prevailing in a technical system and thus enabling the user to properly operate a technical system was a technical effect. However, feature (e) does not present an internal state prevailing in the automated working machine. This is done already in feature (c), which is disclosed by D1. Instead, feature (e) relates to the appearance of the displayed state of the machine, which is merely a non-technical matter of design.

The appellant argued that changing the colour of the displayed image to indicate the internal state prevailing in the machine as in D1 would not allow good perceptibility under difficult light conditions in an outdoor environment. Under such conditions, a user would more readily perceive a change in size than a change in colour. As stated on page 16, first paragraph of the description as filed, the user could "intuitively" understand the internal state prevailing in the machine by viewing a change in size.

Irrespective of the fact that an effect in difficult lighting conditions is not derivable from the cited passage, let alone elsewhere in the application as filed, the appellant essentially argued that changing the size rather than the colour of the displayed image lowers the cognitive burden of the user, which is not recognised as a technical effect.

2.5 Therefore, the subject-matter of claim 1 of the main request does not involve an inventive step (Article 56 EPC).

3. Admittance of auxiliary requests

3.1 **Auxiliary request I** was not admitted into the examination proceedings. According to Article 12(6), first sentence, RPBA, the board shall not admit a request which was not admitted in the proceedings leading to the decision under appeal, unless the decision not to admit them suffered from an error in the use of discretion or unless the circumstances of the appeal case justify their admittance.

In the case at hand, the examining division did not admit auxiliary request I, as it was late-filed (at the oral proceedings before the examining division) and was not *prima facie allowable*. Both criteria are well-established for the exercise of the discretion not to admit a claim request.

The appellant argued that the examining division should have admitted auxiliary request I, as the decisive criterion for exercising the discretion not to admit a claim request should be whether admitting the request would delay issuing the decision or delay the oral proceedings. The board does not agree. Filing an additional new request at the oral proceedings inevitably delays the oral proceedings. Oral proceedings are *hearings* and not foreseen as a venue for drafting and filing new claim requests.

The board thus cannot see any error in the use of discretion by the examining division. Furthermore, the appellant did not put forward any justifying

circumstances of the appeal case, and since the board also cannot see any, it did not admit auxiliary request I into the appeal proceedings (Article 12(6), first sentence, RPBA).

- 3.2 **Auxiliary request II** is an entirely new request that was filed for the first time with the statement of grounds of appeal.

The appellant merely stated that "minor corrections" were "done for proactively avoiding any future misinterpretations". However, if claims are prone to misunderstanding, suitable amendments to avoid such misunderstandings should have been made in the examination proceedings.

Therefore, and in the absence of any justifying circumstances of the appeal case, the board did not admit auxiliary request II into the appeal proceedings (Article 12(6), second sentence, RPBA).

**Order**

**For these reasons it is decided that:**

The appeal is dismissed.

The Registrar:

The Chair:



B. Brückner

J. Eraso Helguera

Decision electronically authenticated