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Datasheet for the decision of 24 November 2006

Case Number: T 0572/03 - 3.5.04

Application Number: 95830032.9

Publication Number: 0666691

IPC: H04N 5/44

Language of the proceedings: EN

Title of invention:
Automatic identification and memorisation device of television stations

Patentee:
EDICO S.r.l.

Opponents:
Koninklijke Philips Electronics N.V.
IGR GmbH & Co. KG.

Headword:
-

Relevant legal provisions:
EPC Art. 56

Keyword:
"Inventive step - (yes) after amendment"

Decisions cited:
-

Catchword:
-

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Case Number: T 0572/03 - 3.5.04

D E C I S I O N
of the Technical Board of Appeal 3.5.04
of 24 November 2006

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Decision under appeal:
Decision of the Opposition Division of the European Patent Office posted 14 February 2003 revoking European patent No. 0666691 pursuant to Article 102(1) EPC.

Composition of the Board:

Chairman: F. Edlinger
Members: A. Teale
B. Müller

Summary of Facts and Submissions

I. The appeal is against the decision of the opposition division to revoke European patent No. 0 666 691, following two oppositions, because the claimed subject-matter lacked inventive step in view of the document:

D1: Dietmar Lerch: "ATS euro plus, Keine Probleme mit der Sendersuche", Funkschau 22/1992, pages 44 to 46.

The appealed decision also referred to the document:

D5: Specification of the Domestic Video Programme Delivery Control System (PDC), EBU Document SPB 459 rev., May 1989.

II. In the appealed decision D1 was considered to disclose an identification and memorising device of television stations carrying out first and second identification attempts on VPS and PDC signals. The device implicitly had memory, control and logic control circuit means. The subject-matter of claim 1 as granted was found to differ from D1 in that two identification attempts were carried out on the same received station. The problem to be solved was that of station identification, there being two possible alternative solutions: making two identification attempts in succession on the received signal (the claimed solution) or making two identification attempts during two different runs in a search mode. The claimed alternative was simpler and quicker than the other and therefore obvious.

III. This appeal was originally allocated, following the business distribution scheme, to a different technical board of appeal.

IV. In a letter dated 9 July 2003 respondent 1 withdrew its opposition.

V. In a decision, also designated T 0572/03, but dated 18 March 2005, an objection of suspected partiality against the chairman of the original board was refused. Subsequent to an amendment of the business distribution scheme, the case was transferred to the present board.

VI. The board issued a summons to the remaining parties to attend oral proceedings. In an annex to the summons the board expressed doubts as to whether the device known from D1 carried out two attempts at broadcaster identification by examining a second determined signal position according to a second one of memorised sets of rules, since it might merely use a single "dedicated television line" decoder, making it capable of decoding television signals according to both the VPS and PDC standards. The board was also inclined to agree with the finding in the appealed decision that memory, control and logic control circuit means were implicit in D1.

VII. In a letter dated 10 November 2006 the remaining respondent 2 withdrew its opposition.

VIII. In the oral proceedings held on 24 November 2006 the appellant filed amended patent documents consisting of:

description: columns 1 to 6

claims: 1 to 18
figures: 1 and 2.

IX. Claim 1, the only independent claim, reads as follows, deletions from granted claim 1 being shown between brackets [] and additions being indicated in **bold**:

"1. Identification and memorisation device of television stations, in particular for a television signal receiver, comprising control means (17) that automatically identify said television stations and memorise them in an established order, independent from the transmission frequency of the same, characterised in that said device has a memory (R) wherein a plurality of different rules for identifying said stations are memorised, **namely 8/30 packet format 1; 8/30 packet format 2; line 16 - VPS; line 0 of a teletext signal,** and logic control circuit means (17) for executing in succession a plurality of identification attempts and by

- performing a first identification attempt to identify the received station, by searching and decoding an identification (L) inserted in the television signal, by examining a first determined position of the transmitted signal, according to a first of said memorised rules,
- and, when the said first identification attempt is unsuccessful, performing at least a second identification attempt to identify [the] **said** received station, by searching and decoding an identification inserted in the television signal, by examining a second determined position of the transmitted signal which is different from said first determined position, according to a second of said memorised rules."

X. The appellant requested that the decision under appeal be set aside and that the patent be maintained in the version filed in the oral proceedings.

XI. The appellant argued essentially that it was a matter of common general technical knowledge at the priority date that VPS signals were encoded at teletext line 16 (a dedicated line in the field blanking interval). The PDC standard did allow VPS signals to be transmitted as a "national option" in Austria, Germany and Switzerland. In general however the PDC transmissions used the non-displayed ("ghost") teletext line 30 and were a mixture of 8/30 format 1 and 8/30 format 2 signals. When D1 was published television stations in Germany only broadcast VPS signals and no PDC (meaning 8/30 format 1 and 8/30 format 2) signals. Indeed PDC signals were only mentioned in D1 in the context of German television stations (see figure 3, line 7) in the expectation that German television stations would at some point in the future start broadcasting PDC signals.

XII. At the end of the oral proceedings the board announced its decision.

Reasons for the Decision

1. The appeal is admissible.

2. *The amendments*

Claim 1 has been restricted by taking up the four rules for identifying television stations disclosed on

page 5, lines 10 to 12 of the application as originally filed (cf. paragraph [0025] of the patent specification) and by now specifying that the second identification attempt is carried out on the same received station as the first identification attempt, as follows from box 111 in the flow chart shown in original figure 2 in combination with page 7, lines 13 to 15 of the original application (paragraph [0041] of the patent specification). In claims 2 and 3 the expression "line 0, of the transmitted signal" has been amended to "line 0, of the transmitted teletext signal", thus making these claims consistent with the expression on page 2, lines 37 to 38 of the original description. Column 3, lines 49 to 51 of the description have also been amended to make them consistent with amended claim 1.

The amendments therefore satisfy Article 123(2,3) EPC.

3. *The closest prior art*

D1 forms the closest prior art, discussing an identification and memorisation device of television stations for a video recorder or a television; see page 44, right column, lines 1 to 35. In view of the priority list of television stations shown in figure 3, the device automatically identifies television stations and memorises them in an established order, independent from their transmission frequency. In the light of the references to the memorisation of stations, station identification and menu-driven system control (see figures 4, 5 and 6), the board finds that memory, control and logic control circuit means for executing

in succession a plurality of identification attempts are implicit in D1.

D1 explicitly mentions that the received television stations are identified using VPS data; see page 45, left column, lines 7 to 9. The board understands from this that the memory of the device contained a rule for performing a station identification attempt to identify a received station by searching and decoding information according to the VPS standard, such VPS signals being encoded at teletext line 16.

According to D1, television stations in Denmark, Great Britain and the Netherlands were due to start PDC (8/30 format 1 and 8/30 format 2) transmissions in 1993; see page 45, left column, line 50 to page 46, left column, line 3. The user of the device known from D1 selects the language and country (see figures 4 and 5), the device then searching for, identifying and storing the television stations in the appropriate pre-defined priority order; see figure 2. Figure 3 shows the priority order for Germany and mentions at line 8 foreign television stations with VPS or PDC. In the board's view this means that the device known from D1 was adapted to cope with receiving not only national television transmissions, meaning German transmissions in figure 3, but also those from a neighbouring country, for instance the Netherlands. The board has consequently revised its assessment of D1 from that expressed in the annex to the summons to oral proceedings and now finds that the device known from D1 would be able to decode not only VPS signals, but also PDC signals in 8/30 format 1 and 2. Hence the board concludes that the memory of the device known from D1

also contained rules for performing an identification attempt to identify a received station by searching and decoding information according to PDC 8/30 format 1 and 2. This also follows from D5 which mentions that, for reasons of backward compatibility with certain teletext decoders, the PDC standard envisages a mixture of 8/30 format 1 and 8/30 format 2 signals being transmitted; see the second footnote on page 35 and annex 2. D1 however remains silent as to whether a second test is carried out on the same received station or whether two different runs are made.

In view of the references in D1 to receiving Videotext (see, for example, line 10 of figure 3), the device is regarded as also being capable of decoding teletext signals in order to display teletext pages. This decoding process would implicitly include decoding line 0 of the received teletext signal, known as the "page header". There is however no mention in D1 of information being searched for in and extracted from the page header and used to identify and memorise the television station.

4. *Novelty*

The subject-matter of claim 1 consequently differs from the disclosure of D1 in that:

a. the device also has a memorised rule for identifying stations using line 0 of a teletext signal and

b. if a first identification attempt on a received station is unsuccessful a second identification attempt using a second of the memorised rules is carried out on the same received station.

The claimed subject-matter is consequently new, Article 54 EPC.

5. *Inventive step*

The objective technical problem starting from D1 is regarded as being that derivable from paragraph [0008] of the description, namely to realise an identification and memorisation device of television stations able to automatically carry out such operations in the majority of cases in which an identification is effectively inserted in the transmitted signal. This problem is known from D1; see page 44, right column, lines 1 to 44.

Both difference features contribute to the solution of this technical problem in allowing the device to identify more television stations than hitherto possible. Difference feature "b" also minimizes the search time by avoiding unnecessary identification attempts.

Difference feature "a" is not known from any prior art document on file, nor can the board see any reason why the skilled person would derive such a rule from the prior art, which contains no hint that visible teletext information (line 0) could be searched for, extracted and used to identify and memorise television stations.

Since the other documents cited in these appeal proceedings are even less relevant than D1 to the question of inventive step, the subject-matter of

claim 1 is considered to involve an inventive step, Articles 52(1) and 56 EPC.

6. *Conclusion*

The board finds that, taking into consideration the amendments made by the proprietor during the appeal proceedings, the patent and the invention to which it relates meet the requirements of the EPC.

Order

For these reasons it is decided that:

1. The decision under appeal is set aside.

2. The case is remitted to the first instance with the order to maintain the patent as amended in the version received during the oral proceedings of 24 November 2006.

The Registrar: The Chairman:

D. Sauter F. Edlinger