Internal distribution code:
(A) [-] Publication in OJ
(B) [-] To Chairmen and Members
(C) [-] To Chairmen
(D) [X] No distribution

Datasheet for the decision of 7 May 2012

Case Number: T 1804/07 - 3.5.04

Application Number: 02719857.1

Publication Number: 1384379

IPC: H04N5/445

Language of the proceedings: EN

Title of invention:
METHOD FOR CONTROLLING THE USE OF AN AUDIOVISUAL DISPLAY DEVICE, DISPLAY DEVICE FOR IMPLEMENTING THE METHOD, AND GRAPHICS INTERFACE

Applicant:
Thomson Licensing

Headword:

Relevant legal provisions:
EPC 1973 Art. 56
EPC 1973 R. 71(2)
RPBA Art. 15(3), (5), (6)

Keyword:
Inventive step (no) - choice of one of several obvious solutions

Europäisches Patentamt | European Patent Office | Office européen des brevets

Beschwerdekammern | Boards of Appeal | Chambres de recours

Case Number: T1804/07 - 3.5.04

D E C I S I O N
of the Technical Board of Appeal 3.5.04
of 7 May 2012

Appellant: (Applicant)	Thomson Licensing 1-5, rue Jeanne d'Arc 92130 Issy-les-Moulineaux (FRANCE)
Representative:	Kohrs, Martin Technicolor 1-5 rue Jeanne d'Arc 92130 Issy-les-Moulineaux (FRANCE)
Decision under appeal:	**Decision of the Examining Division of the European Patent Office posted 11 June 2007 refusing European patent application No. 02719857.1 pursuant to Article 97(1) EPC 1973.**

Composition of the Board:

Chairman: F. Edlinger
Members: A. Dumont
T. Karamanli

Summary of Facts and Submissions

I. The appeal is directed against the decision by the examining division to refuse European patent application No. 02 719 857.1.

II. The examining division found that the subject-matter of the independent claims then on file was not inventive in view of a combination of the teachings of D1 with D2 and D3.

III. The prior-art documents referred to in the decision under appeal were:

D1: US 5 987 611 A;
D2: SALFELD COMPUTER: "Anleitung zu Win Kindersicherung 2.0"[Online] June 2000 (2000-06), retrieved on 2006-03-24 from the Internet: URL:http://www.internetmagazin.de/common/vorl_shar/programme/softO600/share/winkids.zip;
D3: SALFELD COMPUTER: "Screen Shot Menu "Zeit-Limits""[Online] June 2000 (2000-06), retrieved on 2006-03-24 from the Internet: URL:http://www.internetmagazin.de/common/vorl_shar/programme/softO600/share/winkids.zip.

IV. In an annex to the summons to oral proceedings, the board expressed the preliminary opinion that the subject-matter of the independent claims according to the main request then on file appeared to lack an inventive step over D1, and that gathering settings within a single window, as shown in figure 4 of the present application, would also appear obvious in view of D1 and the common general knowledge of a person skilled in the art. In this context the board also

referred to a possible combination of D1 with D2 and D3.

V. With a letter dated 28 March 2012 the appellant filed amended claims replacing the claims on file, and limited to details described in the embodiment of figure 4 of the application.

VI. In a letter dated 3 May 2012 the appellant informed the board that it would not be attending the oral proceedings.

VII. Oral proceedings took place on 7 May 2012 in the absence of the duly-summoned 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 the claims filed with letter of 28 March 2012.

IX. Claim 1 reads as follows:

"Method for controlling the use of a device for viewing audiovisual programs transmitted during a plurality of days, comprising the steps of:
- displaying on a display device a plurality of symbols each one representing one day of a week and displaying a plurality of selectable zones, each selectable zone being associated with one of the symbols respectively;
- marking binary graphic indicators into the selectable zones associated with each symbol;
- receiving a first duration value indicating the maximum sum of duration of use of the device, the said duration defining a maximum time for viewing audiovisual transmissions during a day associated with a marked selectable zone;

- receiving a second duration value indicating the maximum sum of duration of use of the device, the said duration defining a maximum time for viewing audiovisual transmissions during a day associated with an un-marked selectable zone;
- displaying at the same time the said first and second duration values of use and the plurality of selectable zones associated with the days of a week and indicating the values of the binary indicators of the respective zones."

X. The board's argumentation in the annex to the summons to oral proceedings may be summarised as follows.

D1, figure 7B, discloses the step of setting a single duration value. D1, figure 7H, anticipates the division of a week into time periods and the marking of binary indicator values specifying (by the fact that check boxes are ticked) that the authorised use duration of the web browser is the single duration value.

Gathering the settings for duration(s) and time periods within a single window, as shown in figure 4 of the present application, appears obvious in view of D1 and the common general knowledge of a person skilled in the art making his choices for presenting a suitable interface for controlling the use of a device. In this context the board also referred to a possible combination of D1 with D2 and D3.

XI. The appellant essentially argues as follows.

The invention aims to control the use of a device for viewing audio-visual programs. It relates to parental control, whereas Dl is dedicated to the control of a corporate network through a corporate information

system department. Thus, it is questionable whether a person skilled in the art would consider D1 and assume that he might find in it any solution to his problem.

The method of claim 1 addresses each day of the week separately, whereas the rule disclosed in D1 applies to all workdays of the week, or to all days of the weekend, in the same manner. Furthermore, in D1 only one maximum duration of use is received and it is not displayed at the same time as the plurality of selectable time zones (workdays, weekends).

The technical effect of these differences is that a user is able to control a user interface for parental control in an easy way and at the same time with a high degree of freedom.

Adapting to D1 the teaching of D2 and D3 would lead to a less easy and less user-friendly interface than in the present invention, where only two durations are used.

Reasons for the Decision

1. The appeal is admissible.

2. The duly summoned appellant did not attend the oral proceedings. According to Rule 71(2) EPC 1973, the proceedings could however continue without him. In accordance with Article 15(3) of the Rules of Procedure of the Boards of Appeal (RPBA, OJ EPO 2007, 536) the board relied for its decision only on the appellant's written submissions. The board was in a position to decide at the conclusion of the oral proceedings, since the case was ready for decision (Article 15(5) and (6) RPBA), and the voluntary absence of the appellant was

not a reason for delaying a decision (Article 15(3) RPBA).

3. D1 provides a method for controlling the use of applications on a client computer, for instance an "Internet monitor" limiting the total time spent online using a web browser or bandwidth-intensive applications (see column 2, lines 3 to 14). The known method uses an interactive interface on a display to define rules and parameters for accessing the Internet as well as for other activities, such as listening to music (see column 24, lines 1 to 15; column 27, lines 4 to 16).

4. The interface of figure 7H in D1 displays two symbols representing periods of the week ("Weekdays", "Weekends") and allows a user to mark binary graphic indicators into check boxes constituting selectable zones associated with the two symbols within the meaning of claim 1. A first duration of use (i.e. of access to the Internet) applies to selected period(s), and a second duration of use (i.e. unrestricted access to the Internet, 24 hours per day) applies to unselected period(s).

5. Duration values are not displayed in the interface of figure 7H, only the time of days during which the rule for controlling the use of the Internet monitor application on the client computer is valid. The first duration value is displayed in another window (see figure 7A) and it is defined in another interface (see the selectable rule "Limit the amount of time that users can spend on the Internet" in figure 7B, or the "rule-based quantity" in column 30, lines 11 to 28). The first duration value may for instance amount to one hour per day (see column 24, lines 36 to 39 and

figure 7A). A second duration value corresponding to unrestricted access (24 hours) is not mentioned at all.

6. The subject-matter of claim 1 thus differs from the method known from D1 by:

(a) the symbols and their associated selectable zones corresponding to individual days of the week ("each one ... one day") instead of to groups of days ("Weekdays", "Weekends") in D1;
(b) a second duration value being received;
(c) the first and second duration values being displayed at the same time as the selectable zones, such as in a single screen as depicted in figure 4 of the present application.

7. The board essentially agrees with the appellant that the technical problem, in view of the effect of these differences, is to control the device with a higher degree of freedom and in an easier way.

8. The method of claim 1 comprising these differences over the prior art does not involve an inventive step for the following reasons.

8.1 In D1 the interface comprises several menus and windows, allowing the setting of many different rules and parameters. The interface illustrated in the figures is designed for a professional administrator in a corporate environment. The person skilled in the art would envisage adapting the rules and the interface to a different usage, such as parental control (which is already mentioned in D1, column 3, lines 25 to 31), taking the user's knowledge, habits and needs into account.

8.2 The example of figures 7A to 7K in D1 illustrates the method in a corporate environment, in which the week is normally divided into weekdays and weekends. However, in the related parental control environment, a division on a daily basis is usual (see for instance D2, paragraph 3.1 and the associated figure of D3). As a result, choosing a finer division for the time periods, for instance on a daily basis, represents an obvious modification to the method of D1, in order to achieve a higher degree of freedom.

8.3 A second duration value corresponding to a maximum time for viewing is not received in D1. In the present invention, unrestricted access is also an option covered by claim 1, as is confirmed in the description, where the second duration value may be set to the "free" value (see page 7, lines 5 to 11 and figure 4). The second duration value (equal to 24 hours in this case) received in the method according to claim 1 is thus an obvious numerical translation of the concept of unrestricted, or free, access known from D1 as a possible choice (for instance by ticking none of the check boxes).

Interpreting the second duration value of claim 1 as a user-definable (as opposed to predefined) maximum time would also not lead to a different conclusion as regards obviousness. Offering the user a possibility of setting a plurality of different values represents a usual option in the context of a user interface as in D1 and it is in principle known from D2 and D3. This possibility would increase the flexibility of the method, albeit at the expense of added complexity. It would therefore reflect a different compromise between flexibility and complexity, left to the designer of parental control software as the skilled person.

8.4 The appellant argues that combining the teaching of D1, D2 and D3 would require inputting a maximum duration for each day of the week. This is not convincing because the skilled person would not integrate the whole teaching of D2 and D3 into D1, but make a choice according to the circumstances. D2 and D3 merely illustrate a particular choice adopted by the skilled person, who is also aware that increasing the number of settings increases the degree of freedom at the cost of higher complexity. Choosing an option intermediate between a single duration setting, as in D1, and an individual duration setting for each time period, as in D2 and D3, merely entails foreseeable and obvious advantages or disadvantages.

8.5 Displaying the relevant information, such as the first and second duration values, in different windows (as in D1) or at the same time (as in the present invention) is a mere matter of design choice. The latter simultaneous presentation is also found in D2 and D3, where a duration is displayed next to the corresponding day of the week in the same window.

8.6 In conclusion, the differences between the method according to claim 1 and the method according to D1 result from obvious choices of alternative solutions belonging to the common general knowledge of the skilled person.

9. As a result, the subject-matter of claim 1 lacks inventive step (Article 56 EPC 1973), and the appellant's request is not allowable.

Order

For these reasons it is decided that:

The appeal is dismissed.

The Registrar: The Chairman:

K. Boelicke F. Edlinger

Decision electronically authenticated