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**Datasheet for the decision  
of 17 May 2011**

**Case Number:** T 0054/07 - 3.5.04

**Application Number:** 98912646.1

**Publication Number:** 0920778

**IPC:** H04N 7/173

**Language of the proceedings:** EN

**Title of invention:**

Transmission and reception of television programs

**Applicant:**

Koninklijke Philips Electronics N.V.

**Opponent:**

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**Headword:**

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**Relevant legal provisions:**

EPC Art. 54(3), (4)

**Relevant legal provisions (EPC 1973):**

EPC Art. 54(1), (2), 56

**Keyword:**

"Novelty and inventive step (yes)"

**Decisions cited:**

-

**Catchword:**

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Case Number: T 0054/07 - 3.5.04

**D E C I S I O N**  
of the Technical Board of Appeal 3.5.04  
of 17 May 2011

**Appellant:** Koninklijke Philips Electronics N.V.  
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**Representative:** Schmitz, Herman Jan Renier  
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**Decision under appeal:** Decision of the Examining Division of the  
European Patent Office posted 14 August 2006  
refusing European patent application  
No. 98912646.1 pursuant to Article 97(1) EPC  
1973.

**Composition of the Board:**

**Chairman:** F. Edlinger  
**Members:** A. Dumont  
B. Müller

## Summary of Facts and Submissions

- I. The applicant appealed against the decision by the examining division to refuse European patent application No. 98 912 646.1.
- II. The examining division refused the patent application on the grounds that claim 1 of the main request and auxiliary request then on file lacked novelty and inventive step, respectively (Articles 54(1) and (2) and 56 EPC 1973), relying on the prior-art documents
- D1: WO 96/41478 A1;  
D4: Brian Proffit: "InterCast Brings the Web to TV", PC Magazine, 21 January 1997, pages 203 and 204; XP 002053914.
- III. The following further documents were cited in the examination proceedings:
- D2: WO 98/17064 A1 and  
D3: EP 0 849 946 A2.
- IV. In an annex to summons to oral proceedings the board addressed various deficiencies in the application documents then on file and informed the appellant that the application might proceed to grant if the deficiencies were remedied.
- V. In a reply of 24 February 2011 the appellant filed amended claims according to a main request and a first auxiliary request and an amended part of the description (pages 1, 2, 2a and 4).

VI. In a telephone conversation on 16 March 2011 the representative and the rapporteur discussed amendments to the claims.

VII. With letter of 18 March 2011 the appellant filed an amended set of claims 1 to 17 of the main request.

VIII. On 21 March 2011 the board informed the appellant that the oral proceedings scheduled for 24 March 2011 were cancelled.

IX. The appellant requests 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 the first auxiliary request.

X. The independent claims according to the main request read as follows:

"1. A method of transmitting television programs (TV) to at least one receiver, including the steps of transmitting, along with a television signal representing a program, additional information pages (W) related to said television programs, and further transmitting, during a program, trigger data (T) comprising a link field (104) identifying a particular one of said additional information pages for selectively invoking said particular one of said additional information pages,  
**characterized in that** the trigger data further comprises, associated with the link field, a data field (103) including, or referring to, a corresponding reproducible signal for perceptible reproduction by the receiver so that, in response to a predetermined user-

operable command acting on the reproducible signal, said information page is invokable."

"7. A method of receiving television programs, comprising the steps of receiving and storing additional information pages (W) related to said television programs and transmitted along with a television signal representing a program, and further receiving, during a program, trigger data (T) comprising a link field (104) identifying a particular one of said additional information pages for selectively invoking said particular one of said additional information pages, **characterized by** perceptibly reproducing a corresponding reproducible signal included, or referred to, in a data field (103), associated with the link field, comprised in the trigger data upon reception of said trigger data and invoking said information page in response to a predetermined user-operable command acting on the reproduced signal."

"10. A transmitter (1) for transmitting television programs (TV) to at least one receiver, comprising means (12) for transmitting, along with a television signal representing a program, additional information pages (W) related to said television programs and means (13) for further transmitting, during a program, trigger data (T) comprising a, link field (104) identifying a particular one of said additional information pages for selectively invoking said particular one of said additional pages, **characterized in that** the trigger data comprises, associated with the link field, a data field (103) including, or referring to, a corresponding

reproducible signal for perceptible reproduction by the receiver so that, in response to a predetermined user-operable command acting on the reproducible signal, said information page is invocable."

"12. A receiver (2) for receiving television programs (TV), comprising means for receiving and storing additional information pages (W) related to said television programs and transmitted along with a television signal representing a program, and for further receiving, during a program, trigger data (T) comprising a link field (104) identifying a particular one of said additional information pages for selectively invoking said particular one of said additional information pages,

**characterized by** means for perceptibly reproducing a corresponding reproducible signal included, or referred to, in a data field (103), associated with the link field, comprised in the trigger data upon reception of said trigger data and invoking said information page in response to a predetermined user-operable command acting on the reproduced signal."

"15. A television signal representing a television program and including additional information pages (W) related to said television program and trigger data (T) comprising a link field (104) identifying a particular one of said additional information pages for selectively invoking said particular one of additional information pages,

**characterized in that** the trigger data further comprises, associated with the link field, a data field (103) including, or referring to, a corresponding reproducible signal for perceptible reproduction by the

receiver so that, in response to a predetermined user-operable command acting on the reproducible signal, said information page is invocable."

XI. The reasoning in the decision under appeal may be summarised as follows:

D4 discloses a method of transmitting television programs as set out in claim 1 of the main request. In particular D4 discloses the step of transmitting trigger data comprising a link field identifying a particular one of additional information pages (Intericast web pages) related to said television programs. These web pages may in turn include hyperlinks to other web pages. The hyperlinks constitute the claimed trigger data, and these hyperlink trigger data comprise a link identifying a particular one of the additional other downloaded web pages so that this additional information web page is selectively invoked. These hyperlink trigger data of D4 also include a reproducible signal since each invoked web page is accordingly reproduced by the receiver.

D1 discloses a television set reproducing a pictogram on a screen informing the user that additional information is available.

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

The trigger data including a reproducible signal according to the claims are different both from the triggers known from D4 and from the hyperlinks contained in web pages in D4. One and the same feature (the same hyperlinks) of D4 may not anticipate both

trigger data and additional information pages. The invention is thus novel.

Furthermore, in the prior art triggers cause web pages to be automatically pulled up in an obtrusive way. By contrast, in the invention the user is only informed that such pages are available for selection. This difference is not suggested.

### **Reasons for the Decision**

1. The appeal is admissible.
  
2. Amendments to the claims

In comparison with claim 1 of the refused main request, claim 1 of the present main request has been amended to further set out a data field (103), associated with the link field (104) in the trigger data, including, or referring to, a corresponding reproducible signal for perceptible reproduction by the receiver, so that, in response to a predetermined user-operable command acting on the reproducible signal, said information page is invokable. Basis for the amendments can be found on page 4, lines 12 to 16 and page 9, lines 20 to 25 of the description. The further independent claims have been amended accordingly.

The amended claims comply with Article 84 EPC 1973 and Article 123(2) EPC.



3. Novelty and inventive step
  - 3.1 The board agrees that D4 reflects the closest prior art. D4 discloses a method according to the preamble of claim 1 of the main request, in which additional information pages in the html format (Intericast web pages) are provided along with the television signal. Triggers determine the right moment for displaying an additional web page (see page 204, centre column). Such triggers represent trigger data comprising a link field as set out in the preamble of claim 1. In D4 a web page containing the additional information is automatically pulled up and displayed (full screen) when the trigger is received.
  - 3.2 D4 mentions triggers for automatically switching the television to full screen or even changing channels (see page 204, centre column). D4 does not however disclose the characterising portion of claim 1, in particular trigger data comprising, associated with the link field, a data field, the perceptible reproduction of which informs the user about the availability of an additional web page and allows the user to view the page if desired.
  - 3.3 The Intericast web pages of D4 (see page 204, left-hand column, first paragraph of the section "BACK-CHANNEL HOOKUPS") may include hyperlinks to other web pages. The examining division equated one of these hyperlinks with the reproducible signal of the present invention. However, present claim 1 makes a clear distinction between an additional information page, transmitted in advance, and the reproducible signal included or referred to in the data field of the trigger data,

which trigger data are transmitted during a television programme and directly related to the currently transmitted programme. The hyperlink referred to by the examining division is included in the html code of an Intericast web page and is thus included in an "additional information page" according to claim 1. It cannot be regarded at the same time as also being a reproducible signal included in, or referred to by, the data field which is associated with the link field of the trigger data. The board thus concludes that D4 does not anticipate the subject-matter of claim 1.

3.4 The technical problem to be solved by the features of the characterising portion of claim 1, when starting from D4, may be seen in finding an alternative way to make the user aware in a timely manner of the availability of programme-related additional information (see the present application, page 1, lines 17 to 22; and page 9, lines 20 to 25).

3.5 Reproducing a perceptible signal, for instance displaying a pictogram, in order to inform a user in a timely (and unobtrusive) manner of the availability of additional information and to enable him to selectively view the additional information is known as such in the field of television systems: see for instance D1, page 26, lines 8 to 14 and figure 9. However, D1 reveals no details about the circumstances causing the pictogram ("i" icon) to be displayed. It may for instance be generated within the receiver as soon as it detects the presence of additional information. Displaying a pictogram thus does not imply or suggest the presence of a dedicated additional data field in the transmitted signal.

- 3.6 Including such a data field in the transmitted data further allows the signal (typically a pictogram or a sound) to be freely associated with the additional information page identified by the link field, or to associate different signals with different additional information pages (see the present application, figure 7). It also potentially makes the association of a signal with the related additional information content easier for the user than the mere display of an immutable pictogram. The association between the link field and the data field in determining a corresponding reproducible signal and an information page which may be invoked by the user acting on the reproducible signal thus goes beyond the simple display of a pictogram, as known for instance from D1. The provision of trigger data as set out in the method of claim 1 was therefore not suggested in the prior art.
- 3.7 In conclusion, the subject-matter of claim 1 of the main request is new and involves an inventive step over the prior art as reflected by D1 and D4.
- 3.8 Documents D2 and D3, constituting prior art according to Article 54(3) EPC, were cited in the examination proceedings. They disclose the transmission of trigger data during a television programme, causing additional information to be displayed (see for instance D2, page 11, lines 8 to 23; and D3, column 10, lines 50 to 56). These documents do not disclose trigger data including a data field and a link field as set out in claim 1. As a result, the subject-matter of claim 1 of the main request is also new over both D2 and D3.

- 3.9 The board agrees that the further document (US 4488179 A) cited in the search report is not of particular relevance (as indicated by its category "A").
- 3.10 In conclusion, the subject-matter of claim 1 of the main request is new and involves an inventive step over the prior art (Articles 54(1) and (2) and 56 EPC 1973; Article 54(3) and (4) EPC). The same applies to the further independent claims, which comprise corresponding features.
4. The other deficiencies raised by the board in the annex to summons to oral proceedings have been dealt with in the amendments to the description and the claims of the main request.
5. The board is therefore of the opinion that the application and the invention to which it relates, in the version according to the main request, meet the requirements of the EPC.
6. Since the main request is allowable, there is no need for the board to decide on the first auxiliary request.

## Order

### For these reasons it is decided that:

1. The decision under appeal is set aside.
2. The case is remitted to the examining division with the order to grant a patent in the following version:

Description:

Pages 1, 2, 2a and 4 filed with letter of 24 February 2011;

Pages 3, 5 to 9 as originally filed;

Claims:

No. 1 to 17 filed with letter of 18 March 2011;

Drawings:

Sheets 1/6 to 6/6 as originally filed.

The Registrar

The Chairman

L. Fernández Gómez

F. Edlinger