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**Datasheet for the decision  
of 30 April 2013**

**Case Number:** T 0833/09 - 3.5.04

**Application Number:** 99963413.2

**Publication Number:** 1057336

**IPC:** H04N7/10

**Language of the proceedings:** EN

**Title of invention:**

POWER MODULE FOR CATV CUSTOMER INTERFACE EQUIPMENT

**Applicant:**

BROADBAND ROYALTY CORPORATION

**Headword:**

**Relevant legal provisions:**

EPC Art. 123(2)

**Keyword:**

Amendments - added subject-matter (yes)

**Decisions cited:**

**Catchword:**



**Beschwerdekammern  
Boards of Appeal  
Chambres de recours**

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Case Number: T 0833/09 - 3.5.04

**D E C I S I O N**  
**of Technical Board of Appeal 3.5.04**  
**of 30 April 2013**

**Appellant:** BROADBAND ROYALTY CORPORATION  
(Applicant) 1105 North Market Street, Suite 1300  
Wilmington, DE 19801 (US)

**Representative:** Franzolin, Luigi  
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**Decision under appeal:** **Decision of the Examining Division of the  
European Patent Office posted on 21 November  
2008 refusing European patent application No.  
99963413.2 pursuant to Article 97(2) EPC.**

**Composition of the Board:**

**Chairman:** M. Paci  
**Members:** C. Kunzelmann  
C. Vallet

## **Summary of Facts and Submissions**

- I. The appeal is against the decision of the examining division to refuse European patent application No. 99 963 413.2 under Article 97(2) of the European Patent Convention (EPC).
- II. The application was refused on the ground that the subject-matter of claim 1 then on file did not involve an inventive step (Article 56 EPC).
- III. The applicant appealed and requested that the decision under appeal be set aside and that a patent be granted in the following version:
- claims 1 to 16 filed with the statement of grounds of appeal,
  - description pages 1 and 11 filed on 10 September 2008 and pages 2 to 10 as published, and
  - figures 1 to 6 as published.

Oral proceedings were requested as an auxiliary measure.

- IV. Claim 1 reads as follows:

"An interior unit of a cable television customer interface, comprising:  
an enclosure (202) for the interior unit;  
means (204) for connecting the interior unit to standard consumer power to receive a higher voltage alternating current input;  
means (206) for converting the higher voltage alternating current input into a lower voltage alternating current output; and

means (208) for connecting the interior unit to a first coaxial television cable to output the lower voltage alternating current to the first coaxial cable, and for receiving from the first coaxial cable an unconditioned, radio frequency, communication signal; characterized in that said interior unit further comprises:

one or more connectors (520) for connecting to one or more communication networks providing communication services other than the cable television service; and one or more converting means (522) for converting between the radio frequency signals received from the first coaxial cable and analog or digital signals for use in the respective communication networks, wherein the interior unit is adapted to convert the lower voltage alternating current into a direct current to power the converting means."

Claims 2 to 16 are of no relevance to the present decision.

- V. The board issued a communication pursuant to Article 15(1) of the Rules of Procedure of the Boards of Appeal (RPBA), annexed to a summons to oral proceedings. In this communication the board raised objections against the claims filed with the statement of grounds of appeal. In particular, the board indicated that claim 1 did not appear to meet the requirements of Article 123(2) EPC.
- VI. With a letter dated 27 March 2013 the representative informed the board that the appellant had not authorised him to attend the oral proceedings. The request for oral proceedings was withdrawn. No reaction to the board's objections in its communication is on file.

VII. Oral proceedings were held by the board on 30 April 2013, in the appellant's absence, in application of Rule 71(2) EPC 1973 and Article 15(3) RPBA. At the end of the oral proceedings the chairman announced the board's decision.

### **Reasons for the Decision**

1. The appeal is admissible.
2. *Claim 1: Article 123(2) EPC*
  - 2.1 Present claim 1 (in the alternative of "more connectors") combines features of the embodiment of figure 5 (connectors 520, 524, 526 and corresponding converting means 522, 525, 528) with features of the embodiments of figures 2 or 3 (means 208/310 for connecting the interior unit to a coaxial television cable to output the lower voltage alternating current to the coaxial television cable, see page 4, lines 22 to 24 and page 6, lines 6 to 8).
  - 2.2 Such a combination of features is not disclosed in the application as filed. On the contrary, page 9, lines 18 to 20 specify that in the embodiment of figure 5 "the power converter does not provide power to the coaxial cable".
  - 2.3 Hence the application has been amended in such a manner that it contains subject-matter which extends beyond the content of the application as filed. Therefore, Article 123(2) EPC is infringed.

3. Accordingly, the appellant's sole request is not allowable.

## Order

### For these reasons it is decided that:

The appeal is dismissed.

The Registrar:

The Chairman:



K. Boelicke

M. Paci

Decision electronically authenticated