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**Datasheet for the decision  
of 28 April 2017**

**Case Number:** T 2399/11 - 3.5.07

**Application Number:** 04721036.4

**Publication Number:** 1636798

**IPC:** G11B27/32, G11B27/34, G06F17/30

**Language of the proceedings:** EN

**Title of invention:**  
Device and method for metadata management

**Applicant:**  
Samsung Electronics Co., Ltd.

**Headword:**  
Metadata management/SAMSUNG

**Relevant legal provisions:**  
EPC Art. 56  
EPC R. 99(2), 115(2)  
RPBA Art. 13(1), 13(3), 15(3)

**Keyword:**  
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**Decisions cited:**

**Catchword:**



**Beschwerdekammern**  
**Boards of Appeal**  
**Chambres de recours**

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Case Number: T 2399/11 - 3.5.07

**D E C I S I O N**  
**of Technical Board of Appeal 3.5.07**  
**of 28 April 2017**

**Appellant:** Samsung Electronics Co., Ltd.  
(Applicant) 129, Samsung-ro  
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Suwon-si, Gyeonggi-do, 443-742 (KR)

**Representative:** Appleyard Lees IP LLP  
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**Decision under appeal:** **Decision of the Examining Division of the  
European Patent Office posted on 4 July 2011  
refusing European patent application  
No. 04721036.4 pursuant to Article 97(2) EPC.**

**Composition of the Board:**

**Chairman** R. Moufang  
**Members:** P. San-Bento Furtado  
R. de Man

## **Summary of Facts and Submissions**

- I. The applicant (appellant) appealed against the decision of the Examining Division refusing European patent application No. 04721036.4, which was filed as international application PCT/KR2004/000553 and published as WO 2004/109698.

The refusal was a "decision according to the state of the file" written using EPO Form 2061 referring to the communications dated 14 March 2011 and 28 August 2009.

The communication of 14 March 2011 was based on claims 1 to 9 on file at the date of the decision, which were submitted with a letter of 29 December 2009.

- II. The following prior-art document was cited in those communications:  
D2: WO 01/90949, published on 29 November 2001.
- III. In the communication of 28 August 2009, the Examining Division took the view that the subject-matter of each of claims 1 to 9 submitted with a letter of 12 February 2009 lacked novelty over the disclosure of document D2 and maintained one previous clarity objection. In the communication of 14 March 2011, the Examining Division assessed the features added to the claims since the previous communication, dealt with the applicant's arguments, and maintained the previous novelty objections.
- IV. With the statement of grounds of appeal, the appellant filed a main request and an auxiliary request.
- V. In a communication accompanying a summons to oral proceedings, the Board questioned the admissibility of

the appeal and whether claim 1 of the main request complied with Articles 84 and 123(2) EPC. It expressed the preliminary opinion that the subject-matter of claim 1 of the main request and of claims 1 and 5 of the auxiliary request was not novel over the disclosure of document D2.

The Board informed the appellant that, in the circumstances of the case, it was not minded to remit the case to the department of first instance even if novelty was acknowledged; in that case it intended instead to examine the claims with regard to inventive step. The features that the appellant had identified as novel seemed to correspond to an obvious implementation of non-technical requirements.

- VI. With a letter of reply dated 27 March 2017, the appellant filed a sole new main request to replace the previous requests on file. Later the appellant informed the Board that it would not be represented at the oral proceedings and requested a decision on the basis of the final written submissions of 27 March 2017.
- VII. Oral proceedings were held on 28 April 2017 in the absence of the appellant. At the end of the oral proceedings, the chairman pronounced the Board's decision.
- VIII. The appellant's final request was that the contested decision be set aside and that a patent be granted on the basis of the request filed with letter of 27 March 2017.
- IX. Independent claim 1 of the sole request reads as follows (itemisation by the Board):

"A device for managing metadata, comprising:

- (a) a disc drive unit (120) configured to pick up and output audio content and metadata recorded on a disc, the audio content associated with the metadata,
- (b) a control unit (110) that controls the operations of playing back the audio content read by the disc drive unit according to the selection of a user and providing the user with the metadata for the audio content being played;
- (c) a metadata determination unit (150) that receives the metadata for the selected audio content from the control unit to extract the attributes of the metadata and determines the priorities for the metadata according to the assigned priorities; and
- (d) a display unit (160) that displays a predetermined application program for playing back the audio content under control of the control unit (110) and also displays predetermined metadata determined by the metadata determination unit through the application program,
- (e) wherein priorities are assigned to metadata of audio contents according to a pre-defined characteristic of the audio contents, the characteristic of corresponding audio contents based on a predetermined metadata of the audio contents, and
- (f) wherein metadata of the audio content are read from the disc, and priorities for the read metadata associated with the audio content are assigned to the read metadata according to the priorities assigned to audio contents having a characteristic that is the same as a

characteristic of the audio content read from the disc,

- (g) wherein the read metadata are displayed according to the priorities of the metadata."

Independent claim 4 of the sole request reads as follows (itemisation by the Board):

"A method of managing metadata, on a playback device by a playback device, comprising:

- (i) assigning priorities to metadata of audio contents according to a pre-defined characteristic of the audio contents, the characteristic of corresponding audio contents based on a predetermined metadata of the audio content;
- (ii) reading the metadata for a specific audio content;
- (iii) extracting the read metadata of the specific audio content;
- (iv) assigning the extracted metadata priorities according to priorities assigned to audio contents having the characteristic that is the same as the characteristic of the specific audio content and setting the priorities of the extracted metadata to be the same as the priorities assigned to audio contents having a characteristic that is the same as a characteristic of the specific audio content; and
- (v) displaying, by the playback device, the metadata for the specific audio content according to the assigned priorities."

X. The appellant's arguments relevant to this decision are discussed in detail below.

## **Reasons for the Decision**

### 1. *Contested decision*

Although the written decision refers to two communications which dealt with different sets of claims, it is evident from the two communications (see sections I and III above) that the Examining Division intended to refuse the application for lack of novelty of the subject-matter of each of claims 1 to 9 on file at the date of the decision.

### 2. *Admissibility of the appeal*

In its statement of grounds of appeal the appellant said that there was a difference between the invention and document D2, and this alleged difference can be related to features of claim 1 of the main request filed with the grounds of appeal. The statement of grounds of appeal therefore contains a sufficient indication of the reasons for setting aside the decision under appeal in accordance with Rule 99(2) EPC. Since the appeal also complies with the other provisions referred to in Rule 101 EPC, it is admissible.

### 3. *Invention*

The application relates to managing metadata in the context of an audio disc playback device and in particular to providing a selection of metadata attributes to a user on the basis of one or more characteristics of the audio content (paragraphs [1] and [2] of the international publication). Priorities are assigned to attributes according to those



characteristics of the audio content (paragraphs [17] and [38]). This can be achieved by using a matching table of priorities for a given characteristic such as genre, as illustrated by Table 1 (paragraphs [38] to [41]):

List of metadata				
Genre	1	2	3	4
Folk	Singer	Album title	Composer	Songwriter
Pop	Singer	Album title	Composer	Songwriter
Classic	Composer	Player	Conductor	Album title
Jazz	Player	Album title	Arranger	Composer

The metadata attributes for a specific item of audio content are provided, e.g. displayed upon playback, according to those priorities (paragraph [16]). The priorities establish which attributes to display for items of audio content of a specific genre and in which order to display those attributes.

4. *Independent claims 1 and 4*

4.1 The main request submitted with the grounds of appeal included two independent claims, claim 1 directed to a device and claim 5 directed to a method (respectively referred to as "previous claim 1" and "previous claim 5" in the following). Previous claim 5 recited the features of a method essentially corresponding to the features of the device defined by previous claim 1.

4.2 Claim 1 of the current request was drafted from previous claim 1 essentially by introducing features (b) to (d) (see section IX above). In the independent method claim, the appellant made only minor amendments. In particular, claim 4 was drafted from previous claim 5 by introducing the words "pre-defined" and "corresponding", the latter replacing a "the". Current

independent claim 4 is therefore very similar to previous claim 5, which recited a method corresponding to the device recited in previous claim 1.

5. *Admission of the set of claims filed in appeal*

Using its discretion under Article 13(1) and (3) RPBA, the Board admits the amended set of claims into the proceedings in view of the fact that the appellant seems to have attempted to overcome new issues raised by the Board with regard to lack of clarity and added subject-matter, and has provided one argument supporting non-obviousness of the independent claims. Furthermore, the Board can deal with the issues raised by those claims without adjournment of the oral proceedings.

6. *Subject of the appeal proceedings*

6.1 The Board has doubts that claims 1 and 4 comply with Articles 84 and 123(2) EPC. It nonetheless prefers to examine the allowability of the present appeal on the basis of an assessment of the novelty and inventive step of independent claim 4. In view of the result of the inventive-step assessment given below, the Board does not have to decide on the other issues.

6.2 The appellant had to expect that at the oral proceedings the Board might decide on the basis of any of the claims of the sole request on file. Besides, it was acquainted with the extensive reasoning of both the Board and the Examining Division and was aware that the Board was minded to examine the claims with respect to inventive step (see also sections III and V above).

Since independent method claim 4 of the present sole request recites features which correspond almost directly to those of previous claim 1 treated in the Board's communication, the appellant cannot be surprised by similar objections regarding present method claim 4. The appellant had an opportunity to present its comments on those objections in accordance with Article 113(1) EPC.

The Board further notes that, according to Article 15(3) RPBA, a party duly summoned which is absent from the oral proceedings may be treated as relying only on its written case (see also Rule 115(2) EPC).

7. *Interpretation of claim 4*

7.1 The method of claim 4 is performed "on a playback device by a playback device". The application defines the term "playback device" as "home appliances such as CD players and DVD players" (paragraph [5]) and illustrates in Figure 1 a device performing the method of the invention (paragraphs [28] to [37]). Either of the descriptions of paragraph [5] or Figure 1 encompasses a computer with a disc reader running a playback program.

7.2 Claim 4 describes a method of managing metadata including steps (i) to (v) (see section IX above). The Board understands steps (i) and (iv) as describing how assigned priorities are first defined in general for metadata of all audio content items on the basis of a characteristic and then defined specifically for extracted metadata of an item of audio content as follows:

- In step (i), priorities are assigned to metadata of audio contents in general on the basis of a predefined characteristic (e.g. music genre). This can be done by establishing a matching table of priorities.
- When metadata of a specific item of audio content are read and extracted (in steps (ii) and (iii)), the priorities are assigned in step (iv) to the extracted metadata on the basis of the priorities assigned to metadata in general having the same characteristic (e.g. genre "Pop").

7.3 The feature "according to a pre-defined characteristic of the audio contents, the characteristic of corresponding audio contents based on a predetermined metadata of the audio content" in step (i) expresses that the pre-defined characteristic, e.g. the genre, is itself a metadata attribute of the audio content items.

7.4 In the grounds of appeal the appellant argued that in the present invention, although all audio data included the same metadata, the priorities of the metadata could be changed according to the metadata on which the priorities were based.

However the claim does not define any features implying that all audio data include the same metadata.

## 8. *Novelty and inventive step - claim 4*

8.1 Document D2 discloses a device and a method for managing metadata of media such as audio contents (see title and page 1, lines 4 to 11). The passage on page 6, starting from line 7, describes with reference to Figures 1A and 1B the audio player program RealJukeBox which works with a metadata editor program

and provides access to audio content stored on a disc (see "CD" on Figure 1A).

The method performed by the RealJukeBox program and the metadata editor program running on a computer constitutes a "method of managing metadata, on a playback device by a playback device" as recited in claim 4.

8.2 The screenshot of the user interface of the RealJukeBox program of Figure 1A shows an item of audio content being played. The content of some metadata fields is shown in the "Playing" field as well as in the window showing the list of audio content items, e.g. "Alison" and "Everything But the Girl", which is the metadata for the fields "Track Name" and "Artist", respectively (page 6, lines 12 to 19). When the user clicks on the "Edit Track Info" button, the metadata editor program displays metadata of the selected audio content item as shown in Figure 1B (page 6, lines 8 to 19).

The method of document D2 therefore includes steps (ii) and (iii) of claim 4 of "reading the metadata for a specific audio content" and "extracting the read metadata of the specific audio content".

8.3 In document D2, information about the metadata fields of audio content is stored in a database as "metadata organisation information", which includes "metadata category grouping information" about "category groupings" and "metadata display set information" about "display sets" (page 4, lines 27 to 36; page 5, lines 10 to 12; page 13, lines 2 to 4).

The metadata category grouping information defines which fields are included in each category grouping. A

category grouping may be defined on the basis of a genre such as "Classical" or "Pop/Rock" (page 4, lines 32 to 34; page 13, lines 22 to 31). For example, Table 3 on page 9 shows the metadata fields for the categories (or category groupings) "Pop/Rock" and "Classical" (page 8, lines 7 to 14). As can be seen from that table, different category groupings may have common (or corresponding) metadata fields.

Metadata display-set information includes information about how fields are to be grouped in the display in display sets and may include information regarding the order and the location of the fields in the display set. The metadata display-set information may correspond to the category grouping. For example, a display set "Basic" may include five fields for "Pop/Rock" and seven for "Classical" (page 4, lines 29 to 32; page 13, lines 9 to 21).

The description on page 4, starting from line 23, and Tables 2 and 3 on pages 8 and 9 give examples of category groupings and display sets for the categories "Pop/Rock" and "Classical". Table 2 shows the display sets "Basic", "Track" and "Album" for the category "Pop/Rock" (page 7, lines 21 to 24), where the display set "Track" includes the fields "Preference, Situation, Tempo, Lyrics, CD Track#, Mood, Year, Comments" (page 4, line 36 to page 5, line 2; page 8, Table 2). Compared to "Pop/Rock", the category grouping "Classical" may be defined so as to have a display set "Basic" but not a display set "Track", and include different specific fields such as "Opus Number, Type of Work, Era, Key, Movement, and Arranged For" (page 4, lines 34 to 36; page 9, Table 3), which could be used to define specific display sets.

8.4 The method described on page 6 of document D2 also uses the above described metadata organisation information including category groupings and display sets (see page 6, lines 15 to 19 and 23 to 27; page 6, line 31 to page 7, line 2).

The display of metadata is determined by both the category groupings and the display sets (page 6, line 12 to page 7, line 2). In particular, the metadata fields are grouped and organised

- in category groupings, "such that fields related to a category grouping are presented to the user and unrelated fields are not presented to the user" (page 4, line 23 to page 5, line 3; page 6, lines 23 to 27), and
- in display sets for presentation to the user, which define how the fields of a particular category grouping are displayed, including e.g. order and location (page 6, line 31 to page 7, line 2; page 7, lines 21 to 22; page 8, lines 2 to 6).

The definition of display sets corresponding to a category grouping of document D2, where the display sets determine which fields are to be displayed, in which order and in which location for a particular category, corresponds to assigning priorities to audio contents according to a category grouping, similar to feature (i) of claim 4. The difference is that in step (i) priorities are assigned "according to a pre-defined characteristic [...] based on a predetermined metadata of the audio content".

8.5 When a user selects a track in the device of document D2, the system "searches the metadata database for the metadata relating to the selected track as well as the metadata organization information that tells the

system which fields to include in the display and how the metadata should be displayed, and then displays the metadata in the metadata editor program display" (page 6, lines 14 to 18).

As explained above, which fields to display and how to display them (i.e. the priorities) for a specific audio item is determined according to the metadata organisation information of a category grouping. As can be seen from Figure 1B, the metadata editor program displays the metadata fields for the selected item of audio content according to the display sets "Basic", "Track" and "Album" of the category "Pop/Rock" (shown on page 8, Table 2), which determine which fields are displayed and how. This involves assigning priorities to the extracted metadata (page 6, line 20 to page 7, line 2).

Page 6, lines 14 to 19, of document D2 discloses the step of displaying the metadata upon clicking the button for editing. This is also covered by claim 4, which does not restrict the step of displaying metadata to a particular context, e.g. playing of audio content.

The method of document D2 therefore includes a step of assigning the extracted metadata priorities according to, and setting the priorities of the extracted metadata to be the same as, the priorities assigned to a specific category grouping, similar to step (iv) recited in claim 4, and a step of displaying, by the playback device, the metadata for the specific audio content according to the assigned priorities, which corresponds to claimed step (v).

8.6 In its letter of reply, the appellant did not comment on the Board's analysis of document D2. It merely



argued as follows: "in the present invention, the device for managing metadata operates such that after setting the metadata priorities, one or more metadata is selected to be displayed" and "D2 does not select the metadata after setting the metadata priorities".

The Board understands that the selection of metadata mentioned by the appellant refers to the selection of metadata fields for display and that the setting of priorities refers to step (i), but it does not find the appellant's argument persuasive. In document D2 the metadata organisation information including category groupings and display sets is available before metadata fields of a particular item are selected for display (page 6, lines 20 to 27). In other words, the metadata priorities for categories can be set in advance (see also page 4, lines 27 to 34 and page 17, lines 12 to 32), and after that metadata fields of a specific audio item are selected for display on the basis of the priorities established by the metadata organisation information for a category grouping in the manner explained above.

- 8.7 Document D2 does not explain how the metadata editor determines the specific category grouping to use when displaying the metadata of an audio-content item. In the example of page 6, lines 14 to 19, the category seems to be chosen automatically by the metadata editor. Furthermore, both examples of categories for genres include a metadata field "Track Genre" (page 4, line 32 to page 5, line 6; page 9, Table 3) which seems to correspond to the genre on which category groupings are based. However, document D2 does not disclose that the choice of the grouping is based on the metadata field "Track Genre".

The Board therefore agrees, in line with the appellant's argument in the grounds of appeal and taking into account the claim's interpretation (see in particular points 7.2 and 7.3 above), that document D2 does not disclose that the priorities are assigned on the basis of a predetermined metadata field of audio contents in steps (i) and (iv).

The subject-matter of claim 4 is therefore new over document D2.

- 8.8 The appellant argued that the claimed invention solved the problem of "providing a proper set of information to a user that is suitable for the multimedia content being played back". The Board notes that the claim does not concern content being displayed. It agrees that the distinguishing feature is related to the question of displaying a "proper set of information to the user", which however is a non-technical problem.

In the Board's opinion, the distinguishing feature corresponds to a minor obvious modification of the method of document D2. As explained above, the field "Track genre", which is a metadata field both of the example category groupings and of audio items, corresponds substantially to the genre on which the categories are based. The skilled person would immediately recognise from document D2 the possibility of storing together with the information for a category grouping a value (or values) for the field corresponding to the common characteristic (see Figure 3 of document D2), and choosing the category grouping for assigning display priorities having the same characteristic as the item whose metadata is to be displayed. As an example, the category grouping with values "Pop" and "Rock" for the field "Track genre"

would be automatically chosen to display metadata for an item with "Track genre"="Pop". This corresponds to the distinguishing feature.

8.9 The subject-matter of claim 4 is therefore not inventive over the method of document D2. Consequently, claim 4 does not comply with Article 52(1) EPC for lack of inventive step within the meaning of Article 56 EPC.

9. *Conclusion*

Since the sole request on file is not allowable, the appeal is to be dismissed.

## **Order**

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

The appeal is dismissed.

The Registrar:

The Chairman:



I. Aperribay

R. Moufang

Decision electronically authenticated