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Datasheet for the decision of 19 July 2010

Case Number: T 0238/07 - 3.5.04

Application Number: 97304798.8

Publication Number: 0817490

IPC: H04N 7/173

Language of the proceedings: EN

Title of invention:
Input command control system and method of operation

Applicant:
NEC Corporation

Opponent:
-

Headword:
-

Relevant legal provisions:
-

Relevant legal provisions (EPC 1973):
EPC Art. 84

Keyword:
"Claims - support by description - (no)"

Decisions cited:
-

Catchword:
-

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Case Number: T 0238/07 - 3.5.04

D E C I S I O N
of the Technical Board of Appeal 3.5.04
of 19 July 2010

Appellant: NEC Corporation
7-1, Shiba 5-chome
Minato-ku
Tokyo 108-8001 (JP)

Representative: W.P. Thompson & Co.
55 Drury Lane
London WC2B 5SQ (GB)

Decision under appeal: **Decision of the Examining Division of the European Patent Office posted 11 August 2006 refusing European application No. 97304798.8 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 examining division refused European patent application No. 97 304 798.8 on the ground that the subject-matter of the independent claims was not clear (Article 84 EPC 1973).

II. The appellant filed *inter alia* amended claims 1 to 19 with the statement of grounds of appeal. Claim 1 reads as follows:

"An input command control system for controlling input commands each designating one of a plurality of reproduction modes for multimedia data comprising a video component and an audio component transmitted from a centre (21) to a terminal device (1) via a communication line (22), the system including input command inhibiting means operative such that with the terminal device (1) reproducing data responsive to a first command, and subsequently receiving a second command during reproduction of the data according to the first command, the input of a third command is inhibited until such time as it is confirmed that data responsive to the second command has been decoded within the terminal device (1)."

III. The reasoning in the decision under appeal, insofar as it is relevant for the present decision, may be summarised as follows:

The crux of the alleged invention concerns the inhibiting of a second command following a jump reproduction command. The determination of the extent of the inhibit time period is not clear because the

jump process is per se unclear and it is not possible to determine the amount of data present in the data stream to be decoded to terminate the inhibit period.

IV. The appellant's arguments in the statement of grounds of appeal may be summarised as follows.

The core concept of the invention relates to the handling of three input commands. The invention delays the permission of a third command for a period following a second command (a "jump reproduction demanding command" in the description) far longer than that suggested in the prior art, in order to prevent synchronisation errors between the audio and video components or the display of an unnecessary or disturbed image, which may arise when the second of the three input commands is input relatively close to the first command. Claim 1 is thus clearly supported by the description, in particular pages 10 to 12 and figure 4.

V. In a communication accompanying the summons to oral proceedings the board observed *inter alia* that the question also arose as to whether the application sufficiently supported the broad language of the amended independent claims over their whole scope, so that the technical problem presented in the application and the essential features required for its solution could be understood. It appeared that the scope of the claims was not commensurate with the disclosed contribution of the present application over the common general knowledge.

VI. In reply to the summons, the appellant announced that he would not be attending the oral proceedings. He did not comment on the board's observations.

VII. The board held oral proceedings on 19 July 2010 in the absence of the appellant.

VIII. The appellant had requested in writing that the decision under appeal be set aside and that a patent be granted on the basis of claims 1 to 19 filed with the statement of grounds of appeal.

Reasons for the Decision

1. The appeal is admissible.

2. *The disclosure in the application as filed*

2.1 The application as filed relates to video-on-demand (VOD) systems (see page 1, lines 13 to 25). Prior art VOD systems transmit a multimedia (video and audio) data stream from a remote head end, or centre, to a terminal device via a communication line following a demand by the user. The received data are usually buffered and have to be synchronised, decoded and reproduced at given times by the terminal device (see page 10, lines 12 to 21). The reproduction of the data to a demand is thus delayed. Commands input by the user, such as jump commands, may result in demands for new data, which may cause discontinuities in the synchronisation or reproduction of the data. In the prior art, a (third) command input by the user is permitted when the response corresponding to a previous

(second) command is still being received from the head end. Thus, as correctly identified by the appellant, the problem presented in the application originates from a user sequentially inputting within a short period such (jump) commands causing discontinuities in the data stream received from the remote centre, and the reproduction of a spurious sound or image. The invention proposes solutions to reduce the likelihood of such disturbances (see page 1, lines 7 to 12; page 3, lines 6 to 26; page 11, lines 7 to 15; and page 14, lines 13 to 28).

2.2 The present application discloses two embodiments (figures 4 and 5) solving the problem, in the case of a second command (jump command) input by the user following normal reproduction of multimedia data. Since a subsequent third command (jump command) input by the user will be inhibited until the previous jump process has been completed and the decoding process of the image for the second command has been carried out, the next command will be likely not to cause any disturbance (see page 12, lines 9 to 16; and page 15, lines 18 to 24). A more general case is mentioned in the description (see page 15, line 25 to page 16, line 10), where the sequential input of the jump command in the two embodiments can be adapted to a sequential input in some other reproduction mode (or a plurality of reproduction modes) and a third command (next reproduction command) from the user is accepted only when the reception process of the currently received second command is completed.

3. *The invention set out in claim 1*

3.1 According to claim 1, each of the input commands designates one of a plurality of reproduction modes for multimedia data transmitted from a remote centre. The first command brings the terminal device into the state of reproducing data. The second command is received during reproduction of the data according to the first command, and causes the decoding of data within the terminal device and the inhibiting of a third command (subsequently input by the user). The third command may be any input command.

3.2 Claim 1 is not limited to a VOD system. It also encompasses for instance a system reproducing multimedia data transmitted from a server to a computer terminal over the internet, downloaded and reproduced with a browser or a similar computer application. An implementation in such an environment is neither addressed nor even mentioned in the description. The board sees no support for such a control system in the description which would allow the problem and its solution to be clearly understood in the context of three subsequent commands. A mere statement of a possible generalisation (see page 15, line 25 to page 16, line 10) is not enough to extend the specific teaching in the context of jump commands to the sequential input of three general reproduction modes.

3.3 Claim 1 does not indicate that any of the commands is input by the user of the terminal device. In particular the second command may be input via the communication line from the remote centre, for instance by the multimedia data provider. There is no disclosure in the

description as to what would be the corresponding problem and its solution, in particular in view of commands which are not necessarily input commands in a VOD system.

3.4 Claim 1 does not indicate that the second and third command are jump commands, or more generally commands that would necessitate resynchronisation in the terminal device. The commands may consist in normal reproduction or stop commands, which are usual in VOD systems but do not cause synchronisation issues. The problem underlying the invention is however supported by the description only in the context of such particular (jump) commands.

3.5 Claim 1 indicates that the third command is inhibited until data responsive to the second command has been decoded. As already observed by the examining division (see section 1.5 of the decision under appeal), the amount of data to be decoded before the inhibit time period ends is not clearly determined, all the more since data in VOD systems normally consist of a continuous stream. The board cannot recognise a teaching in the description that waiting until the decoding of some data (of unspecified volume or duration) has been confirmed would solve the problem underlying the invention (see section 2.1 above; and also page 11, line 27 to page 12, line 8).

4. In view of points 3.2 to 3.5 above, the board finds that claim 1 does not set out all the essential features required for solving the technical problem, as presented in the description (and drawings). The scope of claim 1 is thus not commensurate with the disclosed

contribution of the present application to the art, circumscribed to a user sequentially inputting within a short period jump commands causing successive discontinuities in the reproduction of data received from a remote centre in a VOD system.

5. As a result, claim 1 according to the sole request is not sufficiently supported over its whole scope by the description, and it infringes Article 84 EPC 1973. The amendments made to the description (pages 3, 3a and 4 to 6 filed during examination and appeal proceedings) do not remove any of the defects mentioned above. Therefore the board, when referring to the description (and drawings), has kept the reference to the original application documents as in the communication accompanying the summons to the oral proceedings.

Order

For these reasons it is decided that:

The appeal is dismissed.

The Registrar The Chairman

L. Fernández Gómez F. Edlinger