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**Datasheet for the decision
of 9 November 2020**

Case Number: T 1730/15 - 3.5.04

Application Number: 03772570.2

Publication Number: 1574047

IPC: H04N5/445, G06F17/30

Language of the proceedings: EN

Title of invention:
METHOD OF ANNOUNCING SESSIONS

Applicant:
Nokia Technologies Oy

Headword:

Relevant legal provisions:
EPC 1973 Art. 84

Keyword:
Claims - clarity (no)

Decisions cited:
G 0001/04

Catchword:



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Chambres de recours

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Case Number: T 1730/15 - 3.5.04

D E C I S I O N
of Technical Board of Appeal 3.5.04
of 9 November 2020

Appellant: Nokia Technologies Oy
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Representative: Nederlandsch Octrooibureau
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Decision under appeal: **Decision of the Examining Division of the
European Patent Office posted on 18 March 2015
refusing European patent application
No. 03772570.2 pursuant to Article 97(2) EPC.**

Composition of the Board:

Chairman G. Decker
Members: M. Paci
B. Le Guen

Summary of Facts and Submissions

- I. The appeal is against the decision of the examining division refusing European patent application No. 03772570.2, published as international patent application WO 2004/056096 A1.
- II. The documents cited in the decision under appeal were the following:
- D1: EP 1 246 057 A2
D2: US 6,209,131 B1
D3: US 6,460,181 B1
- III. The decision under appeal was based on the grounds that the subject-matter of the independent claims according to each of the main request and auxiliary request did not involve an inventive step in view of prior-art document D2 or D3 combined with the common general knowledge of the skilled person illustrated by prior-art document D1.
- IV. With the statement of grounds of appeal, the appellant (applicant) maintained the main request and auxiliary request underlying the decision under appeal as main request and first auxiliary request, respectively, and filed amended claims according to a second auxiliary request. The appellant's requests were that the decision under appeal be set aside and that a patent be granted on the basis of the claims of the main request, first auxiliary request or second auxiliary request, in this order of preference. The appellant also requested that oral proceedings be held unless the board allows the main request in full.

- V. The board issued a summons to oral proceedings and a communication under Article 15(1) of the Rules of Procedure of the Boards of Appeal (RPBA, OJ EPO 2020, supplementary publication 2), in which it gave the following preliminary opinion:
- Claim 1 of the main, first and second auxiliary requests did not meet the requirement of clarity of Article 84 EPC 1973; and
 - the subject-matter of claim 1 of the main, first and second auxiliary requests did not involve an inventive step (Article 56 EPC 1973) when starting from the prior art described on page 1 of the application, prior-art document D2 or prior-art document D3.
- VI. By letter dated 8 September 2020, the appellant informed the board that it would not be attending the oral proceedings. It did not comment on the objections raised by the board.
- VII. By registered letter dated 14 September 2020, the board informed the appellant that the oral proceedings had been cancelled.
- VIII. Claim 1 according to the appellant's **main request** reads as follows:
- "A method of announcing multimedia sessions transmitted through a network, the method comprising:
- providing a first set of announcements of electronic service guide data describing a plurality of multimedia sessions to be transmitted through a network; and
 - providing a second set of announcements of electronic service guide data describing at least one updated multimedia session that was updated since an

earlier version of the first set of announcements and is described in the first set of announcements, the second set of announcements describing only the at least one updated multimedia session."

IX. Claim 1 according to the appellant's **first auxiliary request** reads as follows:

"A method of announcing multimedia sessions transmitted through a network, the method comprising:

 providing a first set of announcements of electronic service guide data describing a plurality of multimedia sessions to be transmitted through a network; and

 providing a second set of announcements of electronic service guide data describing at least one updated multimedia session that was updated since an earlier version of the first set of announcements and is described in the first set of announcements, the second set of announcements describing only the at least one updated multimedia session;

 said first set of announcements being provided through a first channel;

 wherein:

 said second set of announcements is provided through a second channel, the second channel being different from the first channel."

X. Claim 1 according to the appellant's **second auxiliary request** reads as follows:

"A method of announcing multimedia sessions transmitted through a network, the method comprising:

 providing a first set of announcements of electronic service guide data describing a plurality of

multimedia sessions to be transmitted through a network; and

providing a second set of announcements of electronic service guide data describing at least one updated multimedia session that was updated since an earlier version of the first set of announcements and is described in the first set of announcements, the second set of announcements describing only the at least one updated multimedia session;

said first set of announcements being provided through a first channel;

wherein:

said second set of announcements is provided through a second channel, the second channel being different from the first channel, wherein the first and second channels are logically grouped and associated with a single sender."

Reasons for the Decision

1. The appeal is admissible.

Main request - Article 84 EPC 1973

2. According to the established case law of the boards of appeal, Article 84 EPC 1973 has to be interpreted as meaning not only that a claim must be comprehensible from a technical point of view, but also that it must define the object of the invention clearly, that is to say indicate **all the essential features** thereof. An independent claim should explicitly specify all essential features needed to define the invention (G 1/04, OJ EPO 2006, 334, point 6.2 of the Reasons). All features which are necessary for solving the

technical problem with which the application is concerned have to be regarded as essential features (see Case Law of the Boards of Appeal of the European Patent Office, 9th edition, July 2019, section II.A.3.2).

3. According to page 4 of the statement of grounds of appeal, the appellant regards the technical advantage (i.e. the technical effect) and the objective technical problem of the method of claim 1 to be as follows:

"The method of claim 1, as can be understood from specification as filed (see page 1, line 33 to page 2, line 3), provides the technical advantage of reducing the use of both processing power and electrical power in the receiver. This is a particularly important consideration for the battery powered terminals with which much of the present specification is concerned.

One objective technical problem (OTP) solved by the method of claim 1 could therefore be framed as 'how to reduce the use of both processing power and electrical power in the receiver'."

4. The board concurs with the appellant that the above technical advantage (from which the objective technical problem is derived) is part of the technical effect which the invention aims to achieve according to the application as filed. However, the board considers that the method of claim 1 does not comprise all the essential features necessary for achieving this technical effect for the reasons set out below.
5. The board understands the invention disclosed in the description, claims and drawings of the application as filed as follows:

Re the prior art from which the invention starts

Various IP services are provided to users via multicasting over a network. The IP services are organised into sessions, each session comprising one or more media streams in the form of audio, video and/or other types of data (see page 1, lines 3 to 23). In order for the users to know when and where these sessions occur, an electronic service guide (ESG) is divided into parts and transmitted to users (see page 1, lines 25 to 28). In one example, the sessions are television programmes and the ESG is an electronic program guide (EPG) (see page 1, lines 25 to 28).

Re the problem(s) of the above prior art

The description of the application discloses the following two problems when a session has been updated (an updated session is defined as an added or deleted session or a session whose content has been added, changed or deleted: see page 2, lines 19 to 21):

(1) The user is not informed of the fact that a session has been updated until after it has received an updated version of the ESG, which may take time (see from page 1, lines 30 to 32, page 2, lines 14 to 17, and page 18, lines 22 and 23).

(2) Processing power and electrical power are wasted in the user terminal by comparing the updated ESG with the stored ESG in order to determine which sessions have been updated, because few sessions are usually updated (see from page 1, line 32, to page 2, line 3, page 2, lines 14 to 17, page 17, lines 23 to 25, and page 18, lines 14 to 21).

Re the solution to the above problems

According to the description, at least the following features (in particular the parts in **bold**) are necessary for solving the above problems:

- (a) The first set of announcements describes a **full session directory**, i.e. a directory of **all** the sessions.
- (b) The second set of announcements describes **the parts of the session directory** which have been updated since **the transmission of** an earlier version of the first set of announcements.

Indeed, the invention essentially gives the choice to each user terminal to use either the first or the second set of announcements to update the session directory stored in the user terminal. The second set of announcements can only be used to this effect by a user terminal if the user terminal already stores an earlier version of the **full** session directory (see, for instance, page 20, lines 5 to 8). If it is the case, then using the second set instead of the first set does indeed save processing power (and maybe some time) in the user terminal because the user terminal does not have to compare a received full session directory with the stored earlier version of the full session directory in order to determine which sessions have been updated.

- 6. Since claim 1 does not comprise all the above essential features, it does not comply with the requirements of Article 84 EPC 1973.

7. Conclusion on the main request

Since claim 1 does not meet the requirements of Article 84 EPC 1973, the appellant's main request is not allowable.

First auxiliary request - Article 84 EPC 1973

8. Claim 1 of the first auxiliary request differs from claim 1 of the main request essentially in that the first and second sets of announcements are provided via two different channels.

9. This additional feature does not address the objection of missing essential features raised above against claim 1 of the main request. Hence the objection also applies to claim 1 of the first auxiliary request.

10. Conclusion on the first auxiliary request

Since claim 1 does not meet the requirements of Article 84 EPC 1973, the appellant's first auxiliary request is not allowable.

Second auxiliary request - Article 84 EPC 1973

11. Claim 1 according to the second auxiliary request differs from claim 1 according to the first auxiliary request by the additional feature that "the first and second channels are logically grouped and associated with a single sender".

12. The board notes that this feature is only disclosed on page 29, lines 12 and 13, of the application as filed in the specific context of an ALC-based protocol. In the board's view the expression "the first and second

channels are logically grouped" has no clear meaning outside an ALC-based protocol. Since claim 1 does not mention that protocol, the claim is unclear (Article 84 EPC 1973).

13. Conclusion on the second auxiliary request

Since claim 1 does not meet the requirements of Article 84 EPC 1973, the appellant's second auxiliary request is not allowable.

All requests - appellant's arguments

14. The above objections under Article 84 EPC 1973 regarding the main, first and second auxiliary requests were raised *ex officio* by the board in its communication under Article 15(1) RPBA. The appellant did not comment on these objections.

Conclusion

15. Since none of the appellant's requests is allowable, the appeal must be dismissed.

Order

For these reasons it is decided that:

The appeal is dismissed.

The Registrar:

The Chairman:



K. Boelicke

G. Decker

Decision electronically authenticated