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Datasheet for the decision
of 25 June 2010

Case Number: T 1303/06 - 3.5.04

Application Number: 94480054.9

Publication Number: 0648054

IPC: H04N 7/087

Language of the proceedings: EN

Title of invention:
Apparatus and method for selectively viewing video information

Patentee:
International Business Machines Corporation

Opponent:
IGR GmbH & Co. KG.

Headword:
-

Relevant legal provisions:
-

Relevant legal provisions (EPC 1973):
EPC Art. 54, 56

Keyword:
"Novelty - all requests (yes)"
"Inventive step - all requests (no)"

Decisions cited:
-

Catchword:
-

Case Number: T 1303/06 **-** 3.5.04

D E C I S I O N
of the Technical Board of Appeal 3.5.04
of 25 June 2010

Appellant: (Patent Proprietor)	International Business Machines Corporation New Orchard Road Armonk, NY 10504 (US)
Representative:	Meldrum, David James D Young & Co LLP 120 Holborn London EC1N 2DY (GB)
Respondent: (Opponent)	IGR GmbH & Co. KG. Bahnstraße 62 D-40210 Düsseldorf (DE)
Representative:	Eichstädt, Alfred Maryniok & Eichstädt Kuhbergstraße 23 D-96317 Kronach (DE)
Decision under appeal:	**Decision of the Opposition Division of the European Patent Office posted 19 June 2006 revoking European patent No. 0648054 pursuant to Article 102(1) EPC 1973.**

Composition of the Board:

Chairman: F. Edlinger
Members: A. Dumont
              C. Vallet

C4102.D

Summary of Facts and Submissions

I.   The patent proprietor filed an appeal against the
        decision by the opposition division to revoke European
        Patent No. 0 648 054.

II.   An opposition had been filed based on Article 100(a)
        EPC 1973 together with Articles 54 (novelty) and 56
        (inventive step) EPC 1973, relying *inter alia* on the
        following prior art documents:

        D1:   US 4 857 999 A;
        D5:   M. KOSKINEN: "An efficient & easy-to-use keyword
              search for videotex", in Proceedings of VIDEOTEX
              '84 International, 20 November 1984, pages 253 to
              261, Amsterdam(NL);
        D6:   WO 91/05436 A1.

III.   The patent was revoked on the grounds that the subject-
        matter of the independent claims according to the main
        request then on file lacked novelty over each of D6 and
        D1, and that the subject-matter of the independent
        claims according to the auxiliary requests then on file
        lacked an inventive step having regard to D6 and common
        general knowledge as evidenced by D5.

IV.   With the reply to the statement of grounds of appeal,
        the respondent filed the following extract from a
        textbook:

        D8:   "Teletext And Videotex In The United States",
              McGraw-Hill Publications Company, ISBN 0-07-
              000427-7, 1982, pages 1 to 7, cover sheets,
              contents and preface.

V.   By letters dated 27 April 2010 and 14 May 2010 the
        appellant requested postponement of the oral
        proceedings but the board did not allow the request.

VI.   Oral proceeding took place before the board on 25 June
        2010 as scheduled, both parties being represented.

VII.   The appellant (patentee) requested that the decision
        under appeal be set aside and that the patent be
        maintained in amended form on the basis of claims 1 to
        7 of the main request, or as an auxiliary measure, of
        claims 1 to 7 of the auxiliary request, both filed with
        the letter dated 25 May 2010, the description and
        drawings being in the form as granted.

VIII.   The respondent (opponent) requested that the appeal be
        dismissed.

IX.   Claim 1 according to the main request reads as follows:

        "A television presentation system, comprising:
        a television signal receiver for receiving a television
        signal from an external source;
        a closed captioning decoder for extracting from said
        television signal closed captioning stream of textual
        data;
        means for receiving from a user search parameters, said
        search parameters representing information content of
        interest to the user; said search parameters comprising
        a plurality of key words, linked by one or more logical
        relationships and proximity limitation among key words;

means for searching said stream of textual data for
occurrences of textual data matching said search
parameters;
means for identifying one or more segments of said
television signal, each said segment consisting of
video and audio portions and corresponding to an
occurrence of said textual data matching said search
parameters."

X.   Claim 1 according to the auxiliary request differs from
        claim 1 according to the main request in setting out
        the following additional phrase member before the final
        full stop:

        ", wherein said occurrence of said textual data occurs
        within a video blanking period of said identified one
        or more segment".

XI.   The reasoning in the decision under appeal, in so far
        as it is relevant to the decision on the present claims,
        may be summarised as follows.

        It belongs to common general knowledge that teletext
        information encompasses closed captioning information,
        so that the data extractor of D6 also extracts closed
        captioning data.

        The system of D6 performs a search using a single key
        word. Linking search key words by one or more logical
        relationships is rendered obvious by D5 (page 256,
        second complete paragraph), which reflects common
        general knowledge.

XII.   The appellant's arguments may be summarised as follows.

The system of D6 searches for a key word and identifies corresponding teletext pages or the start time for the purpose of recording a corresponding television programme. It does not suggest identifying segments of the television signal, each segment consisting of video and audio portions, as set out in claim 1. The temporal association, or correspondence, between the data and the television signal in the present invention is thus absent from D6. It is also absent from the other prior art documents.

"Videotex" according to D5 is to be distinguished from "videotext" or "teletext". Teletext according to D6 is a one-way system, whereas Videotex according to D5 is a two-way system. D5 and D6 thus relate to different fields, and their teaching cannot be combined.

The systems of both D1 and D6 search for an exact pattern match, with a single key word including separating space between words. In this context the term "key word" has a particular meaning, and a plurality of key words should not be confused with a plurality of words in a particular order. Neither D6 nor any other available document teaches or suggests linking key words by one or more proximity limitations. There is no motivation in a field similar to that of D6 for the skilled person to improve the system of D6 by performing a search based on a plurality of key words in closed captioning data as set out in claim 1.

XIII. The respondent concurred with the analysis and conclusions of the opposition division and brought further arguments, which may be summarised as follows.

The subject-matter of claim 1 still lacks novelty over D1 and D6 because claim 1 covers searching of word patterns in a closed captioning stream of textual data. It does not require that a user inputs a logical relationship between search words.

The system of D6 searches teletext for travel information or for the name of a television programme. Such a name usually contains several words in a sequence and constitutes therefore a plurality of key words or search parameters linked by logical operators and proximity limitations, in the meaning of paragraph [0073] of the patent specification.

D5 (page 256) discloses a search with logical relationships between a plurality of key words and the further possibility of defining search macros, which implies logical operators and proximity limitations.

Teletext, Videotex and closed captioning are very similar techniques mastered by one and the same skilled person, as evidenced in textbook D8. Furthermore, teletext usually contains pages with subtitles corresponding to segments of the television (video and audio) signal currently being broadcast, which can thus be searched in the system of D6.

C4102.D

Reasons for the Decision

1.   The appeal is admissible.

2.   Main request

2.1   Novelty

2.1.1   Novelty over D1 and D6 was an issue both in the
        decision under appeal and after amendment of the claims
        in the appeal proceedings. In the oral proceedings the
        board gave its opinion that neither of these documents
        disclosed the identification of one or more segments
        corresponding to an occurrence of textual data matching
        search parameters as set out in claim 1 of the main
        request (and of the auxiliary request). For the present
        decision only the detailed reasoning concerning D6,
        which the board considers to represent the closest
        prior art, is relevant.

2.1.2   D6 discloses a television presentation system
        comprising:
        a television signal receiver (22; figures 1 and 3) for
        receiving a television signal from an external source
        via an antenna (24; figure 2);
        a decoder for extracting from said television signal a
        stream of textual data (teletext; see page 5, second
        paragraph);
        means for receiving from a user a key word as a search
        parameter, said search parameter representing
        information content of interest to the user ("desired
        data") such as a programme name or travel information;

means for searching said stream of textual data for
occurrences of textual data matching said search
parameter.

The system of D6 either stores the data corresponding
to an occurrence of the desired travel information or
programs a video recorder to record the video and audio
portions corresponding to an occurrence of the desired
programme name (see page 10, last complete paragraph;
and the paragraph bridging pages 10 and 11).

2.1.3   The following features are not disclosed in D6:

(a)   Searching a closed captioning stream of textual
      data (which is commonly transmitted, like teletext,
      in the vertical blanking interval, or VBI, of the
      television signal; see paragraphs [0020] and [0028]
      in the patent specification). D6 retrieves
      information by searching the extracted stream of
      teletext data. D6 does not mention that the
      teletext decoder also extracts closed captioning
      data to be searched in order to identify one or
      more segments of said television signal, each
      segment consisting of video and audio portions.

(b)   Apart from one passage ("searching for keywords"
      on page 11, second paragraph), D6 only refers to
      key word in the singular as a search parameter. D6
      does not mention logical operators (AND, OR, NOT)
      or proximity limitations.

      Furthermore, nothing in D6 hints at a key word
      being parsed into isolated words separated by
      spaces for the purpose of the search. A text

string, for instance a sequence of three words, would not be treated in D6 as a set of plural (three) key words linked by operators or proximity limitations, which would allow for the search of combinations of a plurality of key words not following the rigid order predetermined in the sequence of words separated by spaces. The board is thus satisfied that D6 discloses the use of a single key word as a search parameter.

2.1.4   As a result, the subject-matter of claim 1 according to the main request is new over D6.

2.2   Inventive step

2.2.1   The features not known from D6 provide solutions to the general problem of enhancing the retrieval of information of interest to the user (see also paragraphs [0011] to [0015] in the patent specification).

2.2.2   Feature (a)

Closed captioning consists in textual data of the television signal representing a usually simplified version of the text spoken in the corresponding television programme, for instance a sentence, as a hearing aid for the acoustically-impaired person. It is by its nature regularly updated to correspond to the content of current segments of the audio and video components of the broadcast television signal (see paragraphs [0020] and [0028] in the patent specification). This kind of textual data is not normally stored for later retrieval on teletext pages.

It is common ground that D6 relates to a conventional computer system (see figures 1 and 2) with an add-on receiver expansion card (22), able to extract teletext data from the VBI and process it (see page 1, last paragraph; page 2, fifth paragraph and page 5, second paragraph). The system of D6 may search in teletext pages for pieces of textual information relating to television programmes (programme names) or other topics (travel information), for the television channel currently being watched as well as for other simultaneously transmitted channels (see page 10, second paragraph and page 11, second paragraph). The computer system of D6 has thus sufficient resources for storing a large collection of textual data extracted from the VBI of several channels and searching in it for information of interest to the user.

As mentioned in the foregoing, closed captioning represents a standardised source of information data made available in the broadcast television signals, which is very similar to teletext or other types of data transmitted in the VBI, as confirmed in the patent in suit (see paragraph [0096] in the patent specification). The board finds that the skilled person would have readily considered also extracting and searching closed captioning data as a similar, additional, source of textual information of interest, in order to enhance the probability of a match. This view is confirmed by textbook D8, which states that computing and communication technology have joined together for delivering home-based information services, with a continuum in information transmission including *inter alia* captioning, teletext, videotex and personal

computers (see D8, page 1, first paragraph; and page 2,
first bullet).

Once a match is found, the system of D6 identifies the
corresponding content of interest, for instance the
teletext page containing the travel information or the
broadcast television programme corresponding to the key
word in its name. Similarly, identifying a segment of
the television signal corresponding to a match would be
obvious also for closed captioning data. In this case,
a key word having occurred in one of the other
simultaneously transmitted programmes would increase
the chances of retrieving information of interest to
the user in a programme which is currently being
broadcast.

Consequently, the board considers that it was obvious
at the priority date, starting from D6, to extend the
source of textual data for enhancing data retrieval, as
set out in feature (a).

2.2.3   Feature (b)

Already before the priority date of the patent, logical
relationships (AND, OR, NOT) and proximity limitations
were commonly known tools in the field of computer-
based retrieval of textual data for the purpose of
enhancing the search ability by raising the probability
of a relevant match (see for instance D5, page 256,
third paragraph for a practical application of logical
relationships in the context of videotex). The patent
in suit mentions these tools as known in the art of
computer database searching (see for instance
paragraph [0022] of the patent specification) and does

not describe them as having been developed or even
specifically adapted in the context of the invention.

Consequently, it was likewise obvious to provide for
further tools for improved data retrieval in the system
of D6, as set out in feature (b).

2.2.4   Features (a) and (b) constitute solutions both aiming
        at the same general goal, namely improving the
        retrieval of information. They address separate aspects
        of information retrieval, namely extending the
        available source of information data and providing
        refined search tools, respectively. The appellant has
        not argued that these aspects are interrelated beyond
        their normal relationship and their individual
        contributions to the retrieval of information, and the
        board does not see a synergy between them either. As a
        result, having regard to the system known from D6, the
        subject-matter of claim 1 lacks an inventive step as
        required under Article 56 EPC 1973 and the main request
        is not allowable.

3.   Auxiliary request

3.1   The additional phrase member (", wherein said
        occurrence of said textual data occurs within a video
        blanking period of said identified one or more segment")
        in claim 1 according to the auxiliary request reflects
        a feature which is implicit in the denomination "closed
        captioning", as is confirmed in the passages of the
        patent in suit cited as support by the appellant. This
        feature has already been taken into account in the
        reasons relating to the main request.

3.2   As a result, the auxiliary request is not allowable for the same reasons as given for the main request.

4.   In conclusion, neither of the appellant's requests being allowable, the appeal must be dismissed.

Order

For these reasons it is decided that:

The appeal is dismissed.

The Registrar   The Chairman

C. Rodríguez Rodríguez   F. Edlinger