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Datasheet for the decision of 22 October 2019

Case Number: T 1482/15 - 3.4.03

Application Number: 12158983.2

Publication Number: 2521118

IPC: G09G3/20

Language of the proceedings: EN

Title of invention:
Apparatus and method for controlling brightness in portable terminal

Applicant:
Samsung Electronics Co., Ltd.

Headword:

Relevant legal provisions:
EPC Art. 52(1), 56

Keyword:
Inventive step - all requests (no)

Decisions cited:

Catchword:

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Case Number: T 1482/15 - 3.4.03

D E C I S I O N
of Technical Board of Appeal 3.4.03
of 22 October 2019

Appellant: (Applicant)	Samsung Electronics Co., Ltd. 129, Samsung-ro Yeongtong-gu Suwon-si, Gyeonggi-do, 443-742 (KR)
Representative:	HGF Limited Saviour House 9 St. Saviourgate York YO1 8NQ (GB)
Decision under appeal:	**Decision of the Examining Division of the European Patent Office posted on 23 February 2015 refusing European patent application No. 12158983.2 pursuant to Article 97(2) EPC.**

Composition of the Board:

Chairman	T. M. Häusser
Members:	M. Papastefanou
	W. Van der Eijk

Summary of Facts and Submissions

I. The appeal is against the decision of the examining division refusing the European patent application No. 12 158 983.2 because neither the Main Request nor any one of the First to Third Auxiliary Requests before it was found to be allowable.

II. The appellant (applicant) requested that the decision of the examining division be set aside and that a patent be granted on the basis of the Main Request or one of the First and Second Auxiliary Requests, all filed with the statement of grounds of appeal.

III. Reference is made to the following document:

D3: EP 2 214 091 A2.

IV. Claim 1 of the Main Request is worded as follows:

A method for controlling a screen brightness of a portable terminal, the method comprising:
detecting an input for displaying a screen at a first brightness value (step 201) and displaying the screen at the first brightness value (step 203);
detecting a touch on a screen for displaying an area on the screen corresponding to the touch at a second brightness value; and
displaying the area on the screen corresponding to the touch at the second brightness value while maintaining the screen except the area at the first brightness value (step 207),
wherein the second brightness value is set to a value that is higher than the first brightness value.

V. Claim 1 of the First Auxiliary Request is worded as follows:

A method for controlling a screen brightness of a portable terminal, the method comprising:
determining whether a key for controlling screen brightness is input (step 201); and
if the key is inputted [sic]*, displaying a full screen at a first brightness value (step 203), the first brightness value being a minimum value;*
the method thereafter comprising:
sensing a touch on a screen of the portable terminal;
determining whether a further key for locking a normal touch function is input; and
if the screen touch is sensed together with the input of the further key (step 205), inactivating the normal touch function; and displaying, at a second brightness value, a screen area where the touch is sensed (step 207),
wherein the second brightness value is a value capable of confirming content on the screen by a user and is set to a value that is higher than the first brightness value.

VI. Claim 1 of the Second Auxiliary Request corresponds essentially to claim 1 of the First Auxiliary Request with the addition of further features regarding the portable terminal at the beginning of the claim (underlined by the board):

A method for controlling a screen brightness of a portable terminal, the portable terminal comprising a controller (100), an input unit (104) having a plurality of key buttons, and a display unit (106) configured with a touch screen, the input unit (104) being arranged to provide the controller (100) with key

button input data corresponding to a key button pressed by the user, the method comprising:...
(the remaining features corresponding to claim 1 of the First Auxiliary Request with the exception that "sensing a touch on a screen" is replaced by "sensing a touch on the touch screen" and ", inactivating the normal touch function; and" is replaced by "for inactivating the normal touch function,").

VII. After the board had issued the summons to oral proceedings and its preliminary opinion, the appellant announced that it would not attend the oral proceedings, which were thus held in its absence. At the end of the oral proceedings, the chairman announced the decision.

Reasons for the Decision

1. The duly summoned appellant did not attend the oral proceedings before the board, as it had announced in advance. Pursuant to Rule 115(2) EPC, the proceedings were continued without the appellant. In accordance with Article 15(3)of the Rules of Procedure of the Boards of Appeal (RPBA), the board relied in its decision only on the appellant's written submissions. The board being in a position to decide the case at the conclusion of the oral proceedings (Articles 15(5) and (6) RPBA), the voluntary absence of the appellant was not a reason for delaying the decision (Article 15(3) RPBA).

2. The claimed invention

The claimed invention relates to a method and an apparatus for controlling the screen brightness of a portable terminal comprising a touch screen.

The brightness of a screen of portable terminal is set to a first value (generally to a low/minimum value for example in order to save energy). This brightness value applies for the whole surface/area of the screen. A user touches an area of the screen. The controller of the portable terminal then sets the brightness of the screen area corresponding to the user's touch to a second brightness value, which is higher than the first brightness value.

In this way the brightness of the screen is increased only in a limited area, allowing the user to see better the displayed content without increasing the brightness of the whole screen, limiting a dazzling effect in a dark environment and/or saving energy of the portable terminal (see paragraphs [0058] and [0059] of the description).

3. In preparation for the oral proceedings the board issued its preliminary opinion on the case raising objections against all requests under Articles 84, 123(2) and 52(1) in combination with 56 EPC. The appellant did not reply to these objections. The board does not see any reason to deviate from its preliminary opinion.

4. Main Request

4.1 Closest prior art

4.1.1 It has remained uncontested that document D3 was a suitable starting point for the assessment of inventive step.

D3 describes a portable terminal with a touch screen

(see Figure 1a). When a screen touch is detected, the brightness of the area where the screen touch is detected is increased with respect to the rest of the screen (see Figure 1a and paragraph [0030] and Figure 2a and paragraphs [0033]-[0034]).

4.1.2 The appellant argued that there was no explicit disclosure in D3 that when the brightness of the area where the screen touch was detected was increased, the brightness of the rest of the screen was maintained at its initial (first) value (see points 40, 43 and 44 of the statement of the grounds of appeal).

The board, however, sees this feature as implicitly disclosed in D3 because D3 states that the brightness is increased in an area where the user's finger contacts the screen or in a region surrounding and including that area (paragraph [0030]). In the board's view this indicates that the brightness is increased only in a specific, limited area of the screen while the brightness of the remaining area of the screen is maintained as it was before the touch was detected (i.e. at the first brightness value).

4.2 Difference and technical problem

4.2.1 The method of claim 1 of the Main Request differs therefore from the method of document D3 by the step of detecting an input for displaying the screen at a first brightness value and displaying the screen at this first brightness value.

4.2.2 Although in D3 there is mention of two distinct brightness values of the screen (a fist, initial brightness value for the whole screen and a second brightness value which is set to the area of the user's

touch on the screen), there is no explicit disclosure of any action/input that would cause the displaying of the screen at a first (initial) brightness value. However, the display parameters necessarily have to be initialised in some manner.

4.2.3 The technical problem to be solved is thus to be formulated as how to implement the setting of the initial display parameters.

4.3 Solution and obviousness

4.3.1 In the board's view, the indication in D3 that the brightness of a specific area of the screen is increased (to a second brightness value) after a user's touch is detected implies that the screen is displayed already at a specific brightness (first brightness value). The initial brightness (first value) of the screen has to be set in some way in order for the portable terminal to function properly. Hence, there must be an instruction/trigger (input) to the controller of the portable terminal to set the screen brightness at a first value.

4.3.2 The claimed feature specifies that there is an "*input for displaying a screen at a first brightness value*". This broad definition merely indicates that a type of instruction to the controller is detected, which triggers the displaying of the screen at a first brightness value. In the board's view this corresponds to the standard way of operation in computer terminals, portable or otherwise.

In the portable terminal of D3 there must be a way to trigger the display of the screen at a first brightness value before the user's touch on the screen is sensed.

Providing for the detection of a corresponding input (e.g. by the user) is, in the board's view, the standard way to implement such a trigger. That the controller would display the screen at this first brightness value as a result of the detection of such an input is also regarded as a standard function. The skilled person would implement such features in the portable terminal of D3 in an obvious manner using only common general knowledge.

4.3.3 The board concludes therefore that the subject-matter of claim 1 of the Main Request does not involve an inventive step within the meaning of Article 56 EPC.

5. First Auxiliary Request

5.1 Compared to claim 1 of the Main Request, claim 1 of the First Auxiliary Request comprises in essence three additional features (see also point V. above):

- the first brightness value being a minimum value;

- determining whether a further key for locking a normal touch function is input and if the screen touch is sensed together with the input of the further key, inactivating the normal touch function and displaying, at a second brightness value, a screen area where the touch is sensed (see also steps 205 and 207 in Figure 2); and

- wherein the second brightness value is a value capable of confirming content on the screen by a user.

5.2 Setting the brightness of the display to have a minimum value is considered one of the standard options known to the skilled person. Hence, he would set the first

brightness value at a minimum value without exercising any inventive skills, when implementing the initial display parameters.

5.3 Regarding the second feature, the board is of the opinion that the skilled person would readily understand that, in order to set the brightness of an area of the screen at a second value as a result of a user touching the screen at this area, the controller of the portable terminal in D3 must be able to interpret a screen touch as a trigger to increase the screen brightness and not as a normal touch function.

Hence, it is necessary to provide means in the portable terminal of D3 for enabling the controller to interpret a screen touch as an instruction to increase the brightness at a specific area of the screen and not as a normal touch function.

In the board's view, a key input for deactivating the normal touch function would be an obvious way for implementing such means. The skilled person would thus provide the portable terminal of D3 with such a feature in an obvious manner based only on common general knowledge.

5.4 Regarding the third feature, the board does not regard it as limiting further the claimed scope of protection. The capacity to confirm content on the screen is a subjective capacity of every user and cannot be objectively defined in order to limit the claimed scope. Therefore this feature is not to be taken into account in the assessment of inventive step of the claimed subject-matter.

5.5 Hence, the board's conclusion is that the subject-matter of claim 1 of the First Auxiliary Request does not involve an inventive step within the meaning of Article 56 EPC.

6. Second Auxiliary Request

6.1 Compared to claim 1 of the First Auxiliary Request, claim 1 of the Second Auxiliary request comprises features of the portable terminal: a controller (100), an input unit (104) having a plurality of key buttons, and a display unit (106) configured with a touch screen. Moreover, the input unit (104) is arranged to provide the controller (100) with key button input data corresponding to a key button pressed by the user (see point VI. above).

6.2 In the board's view these features were standard features of any portable terminal at the priority date of the application. They do not seem to play any particular role in the claimed method, either. Hence, it would be within the skilled person's common general knowledge to include such features in the portable terminal of D3 in an obvious and straightforward manner.

6.3 The board's conclusion is therefore that the subject-matter of claim 1 of the Second Auxiliary Request does not involve an inventive step, either.

7. Since none of the requests on file is allowable, the appeal must fail.

Order

For these reasons it is decided that:

The appeal is dismissed.

The Registrar: The Chairman:

S. Sánchez Chiquero T. Häusser

Decision electronically authenticated