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Datasheet for the decision
of 18 January 2012

Case Number: T 1876/07 - 3.5.06

Application Number: 04000644.7

Publication Number: 1443380

IPC: G06F 1/00

Language of the proceedings: EN

Title of invention:
Contents processing apparatus and contents processing program

Applicant:
YAMAHA CORPORATION

Headword:
Content licensing/YAMAHA

Relevant legal provisions:
EPC Art. 84

Relevant legal provisions (EPC 1973):
-

Keyword:
"Clarity - no"

Decisions cited:
-

Catchword:
-

Case Number: T 1876/07 **-** 3.5.06

D E C I S I O N
of the Technical Board of Appeal 3.5.06
of 18 January 2012

Appellant:
(Applicant)

YAMAHA CORPORATION
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Representative:

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Decision under appeal:

Decision of the Examining Division of the European Patent Office posted 4 June 2007 refusing European patent application No. 04000644.7 pursuant to Article 97(1) EPC 1973.

Composition of the Board:

Chairman: D. H. Rees
Members: G. Zucka
                   C. Heath

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Summary of Facts and Submissions

I.   The appeal is against the decision by the examining
      division dispatched on 4 June 2007 to refuse European
      patent application 04000644.7 on the basis that the
      subject-matter of claim 1 of the main and the auxiliary
      request was not inventive, Article 56 EPC 1973, in view
      of the following documents:

      D1: WO 00/54128 A
      D6: WO 02/073378 A

II.   A notice of appeal was received on 13 August 2007, the
      appeal fee being paid on the same day. A statement of
      the grounds of the appeal was received on 15 October
      2007.

III. The appellant requested "to set aside the impugned
      Decision and to remit the application to the first
      instance with the order to grant a European Patent
      based on the Main Request or the First Auxiliary
      Request that have been rejected by the Examination
      Division in the Oral Proceedings of May 10, 2007, or
      based on [the] further Auxiliary Request [filed]
      together with the grounds of appeal". The appellant
      made a conditional request for oral proceedings.

IV.   The board issued a summons to oral proceedings. In an
      annex to the summons, the board set out its preliminary
      opinion on the appeal, *viz.* that none of the requests
      satisfied the requirements of the EPC. It also
      indicated that it envisaged not to admit the
      appellant's second auxiliary request, filed with the
      grounds of the appeal, since the appellant had failed

to give any indication regarding the merits of that
request.

V.   The appellant's representative announced in a telefax
        on 11 January 2012 that he would not attend the oral
        proceedings. No substantive response was made to the
        board's arguments. The oral proceedings were held on
        18 January 2012, in the appellant's absence.

VI.   The board understands the appellant's main request to
        be as follows: that the decision under appeal be set
        aside and that a patent be granted on the basis of
        claims 1-6, entitled "First Auxiliary Request [*sic*]",
        filed by telefax on 23 April 2007; description pages 1
        and 3-29 as originally filed and pages 2 and 2a
        received on 9 March 2007; drawings, sheets 1/6-6/6 as
        originally filed.

        The board understands the appellant's first auxiliary
        request to be that a patent be granted on the basis of
        these same documents, except with an amended set of
        claims, entitled "Second [*sic*] Auxiliary Request",
        filed by telefax on 23 April 2007.

        The board understands the appellant's second auxiliary
        request to be that a patent be granted on the basis of
        these same documents, except with an amended set of
        claims, also entitled "Second Auxiliary Request" but
        filed with the grounds of the appeal received on
        15 October 2007.

VII.   The independent claims of the main request read as
        follows:

        Claim 1

        "A contents processing apparatus (PC) comprising:
             a contents information storage (4) that stores
             - contents (PK1, PK2,...),
             - a contents management file (CML) for managing
               licenses for the contents,
             - plug-in modules (PL1, PL2,...) for executing
               processing of the contents,
             and
             - a plug-in management file (PML) for defining
               executable operative functions of the plug-in
               modules (PL1, PL2,...);
             a plug-in setting device (PP1) that installs plug-
        in modules corresponding to contents (PKa) to be
        processed;
             an operation recognition device (PP2) that
        identifies permitted operations relating to execution
        of processing of the contents (PKa) to be processed
        from the contents management file (CML) corresponding
        to the contents (PKa) to be processed;
             a plug-in function permission device (PP4-PP6)
        that permits use of functions corresponding to the
        permitted operations recognized by said operation
        recognition device (PP2) among functions of the plug-in
        modules set by said plug-in setting device (PP1), and
        permits use of the plug-in modules set by said plug-in
        setting device (PP1) according to contents of the plug-
        in management file (PML); and
             a contents processing execution device (PP?) that
        executes processing of the contents (PKa) to be

processed, according to the functions of the plug-in
modules permitted by said plug-in function permission
device (PP4-PP6);
characterized in that
      the contents management file (CML) is provided for
each of the contents (PK1, PK2,...) for managing
operations according to the contents (PK1, PK2,...),
      the plug-in management file (PML) is provided for
each of the contents processing apparatus (PC) for
managing operative functions according to the plug-in
modules (PL1, PL2,...); and
      said contents processing apparatus (PC) further
comprises an update device (1) that updates the plug-in
management file (PML)"

Claim 6

"A contents processing program executed by a contents
processing apparatus (PC) including a contents
information storage (4) that stores
      - contents (PK1, PK2,...),
      - a contents management file (CML) for managing
        licenses for the contents,
      - plug-in modules (PL 1, PL2,...) for executing
        processing of the contents,
      and
      - a plug-in management file (PML) for defining
        executable operative functions of the plug-in
        modules (PL 1, PL2, ...);
comprising:
      a plug-in setting module (PP1) for installing
plug-in modules corresponding to contents (PKa) to be
processed;

an operation recognition module (PP2) for identifying permitted operations regarding execution of processing of the contents (PKa) to be processed from the contents management file (CML) corresponding to the contents (PKa) to be processed;

a plug-in function permission module (PP4-PP6) for permitting use of functions corresponding to the permitted operations recognized by said operation recognition module (PP2) among functions of the plug-in modules set by said plug-in setting module (PP1), and permitting use of the plug-in modules set by said plug-in setting module (PP1) according to contents of the plug-in management file (PML); and

a contents processing execution module (PP7) for executing processing of the contents (PKa) to be processed, according to the functions of the plug-in modules permitted by said plug-in function permission module (PP4-PP6);
characterized in that

the contents management file (CML) is provided for each of the contents (PK1, PK2,...) for managing operations according to the contents (PK1, PK2,...),

the plug-in management file (PML) is provided for each of the contents processing apparatus (PC) for managing operative functions according to the plug-in modules (PL 1, PL2,...), and

said contents processing program further comprises an update module for updating the plug-in management file (PML)"

VIII.   The independent claims of auxiliary request 1 read as
        follows:

        Claim 1

        "A contents processing apparatus (PC) comprising:
            a contents information storage (4) that stores
            - contents (PK1, PK2,...),
            - a contents management file (CML) for managing
              licenses for the contents, and
            - plug-in modules (PL1, PL2,...) for executing
              processing of the contents,
            a plug-in setting device (PP1) that installs plug-
        in modules corresponding to contents (PKa) to be
        processed;
            an operation recognition device (PP2) that
        identifies permitted operations relating to execution
        of processing of the contents (PKa) to be processed
        from the contents management file (CML) corresponding
        to the contents (PKa) to be processed;
            a plug-in function permission device (PP4-PP6)
        that permits use of functions corresponding to the
        permitted operations recognized by said operation
        recognition device (PP2) among functions of the plug-in
        modules set by said plug-in setting device (PP1), and
        permits use of the plug-in modules set by said plug-in
        setting device (PP1); and
            a contents processing execution device (PP7) that
        executes processing of the contents (PKa) to be
        processed, according to the functions of the plug-in
        modules permitted by said plug-in function permission
        device (PP4 PP6);
        characterized in that

said contents information storage (4) further
stores a plug-in management file (PML) for defining
executable operative functions of the plug-in modules
(PL1, PL2,...),

the contents management file (CML) being provided
for each of the contents (PK1, PK2,...) for managing
operations according to the contents (PK1, PK2,...),

the plug-in management file (PML) being provided
for the contents processing apparatus (PC) for managing
operative functions according to the plug-in modules
(PL1, PL2,...), the plug-in management file (PML) of
the contents processing apparatus (PC) being encoded
according to device-specific information on the
contents processing apparatus (PC), the plug-in
management file (PML) of the contents processing
apparatus (PC) being decoded according to the device-
specific information on the contents processing
apparatus (PC) so as to make the functions of the plug-
in modules (PL1, PL2,...) effective; andsaid [*sic*]
contents processing apparatus (PC) further comprises an
update device (1) that updates the plug-in management
file (PML)"

Claim 6

"A contents processing program executed by a contents
processing apparatus (PC) including a contents
information storage (4) that stores
    - contents (PK1, PK2,...),
    - a contents management file (CML) for managing
      licenses for the contents, and
    - plug-in modules (PL1, PL2,...) for executing
      processing of the contents,
comprising:

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a plug-in setting module (PP1) for installing plug-in modules corresponding to contents (PKa) to be processed;

an operation recognition module (PP2) for identifying permitted operations regarding execution of processing of the contents (PKa) to be processed from the contents management file (CML) corresponding to the contents (PKa) to be processed;

a plug-in function permission module (PP4-PP6) for permitting use of functions corresponding to the permitted operations recognized by said operation recognition module (PP2) among functions of the plug-in modules set by said plug-in setting module (PP1), and permitting use of the plug-in modules set by said plug-in setting module (PP1); and

a contents processing execution module (PP7) for executing processing of the contents (PKa) to be processed, according to the functions of the plug-in modules permitted by said plug-in function permission module (PP4-PP6);
characterized in that

said contents information storage (4) further stores a plug-in management file (PML) for defining executable operative functions of the plug-in modules (PL1, PL2,...),

the contents management file (CML) being provided for each of the contents (PK1, PK2,...) for managing operations according to the contents (PK1, PK2,...),

the plug-in management file (PML) being provided for each of the contents processing apparatus (PC) for managing operative functions according to the plug-in modules (PL1, PL2,...), the plug-in management file (PML) of the contents processing apparatus (PC) being encoded according to device-specific information on the

contents processing apparatus (PC), the plug-in
management file (PML) of the contents processing
apparatus (PC) being decoded according to the device-
specific information on the contents processing
apparatus (PC) so as to make the functions of the plug-
in modules (PL1, PL2,...) effective, and

said contents processing program further comprises
an update module for updating the plug-in management
file (PML)"

IX.   The independent claims of auxiliary request 2 read as
follows:

Claim 1

"A contents processing apparatus (PC) comprising:
a contents information storage (4) that stores
- contents (PK1, PK2,...),
- a contents management file (CML) for managing
  licenses for the contents,
and
- plug-in modules (PL 1, PL2,...) for executing
  processing of the contents,
a plug-in setting device (PP1) that installs
plug-in modules corresponding to contents(PKa) to be
processed;
an operation recognition device (PP2) that
identifies permitted operations relating to execution
of processing of the contents (PKa) to be processed
from the contents management file (CML) corresponding
to the contents (PKa) to be processed;
a plug-in function permission device (PP4-PP6)
that permits use of functions corresponding to the
permitted operations recognized by said operation

recognition device (PP2) among functions of the plug-in
modules set by said plug-in setting device (PP1), and
permits use of the plug-in modules set by said plug-in
setting device (PP1); and

a contents processing execution device (PP7) that
executes processing of the contents (PKa) to be
processed, according to the functions of the plug-in
modules permitted by said plug-in function permission
device (PP4-PP6);
characterized in that

said contents information storage (4) further
stores a plug-in management file (PML) for defining
executable operative functions of the plug-in modules
(PL1, PL2,...);

the contents management file (CML) being provided
for each of the contents (PK1, PK2,...) for managing
operations for the respective contents (PK1, PK2,...);

the plug-in management file (PML) being provided
for the contents processing apparatus (PC) for managing
operative functions for the respective plug-in modules
(PL1, PL2,...);

said contents processing apparatus (PC) further
comprises an update device (1) that updates the plug-in
management file (PML); and

in case where the contents management file (CML)
is a "licensed version", processing of contents is
executed in the full mode, whereas in case where the
contents management file (CML) is a "trial version",
when the plug-ins are registered or when the elapsed
period is within the trial time period, processing of
the contents is executed in the preview mode with
reference to the plug-in management file (PML)"

Claim 6

"A contents processing program executed by a contents
processing apparatus (PC) including a contents
information storage (4) that stores

    - contents (PK1, PK2,...),

    - a contents management file (CML) for managing
      licenses for the contents,

    and

    - plug-in modules (PL1, PL2,...) for executing
      processing of the contents,

comprising:

    a plug-in setting module (PP1) for installing
plug-in modules corresponding to contents (PKa) to be
processed;

    an operation recognition module (PP2) for
identifying permitted operations regarding execution of
processing of the contents (PKa) to be processed from
the contents management file (CML) corresponding to the
contents (PKa) to be processed;

    a plug-in function permission module (PP4-PP6) for
permitting use of functions corresponding to the
permitted operations recognized by said operation
recognition module (PP2) among functions of the plug-in
modules set by said plug-in setting module (PP1), and
permitting use of the plug-in modules set by said plug-
in setting module (PP1); and

    a contents processing execution module (PP7) for
executing processing of the contents (PKa) to be
processed, according to the functions of the plug-in
modules permitted by said plug-in function permission
module (PP4-PP6);

characterized in that

said contents information storage (4) further
stores a plug-in management file (PML) for defining
executable operative functions of the plug-in modules
(PL1, PL2,...),

the contents management file (CML) being provided
for each of the contents (PK1, PK2,...) for managing
operations for the respective contents (PK1, PK2,...),

the plug-in management file (PML) being provided
for each of the contents processing apparatus (PC) for
managing operative functions for the respective plug-in
modules (PL1, PL2,...);

said contents processing program further comprises
an update module for updating the plug-in management
file (PML); and

in case where the contents management file (CML)
is a "licensed version", processing of contents is
executed in the full mode, whereas in case where the
contents management file (CML) is a "trial version",
when the plug-ins are registered or when the elapsed
period is within the trial time period, processing of
the contents is executed in the preview mode with
reference to the plug-in management file (PML)"

X.   At the end of the oral proceedings, the chairman
        announced the board's decision.

Reasons for the Decision

1.   Reference is made to the transitional provisions in
        Article 1 of the Decision of the Administrative Council
        of 28 June 2001 on the transitional provisions under
        Article 7 of the Act revising the European Patent
        Convention of 29 November 2000, for the amended and new

provisions of the EPC, from which it may be derived
which Articles of the EPC 1973 are still applicable to
the present application and which Articles of the
EPC 2000 shall apply.

2.   *The admissibility of the appeal*

In view of the facts set out at points I and II above,
the appeal is admissible, since it complies with the
EPC formal admissibility requirements.

3.   *The appellant's non-attendance at the oral proceedings*

3.1   As announced in advance, the duly summoned appellant
did not attend the oral proceedings.

3.2   In accordance with Article 15(3) RPBA, the board, for
its decision, relied 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(6) RPBA), and the
voluntary absence of the appellant was not a reason for
delaying a decision (Article 15(3) RPBA).

4.   *Main request*

The independent claim 1 of the main request is not
clear, for the following reasons:

4.1   The expression "plug-in modules set by said plug-in
setting device" (used twice) is unclear. The examining
division raised this objection originally, leading to
the amendment "a plug-in setting device that installs
plug-in modules" earlier in the claim. However, it is

not clear from the claim whether "set" as it is still
used in the claim is to be taken to mean "installed" or
something else. For example, "set" might simply mean
"select", *e.g.* the appropriate codec must be selected
for execution of a sound or video file in a particular
format. Another very plausible alternative
interpretation would be that already installed plug-in
modules are *enabled* at some stage.

4.2   The meaning of "managing operations *according to* the
        contents" is not clear. It could be that entirely
        different kinds of operations are carried out depending
        on the contents or it could be that there is only one
        kind of operation, *e.g.* a decryption of the contents,
        which uses different decryption keys for different
        contents. It is equally plausible that the expression
        is the result of a linguistic mistake, as a consequence
        of which even more interpretations would be possible.

4.3   The feature "the plug-in management file (PML) is
        provided for *each* of the contents processing
        apparatus[es]" makes no sense, or at least introduces
        no clear limitation, since the claim concerns only *one*
        contents processing apparatus.

4.4   The meaning of the expression "managing operative
        functions *according to* the plug-in modules" is not
        clear, for the same reasons as given in 4.2 above.

        The skilled person will not be able to comprehend the
        scope of claim 1 looking only at the wording of that
        claim. The same is true for the independent claim 6,
        which relates to a program with features that
        correspond to those of the apparatus claim 1. The

claims are, therefore, not clear (Article 84 EPC). As a consequence, the main request is not allowable.

5.   *Auxiliary request 1*

The independent claims 1 and 6 of the auxiliary request 1 are not clear (Article 84 EPC), for at least the same reasons as given for the main request. As a consequence, the request is not allowable.

6.   *Auxiliary request 2*

With regard to the auxiliary request 2, which was introduced with the appeal, the appellant has merely stated that the claims in that request "further define over the prior art by additional features at the end of each of claims 1 and 6, and should be allowable for at least the same reasons as the claims of the Main Request and First Auxiliary Request". The appellant has not provided any specific arguments regarding the merits of this second auxiliary request. Instead, it is left to the board itself to find out why the request should be allowable. However, it is *prima facie* apparent that the request contains the same deficiencies as the previous two requests. The request is, therefore, not admitted into the procedure (Rules 100(1) and 137(3) EPC).

7.   *Conclusion*

7.1   The main request and the first auxiliary request are not allowable and the second auxiliary request is not admitted into the procedure. The board, therefore, concludes that the appeal should be dismissed.

7.2   With reference to the summons, the board further notes
       that it also gave its reasoned opinion that none of the
       requests satisfied either the requirements of
       Article 123(2) EPC or the requirements of Article 52(1)
       and 56 EPC 1973. The appellant has presented no
       counter-arguments.

Order

For this reason it is decided that:

The appeal is dismissed.

The Registrar: The Chairman:

B. Atienza Vivancos   D. H. Rees