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Datasheet for the decision of 12 June 2018

Case Number: T 1102/12 - 3.5.06

Application Number: 03079184.2

Publication Number: 1411427

IPC: G06F9/44

Language of the proceedings: EN

Title of invention:
Method of drawing in a window

Applicant:
Thomson Licensing

Headword:
Redrawing tranparent windows/THOMSON LICENSING

Relevant legal provisions:
EPC 1973 Art. 56

Keyword:
Inventive step - (no)

Decisions cited:

Catchword:

Europäisches Patentamt
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Beschwerdekammern

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Case Number: T 1102/12 - 3.5.06

D E C I S I O N
of Technical Board of Appeal 3.5.06
of 12 June 2018

Appellant: (Applicant)	Thomson Licensing 1-5, rue Jeanne d'Arc 92130 Issy-les-Moulineaux (FR)
Representative:	Ståhl, Björn Niclas TECHNICOLOR 1-5, rue Jeanne d'Arc 92130 Issy-les-Moulineaux (FR)
Decision under appeal:	**Decision of the Examining Division of the European Patent Office posted on 2 November 2011 refusing European patent application No. 03079184.2 pursuant to Article 97(2) EPC.**

Composition of the Board:

Chairman	W. Sekretaruk
Members:	S. Krischer
	A. Teale

Summary of Facts and Submissions

I. The appeal is directed against the decision of the examining division, dated 2 November 2011, to refuse application No. 03079184 for lack of inventive step over the following document:

D1 EP 0 806 756 A2.

The following document was also mentioned in the decision:

D2 D. Olsen: "Developing User Interfaces", February 1998, Morgan Kaufmann Publishers Inc., San Francisco, USA, ISBN: 1-55860-418-9, XP002538477.

II. A notice of appeal was received on 22 December 2011. The appeal fee was paid on the same day. A statement of grounds of appeal was received on 6 March 2012. New claims were filed, and oral proceedings were conditionally requested.

III. In a communication dated 24 November 2017, the rapporteur raised an objection of lack of inventive step.

IV. In a letter dated 24 January 2018, the appellant submitted arguments and filed new claims.

V. In its summons to oral proceedings, the board maintained the objections raised in the communication that the claims lacked an inventive step and raised objections according to Article 123(2) EPC.

VI. In a letter dated 4 May 2018, the appellant submitted further arguments and filed new claims.

VII. In a letter dated 7 June 2018, the appellant announced that it would not be represented at the oral proceedings.

VIII. Oral proceedings were held on 12 June 2018 in the absence of the representative, as announced. At their end, the board announced its decision.

IX. The appellant requests that the decision be set aside and that a patent be granted based on the claim set filed on 4 May 2018.

X. Claim 1 of the main request reads as follows:

"1. A method of drawing in a superimposed window comprising at least a transparent overlying window (102) and at least an underlying window (100), the method including the steps of:

drawing in the underlying window (100),

identifying the transparent overlying window (102) over the underlying window,

sending a signal instructing (E) a client of the identified transparent overlaying window (102) which may be affected to redraw the part of the identified transparent overlaying window (102) which is affected by the drawing, so that drawing affecting the identified transparent overlying window (102) can be corrected, and

in response to the signal (E), redrawing the part of the identified overlaying window."

Reasons for the Decision

1. *Summary of the invention*

The application relates to a graphical user interface (GUI) of a computer (e.g. a TV receiver/decoder, see description page 1, first paragraph and page 19) where the drawing of a transparent overlying window is corrected after drawing has taken place in an underlying window which is overlapped by the overlying window (page 3, second paragraph; page 27, third and fourth paragraphs).

2. *Original disclosure*

In its summons (sections 3-9), the board raised objections under Article 123(2) EPC. The appellant then filed the current claim set in which the expression causing objection "foreground object" had been deleted. The appellant also indicated passages in the original description supporting the latest amendments (see letter dated 4 May 2018, page 2, lines 9-14). The board is satisfied with these amendments and considers that the indicated passages demonstrate that the current claims satisfy the requirements of Article 123(2) EPC.

3. *Inventiveness*

3.1 Claim 1 defines the intrinsic behaviour of transparent windows which were known well before the priority date of the application (see, for example, D1). The concept of transparent windows implies that the image of two overlapping windows may need to be corrected with respect to the overlying transparent window when the

underlying window has changed. The reason is that opaque objects in the overlying windows may obscure newly drafted objects of the underlying window.

3.2 Therefore, the features of claim 1 relating to redrawing the area of the transparent overlying window which overlaps a changed area of an underlying window do not establish an inventive step.

3.3 Also the third step of claim 1 does not establish an inventive step, since sending a signal (i.e. an event) is the common communication method for objects in GUI software frameworks. Events are disclosed in D1 for the (different) situation of announcing that a window has finished drawing (column 5, lines 9-13). In D2, events are even disclosed for the present situation of redrawing a window (see fifth paragraph, second sentence; see also the first communication of the examining division, dated 15 June 2010, page 2, last paragraph). Therefore, in the present case, it would be obvious to send events to the client objects which are responsible for the content of the affected transparent overlying window, so that they can redraw their content.

3.4 In the grounds of appeal (page 5, first paragraph), the objective technical problem is formulated as how to correct the affected part of a window comprising a transparent overlying window and an underlying window, taking account of instructions of the clients of the transparent overlying window. It is then argued (second paragraph of page 5) that, starting from D1, the skilled person would not modify D1 in such a way as to arrive at the method of claim 1. Although D1 suggested updating the background buffer of the current region

[i.e. in the transparent overlying window], a skilled person had no incitement not to correct the background buffer, but to redraw the transparent overlying window (second sentence of the second paragraph on page 5).

3.5 The board is not convinced by this argument. D1 discloses, in more detail than the application, the implementation of transparent windows (called "translucent" in D1), namely by a foreground and a background buffer. The claimed invention is silent about such implementation details. Therefore, if the skilled person had to apply the method of D1 in the less detailed framework of the invention, he or she would have arrived in a straightforward way at redrawing the overlying window after the underlying window had been changed, since no choice between a foreground and a background buffer exists in this framework. Moreover, the skilled person would obviously apply the event mechanism commonly used in the GUI field (see above) and send an event to the clients responsible for the content of the overlying window to redraw the window content, in order to take account of the instructions of the clients of the transparent overlying window (as formulated in the objective technical problem).

3.6 In its letter dated 24 January 2018 (page 4, third paragraph), the appellant indicated a technical effect achieved by the invention, namely that parts of the overlying window are redrawn to correct them when they have been affected by drawing in a underlying window. However, this does not go beyond executing the signalled instruction itself. Indeed, this is the intended effect of the instruction. It is therefore a

trivial effect and cannot contribute to an inventive step.

3.7 In its letter dated 4 May 2018 (page 3, fourth paragraph), the appellant argued that the situation of the claimed invention cannot occur in D1.

3.8 The board agrees. However, this is the case because D1 solves the task of propagating the changes of the underlying window to the transparent overlying window in a more sophisticated way (by splitting the overlying window into a background buffer and a foreground buffer, the latter containing the opaque objects). Therefore, propagation in D1 merely consists in updating the background buffer.

3.9 In the claimed invention, there is no such data structure, so that the skilled person has to straightforwardly implement the defined behaviour of transparent windows. This consists in correcting the content of the overlying window when it has been wrongly overwritten by drawing in the underlying window. There is no alternative to correcting errors in a situation where they are not prevented in the first place, as is done, for example, in D1.

3.10 Therefore, the subject-matter of claim 1 is not inventive.

Order

For these reasons it is decided that:

The appeal is dismissed.

The Registrar: The Chairman:

B. Atienza Vivancos W. Sekretaruk

Decision electronically authenticated