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Datasheet for the decision of 26 March 2013

Case Number: T 1932/10 - 3.5.03

Application Number: 98944742.0

Publication Number: 1020045

IPC: H04H 1/02

Language of the proceedings: EN

Title of invention:
System for collecting television program data

Applicant:
United Video Properties, Inc.

Headword:
Collecting television program data/UNITED VIDEO PROPERTIES

Relevant legal provisions:
EPC Art. 56

Keyword:
"Inventive step - no"

Decisions cited:
-

Catchword:
-

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Beschwerdekammern | Boards of Appeal | Chambres de recours

Case Number: T 1932/10 - 3.5.03

D E C I S I O N
of the Technical Board of Appeal 3.5.03
of 26 March 2013

Appellant: (Applicant)
United Video Properties, Inc.
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Representative:
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Decision under appeal:
Decision of the Examining Division of the European Patent Office posted 28 April 2010 refusing European patent application No. 98944742.0 pursuant to Article 97(2) EPC.

Composition of the Board:

Chairman: A. J. Madenach
Members: T. Snell
M.-B. Tardo-Dino

Summary of Facts and Submissions

I. This appeal is against the decision of the examining division refusing European patent application No. 98944742.0, with international publication number WO-A-99/20008.

The refusal was based on the ground that the subject-matter of claims 1 to 26 did not meet the requirement of inventive step pursuant to Article 52(1) in combination with Article 56 EPC having regard to the disclosure of the following document:

D2: US-A-5666645

II. The appellant filed a notice of appeal against the above decision. The appellant requested that the decision under appeal be set aside in its entirety.

Oral proceedings were conditionally requested.

III. In a subsequently filed statement of grounds the appellant requested that a patent be granted on the basis of the claims as currently on file.

IV. In a communication accompanying a summons to oral proceedings the board gave a preliminary opinion in which objections under Articles 123(2) and 84 EPC as well as Article 52(1) in combination with Article 56 EPC were raised with respect to independent claims 1 and 14.

In its communication, the board also mentioned the document

D1: US-A-5576755,

which had been cited during the examination procedure.

V. In response to the board's communication, the appellant filed claims of a new request to replace the request on file. The amendments were said to respond to the board's objections in respect of Articles 123(2) and 84 EPC. The appellant also submitted arguments in respect of the prior art documents D1 and D2.

If the new claims were not admitted, the appellant requested that a patent be granted on the basis of the claims previously on file.

The appellant indicated that it would not attend the oral proceedings.

VI. Oral proceedings were held on 26 March 2013 in the absence of the appellant. From the written proceedings the board understood the appellant to be requesting that the decision under appeal be set aside and a patent granted on the basis of claims 1 to 26 filed on 26 February 2013, or, if these claims were not admitted, on the basis of the claims previously on file.

At the end of the oral proceedings the board announced its decision.

VII. Claim 1 of the request filed on 26 February 2013 reads as follows:

"A method for constructing program schedules, the method comprising:
receiving program data from a main facility with a television system office computer;
in response to a person interacting with the television system office computer, loading the program data into cells of a program schedule grid displayed using the television system office computer; and
editing the program data in response to a person interacting with the program schedule grid using the television system office computer."

Claim 14 reads as follows:

"A system for constructing program schedules, the system comprising:
means for receiving program data from a main facility with a television system office computer;
means for, in response to a person interacting with the television system office computer, loading the program data into cells of a program schedule grid displayed using the television system office computer; and
means for editing the program data in response to a person interacting with the program schedule grid using the television system office computer."

VIII. In view of the board's decision to admit this request (see below), there is no need to reproduce the claims of the request previously on file.

Reasons for the Decision

1. *Procedural matters*

1.1 The board considered it to be expedient to hold oral proceedings in accordance with Article 116(1) EPC for reasons of procedural economy. Having verified that the appellant was duly summoned the board decided to continue the oral proceedings in the absence of the appellant (Rule 115(2) EPC and Article 15(3) RPBA).

1.2 In accordance with Article 15(3) RPBA, the board shall not be obliged to delay any step in the proceedings, including its decision, by reason only of the absence at oral proceedings of any party duly summoned who may then be treated as relying only on its written case.

1.3 The board's decision taken at the oral proceedings relies essentially on reasoning communicated to the appellant in the communication accompanying the summons to oral proceedings. The appellant duly commented on the board's reasoning in its written reply. The appellant has therefore had the opportunity to be heard on the matter and the board is accordingly in a position to issue a decision in compliance with Article 113(1) EPC.

2. *Admissibility of the request filed on 26 February 2013*

As this request was filed with the aim of overcoming certain deficiencies raised by the board and as it did not give rise to any procedural complication, the board used its discretion to admit the request (Article 13() RPBA).

3. *Inventive step*

3.1 *General*

The present application relates to a method for constructing and editing program schedules, eg for an electronic program guide ("EPG"), at a television system office. In essence, program data received by a television system office computer is loaded into cells of a program schedule "grid" for display to an operator. The operator edits the program data by interacting with the grid.

3.2 The board considers that document D2 represents the closest prior art. D2 discloses a data management and distribution system for an EPG comprising an automated data collection subsystem 10 and a separate manual entry and correction subsystem 20 (MEC) (cf. col. 5, lines 17-21 and Fig. 1). Data is received and stored by a main EPG database (cf. col. 5, line 62 - col. 6, line 1). It is stated that "The MEC subsystem is needed because often it is necessary for the EPG distributor to manually make changes, corrections and deletions to the data contained in the main database" (cf. col. 7, lines 21-25). It is mentioned that the MEC subsystem should preferably comprise "a user interface for the display, entry and modification of data" (cf. col. 8, lines 3-4). The user interface is however not described further.

3.3 The subject-matter of claim 1 differs from the disclosure of D2 in the steps of:

in response to a person interacting with the television system office computer, loading the program data into cells of a program schedule grid displayed using the television system office computer; and

editing the program data in response to a person interacting with the program schedule grid using the television system office computer.

3.4 The board considers that the problem to be solved starting out from document D2 is how to present the EPG data to the operator of the manual entry and correction subsystem (MEC) to enable efficient manual entry and correction of the program schedules.

3.5 In order to solve this problem, the board agrees with the examining division as set out in the impugned decision that the skilled person would regard a grid-based display as a natural way to present the EPG to the operator of the MEC. The only alternative way of presenting program schedules that the board can imagine would be in the form of a list. However, it is well-known in the art of interactive software design to provide users with options to view information in various alternative formats according to personal preference (eg by means of a scroll-down menu when clicking on the item "view" of a Windows menu bar, cf. eg document D1, Figs. 4-6). The skilled person would therefore be motivated to contemplate other ways in which the EPG data could be displayed as alternatives to a simple list. A grid display is an obvious choice because this is the manner of presentation of the EPG to television viewers. Moreover, the skilled person would appreciate that a grid display is preferable to a

list as it not only allows the operator to have a more complete "time-line" overview of the items to be edited, but also enables him/her to visualise the result in order to see if entries and corrections have been properly carried out.

3.6 The appellant argues that D2 teaches away from using a grid display because (a) there is a reference in D2 to document D1 which uses a different type of user interface (cf. D1, Fig. 6), and (b) in D2, EPG data is targeted to different devices which use different EPG field sizes so that the skilled person would be inclined against implementing an editing interface that corresponded only to one of many possible field sizes that are to be used.

3.7 Re (a): In the board's view, the display shown in Fig. 6 of D1 is not incompatible with using a grid-based display. This display represents a single program item which is to be corrected in the EPG schedule. In the board's view, it would be obvious to the skilled person that the item would have been previously selected from a display of the complete program schedule, either in the form of a list or a grid.

3.8 Re (b): D2 is designed to operate with a number of different EPG target platforms (cf. col. 7, lines 44-47) with different field sizes (lines 37-41). In the board's view, it would be immediately apparent to the skilled person that the display format should be adapted to the format of the particular EPG platform being edited. An obvious possibility would be that the MEC stores a number of different grid formats. Therefore, the presence of different platforms in D2

does not teach against the use of a grid-based display either.

Hence, in the board's view, the appellant's arguments are unconvincing.

3.9 Accordingly, the board concludes that the subject-matter of claim 1 does not involve an inventive step (Articles 52(1) and 56 EPC).

3.10 This reasoning applies, mutatis mutandis, to independent claim 14.

4. *Conclusion*

The appellant filed an auxiliary request for the grant of a patent on the basis of the claims previously on file if the board were not to admit the request filed on 26 February 2013. However, the board admitted the request filed on 26 February 2013. There is accordingly no need to consider the auxiliary request.

As the request filed on 26 February 2013 is not allowable, it follows that the appeal must be dismissed.

Order

For these reasons it is decided that:

The appeal is dismissed.

The Registrar | The Chairman

G. Rauh | A. J. Madenach