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**Datasheet for the decision  
of 18 February 2011**

**Case Number:** T 0285/08 - 3.5.04

**Application Number:** 01945513.8

**Publication Number:** 1297706

**IPC:** H04N 7/173

**Language of the proceedings:** EN

**Title of invention:**  
Interactive broadcast system

**Patentee:**  
Muzaffar, Saj

**Opponent:**  
-

**Headword:**  
-

**Relevant legal provisions:**  
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**Relevant legal provisions (EPC 1973):**  
EPC Art. 56

**Keyword:**  
"Inventive step - obvious combination of known features"

**Decisions cited:**  
-

**Catchword:**  
-



Case Number: T 0285/08 - 3.5.04

**D E C I S I O N**  
of the Technical Board of Appeal 3.5.04  
of 18 February 2011

**Appellant:** Muzaffar, Saj  
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**Representative:** Doble, Richard George Vivian  
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**Decision under appeal:** Decision of the Examining Division of the  
European Patent Office posted 23 November 2007  
refusing European patent application  
No. 01945513.8 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 applicant filed an appeal against the decision by the examining division to refuse European patent application No. 01 945 513.8.
- II. In a letter dated 14 November 2007 the applicant had requested an appealable decision according to the state of the file. The examining division decided that the application did not meet the requirements of the European Patent Convention, for the reasons given in the communications dated 16.04.2007, 10.09.2007 and 12.11.2007. Objections of lack of inventive step in these communications referred *inter alia* to the prior-art documents:
- D1: WO 99/04568 A1; and  
D2: C.ERLANDSON et al.: "WAP - The wireless application protocol", Ericsson Review No.4, 1998, pages 150 to 153; XP-000792053.
- III. In the notice of appeal the appellant requested that the application be allowed on the basis of the set of claims accompanying the statement of grounds of appeal, with corresponding amendments to the description, and/or remitted to the examining division for further prosecution as appropriate. In the letter setting out the statement of grounds of appeal the appellant also requested oral proceedings.
- IV. In a communication accompanying the summons to oral proceedings the board set out its preliminary opinion, *inter alia* that the subject-matter of claim 1 lacked inventive step over a combination of D1 with D2.

V. In a letter dated 15 February 2011 the representative informed the board that he did not expect to attend the oral proceedings scheduled for 18 February 2011. He did not comment on the preliminary opinion expressed by the board in its communication.

VI. Oral proceedings took place on 18 February 2011 in the absence of the appellant.

VII. Claim 1 reads as follows:

"An interactive programme broadcast system comprising:  
a broadcast transmitter;  
Internet server apparatus coupled to the transmitter and arranged to host an Internet site which corresponds to a programme broadcast by the broadcast transmitter and includes information related to and synchronised with the content of the programme;  
at least one user station including a broadcast receiver for receiving a programme broadcast by said transmitter; and a separate two-way digital wireless-communication network device operable independently of operation of said broadcast receiver for receiving and transmitting digital signals, said network device being arranged for connecting to the Internet server apparatus and viewing programme-related information on the Internet site generated by the Internet server apparatus and for sending to the Internet server apparatus digital signals representing user responses entered via said network device."

VIII. The objections in the communications referred to by the examining division in the decision under appeal may be

summarised as follows, insofar as they are relevant for the present decision.

D1 discloses an interactive programme broadcast system with a broadcast transmitter (404 in figure 3), and a computer apparatus (420) for making available information which corresponds to a programme broadcast by the broadcast transmitter. The system further comprises a user station (416) with a broadcast receiver (405) and a separate two-way digital wireless-communication network device, in particular a GSM mobile phone, for viewing information and sending responses ("BUY NOW" button in figure 7B). The information viewed is synchronised with the content of the broadcast programme and it is thus programme-related. The skilled person knows (as is shown in D2) that a mobile phone can also provide WAP services, which is the Internet access technology for such pocket devices. A combination of the teachings of D1 and D2 is thus obvious.

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

The arrangement of D1 comprises a database storing Programme Associated Data (PAD) matched with the broadcast programme, requiring a matching engine to continuously compare audio or video samples with the broadcast channels. This known solution is different and more complicated than the present invention, comprising an Internet server hosting an Internet site and a network device viewing programme-related information on the Internet site generated by the

Internet server apparatus. None of the prior-art documents discloses or suggests the solution as claimed.

### **Reasons for the Decision**

1. The appeal is admissible.
  
2. D1 (see in particular pages 11 to 15 and figure 3) discloses an interactive programme broadcast system comprising:
  - a broadcast transmitter (404);
  - a server apparatus (420) coupled to the transmitter and including information (PAD, Programme Associated Data) related to and synchronised with the content of the programme (see the paragraph bridging pages 11 and 12);
  - at least one user station (416) including a broadcast receiver (405) for receiving a programme broadcast by said transmitter; and a separate two-way digital wireless-communication network device (remote control 417 with mobile telephone technology (SMS, GSM); see the paragraph bridging pages 13 and 14) operable independently of operation of said broadcast receiver for receiving and transmitting digital signals, said network device being arranged for connecting to the server apparatus and viewing programme-related information generated by the server apparatus and for sending to the server apparatus digital signals representing user responses entered via said network device (see in particular pages 14 and 15).
  
3. Such response may for instance consist in requesting further information on the sponsor's Internet website, ordering an advertised product ("BUY NOW!" key on the

remote control of figure 1 or 7), or voting in a talent contest (see the paragraph bridging pages 14 and 15). A scheduler (411) ensures that the PAD information is synchronised with the content of the broadcast programme (see also pages 11 and 12). Synchronisation is illustrated in figure 4 of D1 by an offer for a power drill displayed on the network device (502) simultaneously with the corresponding show on the broadcast receiver (501).

4. The server of D1 hosts the programme-related information as a database of Programme Associated Data. D1 mentions that the server may also serve as an Internet gateway, for instance to the remote Internet site of a sponsor (see the paragraph bridging pages 14 and 15). The board thus agrees with the appellant that D1 does not disclose the server apparatus hosting an Internet site (which corresponds to a programme broadcast) and the network device viewing programme-related information on the Internet site generated by the server apparatus.
5. However, these differences do not confer inventive step for the following reasons.
  - 5.1 The present application mentions that the server hosting the Internet site and the network device should preferably be WAP-enabled (see the description, page 10, paragraphs 2 to 4). The present application further acknowledges that WAP-enabled mobile phones accessing applications and services available on Internet servers were well-known before the priority date (see page 5, last paragraph; and page 6, first paragraph).

- 5.2 In the case of a usual WAP-enabled mobile phone, an Internet site would be identified by its URL, regardless of the actual location of the hosting server (see the present application, page 6, paragraph 2; see also D2, the section "Notification applications" bridging pages 150 and 151 and the section "Challenges to the network operator" bridging pages 152 and 153). The server hosting the Internet site may thus in principle be any Internet server.
- 5.3 As a result, the differences over D1 reflect the choice of a well-known alternative for hosting information on a server apparatus and accessing it from the mobile phone. This particular choice is regarded as obvious in the context of D1, which already discloses an Internet site interacting with a mobile phone (see point 4 above).
- 5.4 Claim 1 does not set out specific technical features reflecting how the Internet site "corresponds" to the broadcast, or how the viewed information is kept "programme-related" over time. Nor can the board see that the provision of an Internet site hosted on a server would in principle be less complicated than the database solution of D1 for keeping the viewed information programme-related. This argument by the appellant is thus not convincing.
6. In conclusion, the features distinguishing the subject-matter of claim 1 from that known from D1 are regarded as reflecting the obvious choice of a known alternative, entailing no effect beyond those ascribed to WAP technology which was well-known before the priority



date. The subject-matter of claim 1 thus lacks inventive step (Article 56 EPC 1973).

**Order**

**For these reasons it is decided that:**

The appeal is dismissed.

The Registrar

The Chairman

L. Fernández Gómez

F. Edlinger