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**Datasheet for the decision
of 10 October 2013**

Case Number: T 1890/12 - 3.5.04

Application Number: 00200971.0

Publication Number: 1017233

IPC: H04N5/445, H04N7/088

Language of the proceedings: EN

Title of invention:

Method and apparatus for displaying television program information

Applicant:

Gemstar Development Corporation

Headword:

Relevant legal provisions:

EPC 1973 Art. 56

Keyword:

Inventive step - obvious combination of known features

Decisions cited:

Catchword:



**Beschwerdekammern
Boards of Appeal
Chambres de recours**

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Case Number: T 1890/12 - 3.5.04

D E C I S I O N
of Technical Board of Appeal 3.5.04
of 10 October 2013

Appellant: Gemstar Development Corporation
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Decision under appeal: **Decision of the Examining Division of the
European Patent Office posted on 4 April 2012
refusing European patent application No.
00200971.0 pursuant to Article 97(2) EPC.**

Composition of the Board:

Chairman: F. Edlinger
Members: A. Dumont
B. Müller

Summary of Facts and Submissions

- I. The applicant appealed against the decision to refuse European patent application No. 00 200 971.0. The present appeal arose from a decision of the examining division after the case had been remitted for further prosecution by the board in case T 1288/04.
- II. In the present case, the examining division refused the application *inter alia* on the grounds that the subject-matter of claim 1 of the second and third auxiliary requests then on file lacked inventive step over a combination of documents:
- D7: WO 94/16441 A1 with
D4: EP 0 339 675 A2.
- III. With the statement of grounds of appeal the appellant filed a new main request and a first auxiliary request based on the third auxiliary request underlying the impugned decision.
- IV. In a communication pursuant to Article 15(1) RPBA the board referred to an objection raised in an official communication of 29 April 2011 by the examining division and expressed the provisional opinion that the subject-matter of claim 1 according to the requests on file appeared to lack inventive step over document D5 taken alone or in combination with either of documents D4 or D6. D5 and D6 are as follows:
- D5: WO 92/04801 A1; and
D6: IBM Technical Disclosure Bulletin, Vol.33, No.3B, August 1990, pages 116 to 118: J.M. DINWIDDIE *et al.*: "Combined-User Interface for Computers, Television, Video Recorders, and Telephone, etc."

- V. With a letter of 10 September 2013 the appellant filed claims of a second auxiliary request.
- VI. As announced in the summons, the board held oral proceedings on 10 October 2013 in appeal cases T 1890/12 and T 1090/10 consecutively, starting with the present case T 1890/12.
- VII. The appellant requested 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 the first auxiliary request filed with the statement of grounds of appeal, or on the basis of the claims of the second auxiliary request filed with the letter of 10 September 2013.
- VIII. Claim 1 according to the main request reads as follows:
- "An entertainment system comprising:
a display having a screen;
means (30) for recovering video programs;
means for reproducing an audio output accompanying the recovered video program;
a source of a schedule of program listings including listings for video programs, wherein the listings include program titles;
means for displaying (20) a plurality of the program listings for video programs from the source in a first area (46) of the screen, each displayed program listing including a program title;
an input device (28) providing a viewer command for selectively marking one of the displayed program listings for a video program; and
means (24) responsive to the viewer command from the input device (28) for controlling the means for

reproducing the audio output and the means for recovering (30) to display in a second area (42) of the screen simultaneously with the program listings, the video program corresponding to the marked program listing, such that at least a part of the image of the video program is visible in real time and is accompanied by its audio output."

IX. Claim 1 according to the first auxiliary reads as follows:

"An entertainment system comprising:
a display having a screen;
means (30) for recovering video programs;
means for reproducing an audio output accompanying the recovered video program;
a source of a schedule of program listings including listings for video programs, wherein the listings include program titles;
means for displaying (20) a plurality of the program listings for video programs from the source in a first area (46) of the screen, each displayed program listing including a program title;
an input device (28) for selectively marking one of the displayed program listings for a video program; and
means (24) responsive to the input device (28) for controlling the means for reproducing the audio output and the means for recovering (30) to display in a second area (42) of the screen simultaneously with the program listings, the video program corresponding to the marked program listing, such that at least a part of the image of the video program is visible in real time and is accompanied by its audio output,
wherein the input device (28) has up/down keys (58,60) the operation of which changes the marked program listing displayed in the first area (46) of the screen,

and the means (24) is arranged to change the video program displayed in the second area (42) of the screen responsive to said operation of the up/down keys (58,60) to correspond to the changed marked program listing so that the displays in the first and second areas (46,42) change responsive to the same operation of the up/down keys (58,60)."

- X. Claim 1 according to the second auxiliary request differs from claim 1 according to the main request in that the feature

"a source of a schedule of program listings including listings for video programs, wherein the listings include program titles;"

is replaced by:

"a source of a schedule of program listings including listings for currently telecast and future video programs, wherein the listings include program titles;"

- XI. The argumentation by the appellant as regards inventive step starting from document D5 may be summarised as follows:

The system of D5 does not comprise means as set out in the last paragraph of claim 1, essentially because the interactive guide of Figure 1 is separated from any real-time video program in D5. It is doubtful whether vertically grazing through the guide in Figure 1 would cause the television tuner to actually change its frequency so as to follow the program marking. Furthermore, the text information overlaid on the video program in Figures 9 and 10 of D5 relates to a single video program and cannot be selectively marked.

The problem solved by the invention may be seen as enhancing the prior-art entertainment system. The on-screen text information of D4 is not linked to the simultaneously displayed television program and it has nothing to do with selectively markable program listings. D6 relates to a portable touch pad for controlling a "unit", with a "screen". It is unclear whether the "screen" is in the "unit" or in the touch pad, or whether the "channels" are more than just icons shown on the touch pad in D6. D5, D4 and D6 constitute disparate pieces of prior art and do not render obvious the one-step reproduction of a video program simultaneously with an associated program marked in the guide.

Reasons for the Decision

1. The appeal is admissible.
2. Main request
 - 2.1 Document D5 discloses an entertainment system comprising a display (see for instance 210 in Figure 22A) having a screen, means for recovering video programs (tuner 202), means for reproducing an audio output accompanying the recovered video program, a source of a schedule of program listings including listings for video programs, wherein the listings include program titles. It also comprises means for displaying a plurality of the program listings for video programs from the source in a first area (grid 24 in Figure 1) of the screen, each displayed program listing including a program title, and an input device (212 in Figure 22A) providing a viewer command for selectively marking one of the displayed program

- listings for a video program, responsive to a "Tuner Up/Down channel command". The selected listing is shown with a highlight (56 in Figure 1) in response to the command (see D5, page 12, line 35 to page 14, line 5). This is not contested by the appellant.
- 2.2 The board agrees with the appellant in that the system of D5 does not disclose the means responsive to the viewer command from the input device as set out in the last paragraph of claim 1. This facilitates channel grazing by allowing the user to observe on the screen what program is being received on the respective channels (see e.g. paragraphs [0004] and [0008] of the published application).
- 2.3 The board thus agrees with the appellant that the problem solved by those means may be formulated in general terms as enhancing the entertainment system.
- 2.4 The solution according to claim 1 provides additional information in a second area of the screen in the shape of a moving, real-time video image, for instance in a PIP window associated with the program listing selected and highlighted in the program guide. In particular, this facilitates channel grazing in a "NOW" guide covered by claim 1 and shown in Figure 2 of the present application. Technically, this implies the television tuner (11 in Figure 1) being set to the channel frequency corresponding to the highlighted and currently broadcast program, each time the user selects a different program listing (see also paragraph [0008] of the published application).
- 2.5 In D5, the "Tuner Up/Down channel command" is mapped to the order of the program listings in the grid guide, so that the television tuner automatically tracks the

highlighted program listing when navigating within the guide with successive channel up/down commands (see page 12, lines 33 to page 13, line 27). A cursor (32) is preferably dragged in unison with the highlight (56). In this context, changing the channel means that the tuner makes video, audio and metadata, such as teletext, available to the system. For instance, this allows a corresponding program note to be displayed when a select key is pressed (see Figure 6 as well as page 11, line 30 to page 12, line 16; page 13, line 30 to page 14, line 5 and page 14, line 6 to page 15, line 7). The board thus does not share the appellant's doubts (see section XI above) and is convinced that the teaching of D5 is consistent in describing the simultaneous effect of the channel up/down command on the program listing selection, the corresponding highlight (56) in the grid guide and the corresponding tuner setting.

2.6 Thus the system of D5 makes the video and audio signals of a currently broadcast television program automatically available when the corresponding program listing is marked in the grid guide of Figure 1. However, D5 does not disclose the further step of displaying that program simultaneously with the guide.

2.7 This further step is however obvious for the following reasons. D5 aims to convey the most amount of information to the user in an easily understood manner, in particular using an interface with supplemental schedule information presented in an overlay (see page 3, lines 29 to 32 and page 4, lines 15 to 18). One way of achieving this is taught in the context of a schedule of program listings as the one shown in Figure 1, namely the display of program note overlays for a selected program on demand (see page 12, lines 1

to 16 and Figure 6). Other ways of achieving this consist in the embodiments of Figures 9 and 10 of D5 in simultaneously displaying the currently broadcast television program and related text information as overlay. The related information does not comprise multiple selectable items such as the program listings shown in Figure 1. However, in view of the general object mentioned in the introductory part of D5 and in view of the fact that the currently broadcast television program had already been made available together with program note overlays by automatically and simultaneously setting the tuner to the corresponding frequency, the skilled person would also have envisaged displaying the video program simultaneously with the grid guide.

2.8 Furthermore, document D4 discloses a television receiver, where multiple information, *inter alia* a television program and related text information (teletext), is simultaneously displayed in different non-overlapping areas of the screen (see column 1, lines 17 to 21 and 45 to 50, and Figure 1). Document D6 discloses an interface for a television set, where the program on a television channel as well as a schedule may be displayed in windows on a screen, with channels selected in the schedule window being displayable in the television window (see in particular the fourth paragraph on page 116, the paragraph bridging pages 116 and 117 and the first two paragraphs on page 118).

2.9 The board recognises that the content of the teletext information can be changed in D4 in response to user commands and that there is not necessarily a correspondence between a video program and a marked program listing within the meaning of the present invention. The board also recognises that the display

of a television program in D6 in response to a selection in the schedule might require a further user command. However, those further documents show that the basic idea of simultaneously displaying a television channel or program with program-related or selectable text information content was a technical option to further enhance the entertainment system of D5. Neither does the present application, let alone claim 1, mention any particular technical feature indicating that it would have been necessary to overcome an obstacle when implementing such an enhanced system.

2.10 In short, the system of claim 1 results from an obvious enhancement of the system known from D5, reproducing as supplemental information the video and audio content for the currently selected program, which content was already made available by automatically setting the tuner in D5.

2.11 In conclusion, the subject-matter of claim 1 according to the main request does not involve an inventive step within the meaning of Article 56 EPC 1973. Thus the main request is not allowable.

3. First auxiliary request

3.1 Claim 1 according to the first auxiliary request essentially differs from claim 1 according to the main request by limiting the user command to the operation of up/down keys on the input device.

3.2 D5 discloses such keys (UP DOWN CHANNEL keys 136 in Figure 21) on a remote control, to trigger the "Tuner Up/Down channel command".

3.3 The appellant did not provide any argument specific to the features added in claim 1 of the first auxiliary request.

3.4 As a result, the subject-matter of that claim does not involve an inventive step within the meaning of Article 56 EPC 1973 for reasons analogous to those given for claim 1 according to the main request. Thus the first auxiliary request is not allowable.

4. Second auxiliary request

4.1 Claim 1 according to the second auxiliary request essentially differs from claim 1 according to the main request by setting out that the source of a schedule of program listings includes listings "for currently telecast and future video programs". The board observes that claim 1 specifies "means for displaying (20) a plurality of the[se] program listings" in the first area. Only this plurality needs to be available for selection in the system of claim 1. The simultaneous display of video program and program listings may thus be restricted to a subset of these currently telecast and future programs, for instance to currently telecast programs, as is the case in the "NOW" guide embodiment of Figure 2 of the present application.

4.2 The source of the schedule of program listings must include listings for currently telecast and future video programs in D5, since the grid guide of Figure 1 contains listings for video programs scheduled at different times of the day, i.e. for currently telecast and future programs.

4.3 The appellant did not provide any argument specific to the inventiveness of the features added in claim 1 of the second auxiliary request.

4.4 As a result, the subject-matter of that claim does not involve an inventive step within the meaning of Article 56 EPC 1973 for reasons analogous to those given for claim 1 according to the main request. Thus the second auxiliary request is not allowable.

Order

For these reasons it is decided that:

The appeal is dismissed.

The Registrar:

The Chairman:



K. Boelicke

F. Edlinger

Decision electronically authenticated