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Datasheet for the decision of 10 July 2019

Case Number: T 0240/15 - 3.5.05

Application Number: 10013045.9

Publication Number: 2259494

IPC: H04L12/18

Language of the proceedings: EN

Title of invention:
Method and system for transmitting and receiving access information for a broadcast service

Applicant:
Samsung Electronics Co., Ltd.

Headword:
Broadcast Service Guide/SAMSUNG

Relevant legal provisions:
EPC Art. 54, 56

Keyword:
Novelty - (yes)
Inventive step - (yes)

Decisions cited:

Catchword:

Europäisches Patentamt
European Patent Office
Office européen des brevets

Beschwerdekammern

Boards of Appeal

Chambres de recours

Boards of Appeal of the
European Patent Office
Richard-Reitzner-Allee 8
85540 Haar
GERMANY
Tel. +49 (0)89 2399-0
Fax +49 (0)89 2399-4465

Case Number: T 0240/15 - 3.5.05

D E C I S I O N
of Technical Board of Appeal 3.5.05
of 10 July 2019

Appellant: (Applicant)	Samsung Electronics Co., Ltd. 129, Samsung-ro Yeongtong-gu Suwon-si, Gyeonggi-do, 443-742 (KR)
Representative:	Grünecker Patent- und Rechtsanwälte PartG mbB Leopoldstraße 4 80802 München (DE)
Decision under appeal:	**Decision of the Examining Division of the European Patent Office posted on 2 June 2014 refusing European patent application No. 10013045.9 pursuant to Article 97(2) EPC.**

Composition of the Board:

Chair	A. Ritzka
Members:	P. Cretaine
	F. Blumer

Summary of Facts and Submissions

I. This appeal is against the decision of the examining division, posted on 2 June 2014, refusing European patent application No. 10013045.9. A main request and first to fifth auxiliary requests were refused for the lack of novelty (Article 54 EPC) of their independent claims with regard to the disclosure of

D1: Open Mobile Alliance, "Service Guide for Mobile Broadcast Services, Draft Version 1.0", 5 August 2005.

The following document was also used in the decision with respect to the novelty objection:

D4: Handley M. et al.:"SDP: Session Description Protocol; rfc2327.txt", Internet Engineering Task Force, 1 April 1998.

II. The notice of appeal was received on 6 August 2014 and the appeal fee was paid on the same day. The statement setting out the grounds of appeal was received on 13 October 2014. The appellant requested that the decision be set aside and that a patent be granted based on the main request or on one of the first to fifth auxiliary requests on which the decision was based. Oral proceedings were requested in the event that the main request was not allowed.

III. A summons to oral proceedings was issued on 23 April 2019. In a communication annexed to the summons, the board gave its preliminary opinion on the case. In its view, the main request and the first to fifth auxiliary requests did not meet the requirements

of Article 56 EPC, having regard to the disclosure of D1.

IV. Oral proceedings were held on 10 July 2019. During the proceedings, the appellant submitted a new main request and withdrew all previous requests. The appellant requested that the decision under appeal be set aside and that the patent be granted based on the new main request submitted during the oral proceedings. The decision of the board was announced at the end of the oral proceedings.

V. Claim 1 according to the main request reads as follows:

"A method for transmitting access information of a broadcast service in a transmitter of a broadcasting system, the method **characterized by** the steps of: generating, by the transmitter, an access fragment as access information, said access fragment including an access type element for indicating which delivery mode is used for delivering content of the broadcasting service, among a broadcast delivery mode, or a unicast delivery mode, and transmitting, by the transmitter, the access information including the access type element to a terminal."

The main request comprises further independent claims relating to a corresponding apparatus (claim 2) and to a corresponding receiving method (claim 3) and apparatus (claim 5).

Reasons for the Decision

1. The appeal is admissible (see point II above).

2. Prior art

D1 is a standardisation document for the Service Guide for Mobile Broadcast Services which is the subject-matter of the present application (see paragraph [0004] of the published application). A standardised service guide is sent to the mobile terminal and structured as in Figure 1, shown in section 5.2.1, providing in particular a so-called Access fragment which describes to the terminal how it can access a service. Section 5.2.2.4 describes the structure and content of the Access fragment, corresponding to tables 1-7 of the present application. The Access fragment is an element of the hierarchical data structure of the Service Guide and comprises the attribute Access Type. The attribute Access Type has ten possible values and indicates to the mobile terminal which access method to use for receiving the broadcast service which is the subject of the Service Guide. For some types of access, other information is needed and is found in the sub-elements AccessURI and SDP of the Access element. The sub-element AccessURI indicates an address (URI) of the place where information on the session, in which the service indicated by the Access fragment is transmitted, can be acquired. The sub-element SDP indicates the session description in IETF session description protocol format. Another sub-element, InteractiveAccessURL, indicates an alternative address (URL) for retrieving the content of the service via the interaction channel, if the content cannot be retrieved via the broadcast channel.

3. Novelty and inventive step:

The board agrees with the appellant that the differences between the subject-matter of claim 1 and the disclosure of D1 are that:
- the Access fragment defines the type of access in a sub-element Access type (see Table 20 of the application), and not in an attribute as in D1, and that
- the Access type element indicates which delivery mode among a broadcast delivery mode or a unicast delivery mode is used as the type of access, whereas in D1 the Access type attribute indicates ten possible values for the type of access, where the ten possible values do not all indicate whether the delivery mode is the broadcast delivery mode or the unicast delivery mode.

The technical effects of these differences are first that access information for the service may be read more directly by the terminal, as it is defined in an element and not in an attribute of the hierarchical data structure of the Service Guide, and secondly that the terminal can immediately determine the delivery mode, broadcast mode or unicast mode, for the service. Furthermore, the appellant argued plausibly that a new service that does not match the ten possible access type values of D1 may be introduced more easily into the Service Guide, based first on its delivery mode, broadcast mode or unicast mode.

The objective technical problem can thus be formulated as how to make the Service Guide format more efficient for the terminal wanting to access a service.

Nothing in D1 would lead the skilled person to change the hierarchical data structure of the part of the Service Guide dealing with access, namely the Access fragment, to have information indicating that the

service is to be received in broadcast mode, on the broadcast channel, or in unicast mode, on the interaction channel, to be placed in an element of the data structure. The appellant argued plausibly that the terminal is thus able to immediately adapt its reception mode to broadcast or unicast mode.

In D1, the reading of each of the ten possible values of the attribute Access type of the Access fragment does not enable the terminal to decide directly on the delivery mode. In particular, the value 4 makes reference to a sub-element AccessURI. However this sub-element considers the case of "non-broadcast service" and thus cannot unambiguously correspond to an indirect indication of a broadcast delivery mode. The values 1 to 3 of the attribute Access type correspond to an access type where an associated SDP is needed. SDP is a sub-element of the Access fragment indicating a session description in the Session Description Protocol, an internet stack protocol which is described in document D4. Even if mentioning a sub-element SDP in the access type would unambiguously indicate a unicast delivery mode, as alleged in the decision, the fact remains that some values are not associated with a sub-element SDP (values 5 to 7 and 9) or do not mention a sub-element SDP (values 8 and 10). The terminal is thus not able to determine directly from the values of the attribute AccessType in D1 whether the delivery mode is a broadcast delivery mode or a unicast delivery mode. The skilled person would thus find no information in D1 about modifying the Access fragment of the Service Guide to provide a direct indication in an element of the hierarchical data structure whether the service is to be delivered in broadcast mode or unicast mode.

For these reasons, the board maintains that the subject-matter of claim 1 is new and involves an inventive step (Articles 54 and 56 EPC), having regard to the prior art on file.

Independent claims 2, 3 and 5 contain the same features as claim 1 but in terms of a corresponding apparatus, a corresponding receiving method, and a corresponding receiving apparatus, respectively, and thus also meet the requirements of Articles 54 and 56 EPC. Claims 4 and 6 to 20 are dependent claims and as such also meet the requirements of Articles 54 and 56 EPC.

Order

For these reasons it is decided that:

1. The decision under appeal is set aside.

2. The case is remitted to the examining division with the order to grant a patent on the basis of the following documents:
   - Claims 1 to 20, filed as the main request during oral proceedings before the board on 10 July 2019;
   - Description:
     - pages 1 to 11, 21 to 68 and 70 to 79 as originally filed;
     - pages 12, 13 and 69 as filed by letter dated 4 June 2012;
   - Drawing sheets 1/7 to 7/7 as originally filed.

The Registrar: The Chair:

K. Götz-Wein A. Ritzka

Decision electronically authenticated