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**D E C I S I O N**  
**of 28 June 2002**

**Case Number:** T 0475/00 - 3.5.1

**Application Number:** 92200770.3

**Publication Number:** 0505006

**IPC:** H04B 1/20

**Language of the proceedings:** EN

**Title of invention:**

Local communication bus system and apparatus for use in such a system

**Patentee:**

D2B Systems Co. Ltd.

**Opponent:**

Interessengemeinschaft für Rundfunkschutzrechte GmbH  
Schutzrechtsverwertung & Co. KG

**Headword:**

Bus system/D2B SYSTEMS

**Relevant legal provisions:**

EPC Art. 56

**Keyword:**

"Inventive step (yes)"

**Decisions cited:**

T 0115/85

**Catchword:**

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Case Number: T 0475/00 - 3.5.1

**D E C I S I O N**  
of the Technical Board of Appeal 3.5.1  
of 28 June 2002

**Appellant:** Interessengemeinschaft  
(Opponent) für Rundfunkschutzrechte GmbH  
Schutzrechtsverwertung & Co. KG  
Bahnstrasse 62  
D-40210 Düsseldorf (DE)

**Representative:** Eichstädt, Alfred, Dipl.-Ing.  
Maryniok & Eichstädt  
Kuhbergstrasse 23  
D-96317 Kronach (DE)

**Appellant:** D2B Systems Co. Ltd.  
(Proprietor of the patent) Betchworth House  
57-65 Station Road  
Redhill  
Surrey RH1 1DL (GB)

**Representative:** White, Andrew Gordon  
Cross Oak Lane  
Redhill  
Surrey RH1 5HA (GB)

**Decision under appeal:** Interlocutory decision of the Opposition Division  
of the European Patent Office posted 29 March  
2000 concerning maintenance of European patent  
No. 0 505 006 in amended form.

**Composition of the Board:**

**Chairman:** S. V. Steinbrener  
**Members:** R. S. Wibergh  
P. Mühlens

## Summary of Facts and Submissions

I. This decision is concerned with appeals by the patent proprietor and the opponent against the interlocutory decision of the Opposition Division finding European Patent No. 0 505 006 in amended form to meet the requirements of the Convention.

II. The appellant opponent had opposed the patent on the grounds that the invention was not new or did not involve an inventive step (Article 100(a) EPC). Among the documents cited were:

D1: EP-A-0 369 382

E1: DE-A-38 15 560

E2: R.A. Pitsch, "Dimensia: The next dimension of sight and sound", RCA Engineer 30-4, July/August 1985, p. 66-70.

III. According to the decision the subject-matter of claim 1 of the patent as granted was not novel over E1 and E2 (the two documents were seen as a single disclosure due to a reference to E2 in E1). Claim 1 of the patent proprietor's then auxiliary request - based on claim 3 of the patent as granted - was however regarded as allowable. This claim read as follows:

"A local communication bus system comprising a serial control bus (16) attached to a plurality of addressable devices (10,12,14), each device including at least one functional element addressable via the bus as a subdevice (20,22,24), the subdevices in the system including a user output subdevice (46) for displaying

status information of one or more devices of the system to a user of the system and a first control subdevice (41) for initiating the display of such status information, the first control subdevice (41) including means for generating a device information request message addressed to a device (10,12) different from the device (14) which contains the first control subdevice (41), and the addressed device including a second control subdevice (27,29) responsive to such a request message for determining the required status information; wherein the second control subdevice is arranged to compose a formatted user-readable message and transmit the user-readable message directly or via one or more other control subdevices of the system to the user output subdevice (46) for display, characterised in that the first control subdevice (41) is configured to include in the device information request message a field specifying a format for the user-readable message and in that the second control subdevice (27,29) is responsive to the said field to compose the user-readable message in accordance with the specified format".

IV. Both the patent proprietor and the opponent appealed against this decision.

The patent proprietor requested that the patent be maintained as granted or, as an auxiliary request, that it be upheld in the form maintained by the Opposition Division. Furthermore, the reasoning of the decision was said to be deficient, which amounted to a substantial procedural violation.

The opponent requested that the patent be revoked.

- V. In a communication pursuant to Article 11(2) of the Rules of Procedure of the Boards of Appeal, the Board addressed in particular the question of a substantial procedural violation and stated its opinion that the decision was sufficiently reasoned.
  
- VI. Oral proceedings before the Board were held on 28 June 2002. In the course of the proceedings the patent proprietor withdrew its previous main request and instead requested that the patent be maintained in the form upheld by the Opposition Division, or, as an auxiliary request, on the basis of claim 8 as upheld by the Opposition Division.
  
- VII. The appellant opponent requested that the decision under appeal be set aside and the patent be revoked.
  
- VIII. At the end of the oral proceedings the Chairman announced the Board's decision.

## **Reasons for the Decision**

### 1. *The invention*

The invention is a local communication bus system connecting a plurality of devices. A screen is provided (output subdevice 46) on which status information about a device can be displayed. The request for displaying such information is initiated by a first control subdevice and transmitted to the device whose status is asked for. That device contains a second control subdevice which composes a "user-readable" message and transmits it to the output subdevice for display. The format of the user-readable message is specified in the

request sent by the first control subdevice. It is explained in the description that the system does not need to interpret the content of the user-readable message (column 9, lines 23 to 35). This is said to have advantages, one being that a device in the system is not required to have information about other devices in order to initiate the display of a status message.

2. *Construction of claim 1*

2.1 The discussion at the oral proceedings before the Board centred on the expression "user-readable". The patent proprietor argued that it effectively implied that the displayed message was in a natural language (cf. column 9, lines 53 of the patent in suit). The opponent on the other hand took the view that it was hardly limiting at all since all kinds of users must be considered, including service-men who would understand system messages whatever their form.

2.2 Normally, an apparatus cannot be defined in terms of the skills of prospective users of the apparatus (cf. Rule 29 EPC: "The claims shall define the matter for which protection is sought *in terms of the technical features of the invention*"). It appears even less appropriate to define sub-groups of users, such as service-men, for whom the apparatus might or might not be intended. The Board therefore agrees with the opponent that a narrow interpretation of the expression "user-readable" would be inappropriate and takes the view that there is no constraint on the *kind* of representation on the display. It could consist of plain text, abbreviations, symbols or images, binary or hex code, etc. Still, considering the feature in the light of the description the Board finds that it is not

entirely void of technical meaning. As confirmed by the description, status information transmitted by the second control device need not be converted - e.g. by means of a look-up table in the display device which associates the incoming data with predetermined text messages - in order to be displayed. This should be contrasted with the hypothetical situation that a transmitted message cannot be displayed because a converter in the display does not recognise it. For example, if the conversion were defined for certain devices only, a message composed by a different device would be lost. Whether information to be displayed is lost or not is regarded as having technical significance, following decision T 115/85 (OJ EPO 1990,030) according to which "giving visual indications automatically about conditions prevailing in an apparatus or system is basically a technical problem". Therefore, the arrangement by which the second control device composes "user-readable" messages is regarded as a technically limiting feature of the claimed bus system.

3. *Inventive step*

3.1 The opponent has argued that E2, describing the "Dimensia" system, anticipates the subject-matter of claim 1 as granted (ie the features of the pre-characterising portion of claim 1 now under consideration) and renders the invention obvious. According to E2 an interrogated device sends a status message which "can be as long as 16 bytes in length... The status information can include numbers such as counter values, current band numbers, time remaining, etc. The status is then displayed on the screen" (page 68, bottom of 3rd column). The opponent

understands the indication "as long as 16 bytes" in the way that the message could also be shorter, something which the initiating device would have to specify in the device information request message (cf. the characterising portion of claim 1).

3.2 The patent proprietor is of the view that the status message in E2 is not "user-readable". Instead, the status message must be assumed to be converted into a message to be displayed, as indicated at the end of page 69: "Tasks related to system operation include... converting status from system components to on-screen display messages...". The 16 byte format mentioned in E2 was thus not in respect of a user-readable signal. The format of the message actually displayed was not at all described.

3.3 On this point the Board agrees with the patent proprietor. It appears that E2 can indeed be understood in the way that the transmission from the interrogated device is replaced by a message which is displayed, and it is not clear what would happen if the transmitted bytes were not recognised by the system. It follows that the feature "user-readable" (in the meaning of the patent in suit, see point 2.2 above) is not clearly and unambiguously disclosed in E2. Nor is it an obvious addition. If the technical aim is seen as avoiding the need for devices to be informed about other devices of the system (cf. point 1 above), E2 does not mention it. It is true that the importance of "future compatibility" and "maximum utility with future Dimensia components" is emphasised, but these goals seem to be achieved chiefly by means of "uniform formats" (page 66, first two columns). This is very general and might merely imply that devices should be



compatible (at some level).

User-readable messages can be expected to be comparatively long, which means that they would only be transmitted over the bus if the skilled person saw a good reason for doing so. In the absence of such a reason the invention according to claim 1 must be regarded as involving an inventive step.

- 3.4 The opponent has argued that any electrical signal from a device would have to be converted in order to be displayed, also the "user-readable messages" according to the invention. This is naturally not denied. Important is however the *kind* of conversion employed. If any status signal is such that it can be converted and displayed (in whatever form) without loss of information, then the messages are user-readable. But if only a limited number of signals can be processed, e.g. because the on-screen display messages are predetermined (which could be the case in E2), the status signals are not generally user-readable.
- 3.5 The opponent has furthermore pointed to column 2, lines 34 to 43 of the patent in suit, where it is stated that the initiating subdevice may "combine or substitute the user message from the addressed control subdevice with user messages of its own and/or user messages acquired or received from further addressed control subdevices, and transmit the combined user message to the user output subdevice for display". In the opponent's view this passage shows that messages from interrogated devices may be replaced, just as they appear to be in E2, so that there is in fact no difference between the invention and this prior art. This argument is however not found to be convincing.

According to claim 1 the second control subdevice is "arranged to compose a formatted user-readable message". This is an apparatus feature and independent of the final fate of the message. In other words, even if a user-readable message is replaced, it was still composed in such a way that it would have been suitable for display. In E2, however, it is not apparent that the status transmissions can be displayed at all unless they are replaced by on-screen display messages.

3.6 As to document D1, the opponent has not argued that the invention would be rendered obvious by this document. Still, some comments on D1 might be appropriate. This document concerns a communication bus system capable of displaying certain status information to the user, such as "VTR ON" (see Figure 6A). This message does not originate in a subdevice but is the result of a conversion of a string of hex code generated by a subdevice. This is in fact the kind of prior art on which the invention is intended to improve (cf. the patent in suit, column 1, line 25 to column 2, line 12). If however the hex code for some reason cannot be converted, it is displayed as it is (Figure 7B). The Board accepts the opponent's view that this case corresponds to the display of a formatted user-readable message composed by a control device, as set out in the pre-ambble of claim 1. But since the hex code is not the desired output, the skilled person would have had no reason to permit the (requesting) first control subdevice to specify its format. Therefore D1 does not suggest the characterising portion of claim 1.

3.7 It follows that claim 1 is acceptable. Independent claim 8, directed to an apparatus for use as an

addressable device in such a bus system, is allowable for the same reasons.

4. The patent proprietor's auxiliary request

Since the Board finds that the patent should be maintained in the version upheld by the Opposition Division there is no need to consider the patent proprietor's auxiliary request for maintenance in a more limited form.

**Order**

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

The appeals are dismissed.

The Registrar:

The Chairman:

M. Kiehl

S. Steinbrener