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**Datasheet for the decision
of 17 September 2014**

Case Number: T 0999/11 - 3.5.04

Application Number: 05819053.9

Publication Number: 1817905

IPC: H04N5/46, H03J1/00

Language of the proceedings: EN

Title of invention:
IMPROVED METHOD AND APPARATUS FOR MANAGING TV CHANNEL LISTS

Applicant:
TP Vision Holding B.V.

Headword:

Relevant legal provisions:
EPC 1973 Art. 56

Keyword:
Inventive step - (no)

Decisions cited:

Catchword:



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Boards of Appeal
Chambres de recours**

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Case Number: T 0999/11 - 3.5.04

D E C I S I O N
of Technical Board of Appeal 3.5.04
of 17 September 2014

Appellant: TP Vision Holding B.V.
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Representative: Nederlandsch Octrooibureau
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Decision under appeal: **Decision of the Examining Division of the
European Patent Office posted on 28 December
2010 refusing European patent application
No. 05819053.9 pursuant to Article 97(2) EPC.**

Composition of the Board:

Chairman F. Edlinger
Members: R. Gerdes
B. Müller

Summary of Facts and Submissions

I. The appeal is directed against the decision to refuse European patent application No. 05 819 053.9, published as WO 2006/056943 A1.

II. The patent application was refused by the examining division *inter alia* on the grounds that the subject-matter of claims 1 and 6 of the main and auxiliary requests lacked an inventive step (Article 56 EPC) over the following documents:

D1: WO 00/64050 A1 and
D2: US 2003/0088870 A1.

III. The applicant appealed against this decision and with the statement of grounds of appeal submitted claims and description pages of a main request as well as of first to third auxiliary requests. The claims of the main request and of the first auxiliary request were the same as those considered in the decision under appeal. The appellant requested that the decision under appeal be set aside and that a patent be granted in accordance with one of these requests. It also requested oral proceedings as an auxiliary measure.

IV. In a communication annexed to a summons to oral proceedings the board indicated *inter alia* that it considered the subject-matter of the claims of all requests unallowable for lack of inventive step. The board indicated that it also considered the following document to be relevant for the claimed subject-matter:

D3: WO 02/087243 A2.

- V. With a letter of 10 September 2014 the appellant withdrew its request for oral proceedings and informed the board that it would not be attending the oral proceedings. The appellant did not provide further arguments and requested a decision according to the state of the file.
- VI. Oral proceedings were held by the board on 17 September 2014. As announced, the appellant was not represented at them. The board noted that 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 of one of the main request or first through third auxiliary requests filed with the statement of grounds of appeal.
- VII. Claim 1 of the main request reads as follows:
- "A method for providing a channel list from a plurality of sources, the method comprising the steps of:
- generating a general list (23) including at least one television content (12) and at least one Internet content (14) and generating a favorite list (24) according to a past viewing history, the favorite list including a particular program or channel liked by a viewer according to the past viewing history (22), the general and favorite lists (23, 24) being selectable by the viewer;
 - performing an automatic channel installation to update the general list (23) to include all available programs;
 - storing the favorite list (24) to prevent deletion during the automatic channel installation; and
 - enable customization of the favorite list generated according to the past viewing history (22) by

selectively transferring programs or channels from the general list (23) to the favorite list (24)."

- VIII. Claim 1 of the first auxiliary request differs in that the feature relating to the automatic channel installation has been amended to read (amendments in bold):

"- performing an automatic channel installation to update the general list (23) to include all available programs, **thereby deleting the previous general list (23)**;"

- IX. Claim 1 of the second auxiliary request is identical to claim 1 of the main request except for the following amendment in the first method step (amendments in bold, deletions in strike-through):

"- generating a general list (23) including at least one television content (12) and at least one Internet content (14) and generating a favorite list (24) **from a list of programs, channels, and Internet addresses that a viewer frequently watches** according to a past viewing history, the favorite list including a particular program or channel liked by **the** ~~a~~ viewer according to the past viewing history (22), the general and favorite lists (23, 24) being selectable by the viewer;"

- X. Claim 1 of the third auxiliary request is distinguished from claim 1 of the main request in its last feature:

"- enable customization of the favorite list generated according to the past viewing history (22) by selectively transferring programs or channels from the general list (23) to the favorite list (24) **including**

deletion of the transferred programs or channels from the general list."

XI. The examining division stated in the decision under appeal that D1 disclosed all features of claim 1 of the main request except the generation of a favourite list according to a past viewing history. At the priority date of the application this feature was generally known to the skilled person and widely used. As an example of such a technique the examining division referred to D2, paragraphs [0027] to [0029]. The additional feature of claim 1 according to the (first) auxiliary request was used in TV sets according to the prior art, as stated in the application itself (page 1, lines 11 to 13). It was merely an obvious design option to include this known feature in the method described in D1.

XII. The appellant's arguments may be summarised as follows.

D1 did not disclose the use of a past viewing history for generating the favourites service space. Furthermore, D1 did not describe or suggest determining or registering a viewing history at all. Finally, the favourites service space of D1 simply included pointers to the corresponding records of the master service space, so that according to D1 the favourite list was not stored. When a record was deleted from the set of service records the relevant information was also lost for the favourite list.

As a consequence, D1 failed to disclose the following features of claim 1 according to the main request:

- generating a favourite list (24) according to a past viewing history, the favourite list including a

particular programme or channel liked by a viewer according to the past viewing history (22);
- storing the favourite list (24) to prevent deletion during the automatic channel installation;
- enabling customisation of the favourite list generated according to the past viewing history (22) by selectively transferring programmes or channels from the general list (23) to the favourite list (24).

The distinguishing features of claim 1 provided an easy and flexible solution for generating and customising the favourite list. Thus, the favourite list of the present application was generated based on viewing behaviour and explicit preferences concerning specific programmes and channels.

D2 did not describe providing a channel list from a plurality of sources and D2 did not disclose automatic channel searching. More importantly, D2 did not disclose enabling customisation of the channel history map, which corresponded to the favourite list defined in claim 1. On the contrary, D2 disclosed that a further list was created, which comprised favourite channels selected by the user from the channel history map. Accordingly, even if the skilled person were to combine the teachings of D1 and D2, the combination obtained would not result in the method as claimed in claim 1 of the main request.

With respect to the first auxiliary request the appellant argued that according to D1 the existing service records were not deleted during the channel update. As a result there was no need to store the favourite list.

The additional feature of claim 1 according to the second auxiliary request ("from a list of programs, channels, and Internet addresses that the viewer frequently watches") specified more explicitly the difference between the way in which the favourite list was generated in the method according to the present invention and the way in which this was done in D2.

The additional feature of claim 1 according to the third auxiliary request ("including deletion of the transferred programs or channels from the general list") provided a further contribution to the solution for easily generating and customising the favourite list.

Reasons for the Decision

1. The appeal is admissible.

Main request

2. D1 was considered in the decision under appeal as the closest prior art. This approach was not challenged by the appellant.
 - 2.1 D1 discloses a method for providing a channel list from a plurality of broadcast sources such as terrestrial airwaves, satellite, cable or any type of Internet broadcast. A tuning system generates a general list (master service space) of service records, each containing a set of information required to tune to a particular channel. In addition, a favourite list of service records (favourite service space) may be generated, including a particular programme liked by the viewer. Both the general and favourite lists are

selectable by the viewer using a remote control by activating the appropriate list (see page 3, lines 14 to page 5, line 12; page 11, lines 3 to 8; figure 4; page 14, line 8 to page 15, line 6).

The general list is updated automatically in an automatic channel installation, which may be repeated at predetermined intervals to detect new channels for each tuner. D1 also discloses that the favourite list is stored such that its contents are not deleted during the update. In addition, the lists may be customised by selectively transferring programmes or channels from the general list to the favourite list (see page 4, lines 6 to 8; page 14, lines 8 to 15; page 17, line 13 to page 18, line 28).

- 2.2 Thus, the board concurs with the reasoning in the decision under appeal that the subject-matter of claim 1 differs from D1 in that - according to claim 1 - a favourite list is generated according to a past viewing history.
- 2.3 The board agrees with the appellant that the distinguishing feature provides an easy solution for generating the favourite list. Hence, the technical problem can be regarded as how to generate the favourite list in an easy manner.
- 2.4 At the priority date of the present application it was generally known that the past viewing history could be employed to simplify channel selection for the user. This common general knowledge is reflected in D2, which refers to the underlying problem that channel selection in digital television systems may be inefficient due to the huge number of available channels. As a solution, D2 proposes to build a database which includes channel

information sets for channels that were previously tuned by a user. A channel history map based on this database may be displayed when a corresponding request is made by the user (see abstract, paragraphs [0005] to [0008] and [0027] to [0029]). D3 (see page 2, lines 1 to 11 and page 6, line 3 to page 7, line 27) also discloses generating a list of favourite channels automatically according to a past viewing history. Hence, starting from D1 and in view of the vast number of channels and programmes available at the priority date of the present application, the skilled person would have been incited to use past viewing history in order to simplify channel selection for the user.

2.5 It follows that the subject-matter of claim 1 according to the main request does not involve an inventive step (Article 56 EPC 1973).

2.6 The appellant's arguments did not convince the board.

The board follows the examining division's reasoning in the decision under appeal (see Reasons, 10) that the feature "storing the favorite list (24) to prevent deletion during the automatic channel installation" is disclosed in D1. Pointers to service records are stored (see D1, page 14, lines 3 to 7 and claim 8) as a service space "listing at least one of the plurality of service record[s]" (see claim 19). D1 also refers to the option that "The service space may physically include a copy of the service record", which implies that the service records of the favourite service space will not be deleted even if the master service space is updated (see page 4, line 6).

D1 (see page 14, lines 8 to 15) also discloses the feature of enabling "customization of the favorite

list ... by selectively transferring programs or channels from the general list (23) to the favorite list (24)".

It is correct that D2 discloses two distinct lists, a channel history map and a favourite list, and that the channel history map cannot be customised by selectively transferring programmes or channels from the general list. However, customising the favourite list was disclosed in D1 (see point 2.1 above). D2 was cited by the examining division as an example of the common general knowledge that favourite lists could be created according to a past viewing history. There is no interdependence of the features of customising the favourite list and creating the favourite list according to a past viewing history. Hence, if the skilled person decided to incorporate the automatic generation of the favourite list according to a past viewing history into the method disclosed in D1, there would be no need to abandon the possibility of later customising the favourite list.

First auxiliary request

3. Claim 1 according to the first auxiliary request contains the additional feature that the previous general list is deleted when an automatic channel installation is performed to update the general list (23).
- 3.1 As set out in the present application, this feature was known from prior-art TV sets (see page 1, lines 11 to 13). To perform an automatic channel installation in this known manner, instead of an incremental update of new channels as disclosed in D1, constitutes a normal

design possibility. It was therefore obvious to include this feature in the method described in D1.

3.2 Hence, the subject-matter of claim 1 of the first auxiliary request lacks an inventive step (Article 56 EPC 1973).

3.3 The appellant correctly argued that D1 mainly concerned adding records to service spaces. It is also correct that the favourite service space would become meaningless if the favourite list consisted of pointers to service records in the general list and the general list was overwritten. However, D1 explicitly refers to the option that each service space may physically include a copy of the service record (see page 4, line 6). Hence, the board holds that the skilled person would have had no difficulty, realising that service records had to be copied for inclusion in the favourite list if the method of D1 were to include the feature of deleting the previous general list in case of an automatic update.

Second auxiliary request

4. Claim 1 according to the second auxiliary request additionally specifies that the favourite list is generated "from a list of programs, channels, and Internet addresses that the viewer frequently watches".

4.1 This added feature was well known in the technical field and is, for example, disclosed in D3 (see page 3, lines 17 to 34). It serves to identify programmes and channels of particular interest to the user. Hence, if wanting to generate the favourite list (favourite service space) of D1 automatically, the skilled person would have considered including in this list

programmes, channels and Internet addresses that the viewer frequently watches.

- 4.2 It follows that the subject-matter of claim 1 of the second auxiliary request lacks an inventive step (Article 56 EPC 1973).

Third auxiliary request

5. Claim 1 according to the third auxiliary request additionally specifies that the customisation of the favourite list includes deletion of the transferred programmes or channels from the general list.

- 5.1 The board holds that the inclusion of this feature in the claimed method was an obvious design measure for the skilled person. Operations such as "copying" and "moving" (implying generation of a copy and deletion of the original) on a list of items - such as files - were well-known alternatives at the priority date of the application.

- 5.2 The appellant argued that, due to the deletion of already transferred programme channels or programmes from the general list, the user has a better overview of what is still available for selection. Apart from the fact that this effect would be subjective, the board is not convinced that the deletion of some entries from the general list comprising hundreds of channels and programmes can be considered as improving the overview for the user (see present application, page 1, lines 6 and 7).

- 5.3 Hence, the subject-matter of claim 1 of the third auxiliary request lacks an inventive step (Article 56 EPC 1973).

Conclusion

6. It follows that the decision under appeal cannot be set aside.

Order

For these reasons it is decided that:

The appeal is dismissed.

The Registrar:

The Chairman:



K. Boelicke

F. Edlinger

Decision electronically authenticated