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**Datasheet for the decision  
of 16 June 2025**

**Case Number:** T 0714/24 - 3.5.07

**Application Number:** 20178910.4

**Publication Number:** 3731229

**IPC:** G11B27/10, G11B27/34,  
G11B27/28, G06F16/74

**Language of the proceedings:** EN

**Title of invention:**

Content information processing device, content information  
processing method and content information processing program

**Applicant:**

Sony Group Corporation

**Relevant legal provisions:**

EPC Art. 123(2)  
RPBA 2020 Art. 13(2)

**Keyword:**

Amendments - added subject-matter (yes) - main request, first,  
second and third auxiliary request  
Amendment after summons - exceptional circumstances (no) -  
first auxiliary request B

**Decisions cited:**

G 0001/16



**Beschwerdekammern**

**Boards of Appeal**

**Chambres de recours**

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**Case Number: T 0714/24 - 3.5.07**

**D E C I S I O N**  
**of Technical Board of Appeal 3.5.07**  
**of 16 June 2025**

**Appellant:**  
(Applicant)

Sony Group Corporation  
1-7-1 Konan  
Minato-ku  
Tokyo 108-0075 (JP)

**Representative:**

D Young & Co LLP  
3 Noble Street  
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**Decision under appeal:**

**Decision of the Examining Division of the  
European Patent Office posted on 4 January 2024  
refusing European patent application  
No. 20178910.4 pursuant to Article 97(2) EPC**

**Composition of the Board:**

**Chair** P. San-Bento Furtado  
**Members:** M. Jaedicke  
E. Mille

## **Summary of Facts and Submissions**

- I. The appellant (applicant) appealed against the examining division's decision refusing European patent application No. 20178910.4 (published as EP 3 731 229).
- II. The documents cited in the contested decision included:  
D1 EP 1 950 956 A2, published on 30 July 2008  
D3 US 2008/0131073 A1, published on 5 June 2008  
D5 US 2010/0054704 A1, published on 4 March 2010  
D6 US 6,681,043 B1, published on 20 January 2004
- III. The examining division decided that the subject-matter of claim 1 of the main request and of each of the first and second auxiliary requests lacked an inventive step over the prior art disclosed in document D5 in combination with document D3 and the common general knowledge disclosed in documents D1 or D6. Moreover, the examining division decided that claim 1 of the main request and the first auxiliary request were unclear and that claim 1 of the main request and the first and second auxiliary requests infringed Article 123(2) EPC.
- IV. In its statement of grounds of appeal, the appellant maintained the three requests considered in the decision under appeal as its main request and its second and third auxiliary requests, and filed a new first auxiliary request.
- V. In a communication under Article 15(1) RPBA, the board expressed its provisional opinion that the subject-matter of claim 1 of all of the requests infringed Article 123(2) EPC and lacked an inventive step, and that the new first auxiliary request might not be

admitted into the appeal proceedings.

- VI. By letter of 13 May 2025, the appellant submitted another new auxiliary request, designated first auxiliary request B, together with arguments relating thereto.
- VII. Oral proceedings were held as scheduled and the appellant was heard on the relevant issues. At the end of the oral proceedings, the Chair announced the board's decision.
- VIII. The appellant's final requests were that the contested decision be set aside and that a patent be granted on the basis of the set of claims of the main request on which the impugned decision was based, or, alternatively, on the basis of either the first auxiliary request filed with the statement setting out the grounds of appeal, first auxiliary request B filed with the letter dated 13 May 2025, or one of the second and third auxiliary requests filed with the statement setting out the grounds of appeal, which corresponded to the first and second auxiliary requests on which the impugned decision was based.
- IX. Claim 1 of the main request reads as follows:  
"An apparatus (1) comprising:  
circuitry (10, 11) configured to  
receive video content comprising a plurality of frames;  
detect a plurality of objects (ObA) from the plurality  
of frames of the video content;  
identify a plurality of frames of the video content  
including a selected one of the plurality of  
objects; and  
generate display data including detection frame  
marks (TF2, TF3, TF4, TF5) of the plurality of

identified frames representing a temporal position of the plurality of identified frames on a progress bar (PB),  
the progress bar representing a current playback position (CP) in the video content and indicating on a left side video that has already been played;  
wherein the circuitry is further configured to receive information corresponding to a selection of a detection frame mark of the detection frame marks by the user; and provide video content of a playback position, corresponding to the temporal position of the detection frame mark selected by the user, for display."

X. Claim 1 of the first auxiliary request differs from claim 1 of the main request in that the text at the end of the claim, i.e. "receive information [...] for display", has been amended to read: "receive information from the user corresponding to a playback position of a detection frame mark of the detection frame marks; and provide video content of the playback position, corresponding to the temporal position of the detection frame mark, for display."

XI. Claim 1 of first auxiliary request B differs from claim 1 of the first auxiliary request in that it includes the additional text "wherein the detection frame marks are displayed due to a reason that the plurality of identified frames are too many to display reduced images corresponding to the plurality of identified frames on the progress bar;" after the text "on a progress bar (PB),".

XII. Claim 1 of the second auxiliary request differs from claim 1 of the main request in that the text "detect a plurality of objects (ObA) [...] including a selected one of the plurality of objects; and" has been amended to read:

"perform an image processing function to detect a plurality of object images (ObA) from the plurality of frames of the video content;  
identify a plurality of frames of the video content including a selected one of the plurality of object images; and".

XIII. Claim 1 of the third auxiliary request differs from claim 1 of the second auxiliary request in that it includes the additional text "during reproduction" after the text "from the plurality of frames of the video content" as well as the additional text "  
", wherein the apparatus further comprises an input device to receive input from a user which is used to select the one of the plurality of object images" after the text "including a selected one of the plurality of object images".

XIV. The appellant's arguments, where relevant to the present decision, are discussed in detail below.

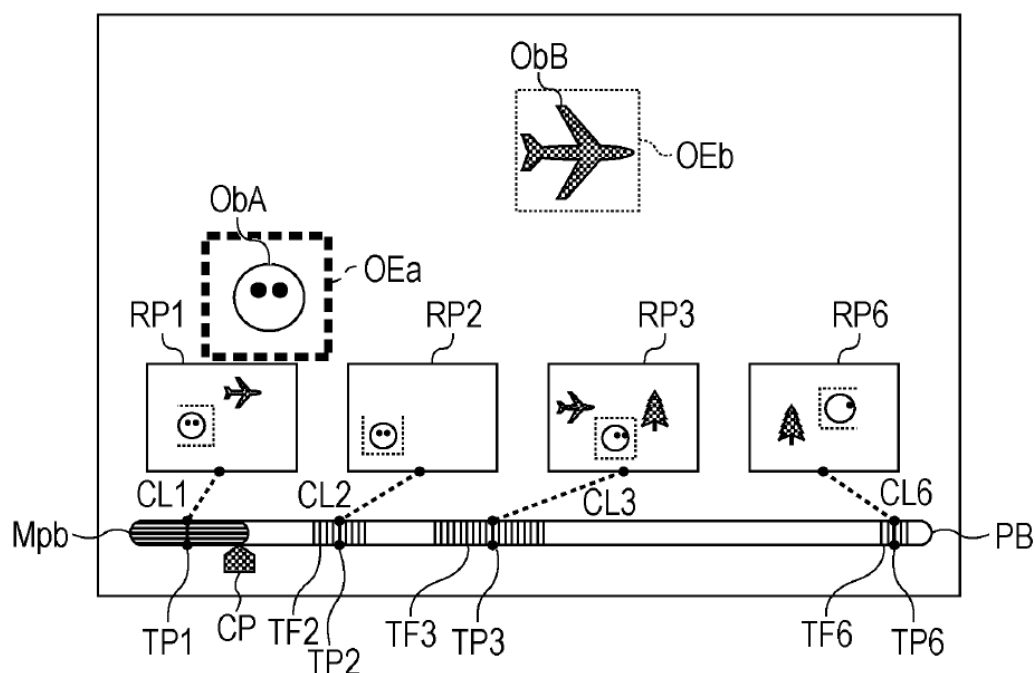
## **Reasons for the Decision**

1. The application relates to providing video content wherein a user controls the playback by positioning a playback position cursor in a progress bar on positions in the video content. The positions correspond to video frames including a detected object (such as persons, aeroplanes, bicycles, trees, houses). The invention allows the user to find a desired scene in a small amount of time while playing a video (see, for example,

claim 1 of the main request; the abstract; Figures 5 to 8 and 13; and the description as filed, page 2, lines 22 to 25; page 12, line 17, to page 17, line 23; page 20, line 6, to page 23, line 10).

- 1.1 A display according to an embodiment of the invention is shown in Figure 6 of the application, which is reproduced below.

FIG. 6



- 1.2 In the embodiment depicted in Figure 6 (see also the description as originally filed, page 20, line 6, to page 22, line 20), two objects ObA and ObB have been detected in the video. In Figure 6, object ObA has been selected for searching video frames comprising this object. An image processing function generates reduced images RP1, RP2, RP3 and RP6 corresponding to the four video frames SF1, SF2, SF3 and SF6 in which object ObA

was identified. The reduced images RP1, RP2, RP3 and RP6 are displayed in the vicinity of the progress bar PB in a manner correlated with the temporal positions.

The apparatus according to the invention displays so-called "time point marks" TP1, TP2, TP3 and TP6, representing the playback points in time of frames SF1, SF2, SF3 and SF6 corresponding to reduced images RP1, RP2, RP3 and RP6, respectively. In addition, the system displays connecting line marks CL1, CL2, CL3 and CL6 for connecting the time point marks TP1, TP2, TP3 and TP6 with the respective reduced images RP1, RP2, RP3 and RP6 (page 21, lines 11 to 22).

In the event that not all of the reduced images RP are displayable due to there being too many frames comprising the selected object, so-called "detection frame marks TF" are displayed. Each detection frame mark TF represents the temporal position of a frame for which no reduced image is displayable. In Figure 6, detection frame marks TF2, TF3 and TF6 are displayed on the progress bar PB for a frame for which the reduced image RP is not displayable (page 21, line 24, to page 22, line 15).

The playback position of the movie can be changed by moving a playback position cursor (CP in Figure 6) above a desired time point mark TP or detection frame mark TF on the progress bar PB (page 22, lines 16 to 20).

## **Main request**

2. Since the appellant's main request corresponds to the main request considered in the decision under appeal,



the main request already forms part of the appeal proceedings according to Article 12(1) and (2) RPBA.

3. Added subject-matter

3.1 The examining division decided that the feature "generate display data including detection frame marks (TF2, TF3, TF4, TF5) of the plurality of identified frames representing a temporal position of the plurality of identified frames on a progress bar", which the board will refer to as the "display data feature" in the following, infringed Article 123(2) EPC. It took the view that the display data feature was an intermediate generalisation of the embodiments according to Figures 6 and 7 since the display data including detection frame marks of claim 1 was not restricted to including reduced images corresponding to video frames in which a detected object occurred. The paragraph bridging pages 21 and 22 of the description did not constitute a basis for the display data feature since this paragraph disclosed that the display data included detection frame marks displayed without corresponding reduced images, but only in the presence of other marks that had a corresponding reduced image being displayed and only when it was impossible to display all of the reduced images.

3.2 The appellant argued that the embodiment according to Figures 6 and 7 disclosed two types of markers that could be present on the progress bar. The first type was a time point mark TP. The second was a detection frame mark TF. The time point marks were each associated with a reduced image but the detection frame marks TF were never associated with a reduced image (in this regard the appellant referred to the final

paragraph on page 21 of the description). The detection frame marks TF could be used instead of the time point marks, for example in a situation where the reduced images were not displayable - such as when a large number of frames containing the same object were present.

According to the appellant, the application as filed directly and unambiguously disclosed the display of detection frame marks without time point marks, since detection frame marks could be displayed for reduced images that were not displayable (including the case where none of the reduced images were displayable). In other words, the detection frame marks were not inextricably linked to the time point marks. This was disclosed in the passage starting on page 21, line 24, and running to page 22, line 15, of the application as filed, which states that "in the case that all of the reduced images RP are not displayable ... the progress bar management function unit 10c displays detection frame marks TF representing the temporal position of a frame of which the reduced image is not displayable".

In the appellant's view, the use of detection frame marks was not restricted to a case where the reduced images were not displayable. The application as filed directly and unambiguously disclosed that the time point marks and detection frame marks were alternatives which could be used without any other modification to or alteration of the apparatus. Page 22, lines 16 to 20, of the application as filed disclosed moving the playback position to the "desired time point mark TP or detection frame mark TF". In other words, the time point mark and the detection frame mark could be used in the same way for moving the playback position. Accordingly, the skilled person would understand that:

i) detection frame marks could be used without time point marks, and ii) time point marks and detection frame marks could be used interchangeably - and in exactly the same way - for moving the playback position.

The appellant also argued that the description on page 16, lines 4 to 6, disclosed the determination of the number of reduced images to be displayed on the screen while taking into consideration the size of the screen of the display unit and the visibility of the reduced images. From this passage, the skilled person would directly and unambiguously derive that a display without reduced images was disclosed in the application as filed.

3.3 The standard approach applied by the board for assessing any amendment for compliance with the requirements of Article 123(2) EPC is the well-established 'gold standard'. According to this standard, any amendment to the parts of a European patent application or of a European patent relating to the disclosure (the description, claims and drawings) thereof is subject to the prohibition on extension laid down in Article 123(2) EPC. Any such amendment, irrespective of the context thereof, can therefore only be made within the limits of what a person skilled in the art would derive directly and unambiguously, using common general knowledge and seen objectively and relative to the filing date, from the entirety of the documents of the application as filed (see decision G 1/16, Reasons 17 and 18).

3.4 The board agrees with the appellant that in the application as filed, detection frame marks TF are not associated with a reduced image and that a detection

frame mark TF is used instead of a time point mark TP for which the reduced image cannot be displayed.

However, the issue regarding compliance with Article 123(2) EPC is that the wording of claim 1 encompasses that only detection frame marks TF are included in the generated display data, whereas the application as filed discloses the display of detection frame marks in addition to time point marks and reduced images (see the description as originally filed, page 21, line 24, to page 22, line 10).

None of Figures 6 to 8 shows only detection frame marks on the displayed progress bar and the board cannot see how such a display could be directly and unambiguously derived from the application as filed.

Moreover, the description discloses displaying a detection frame mark TF only when the corresponding reduced image cannot be displayed for all of the frames including the selected object (see page 21, line 24, to page 22, line 15, e.g. "displays detection frame marks TF representing the temporal position of a frame of which the reduced image is not displayable" or "in the case that all of the reduced images RP are not displayable due to a reason that the number of frames searched from the object search table OST based on the selected object image is too many, or the like, [...] displays detection frame marks TF representing the temporal position of a frame of which the reduced image is not displayable, on the progress bar PB.").

The only situation that could support the display data feature of claim 1 is the special situation that none of the reduced images is displayable. However, this special situation was not explicitly disclosed in the

application as filed. At best, the skilled person reading, for example, the passage on page 16, lines 4 to 6, as cited by the appellant, might conclude that this special situation exists for small displays on which no reduced image is displayable - but this does not meet the gold standard of being "directly and unambiguously derivable". In any event, claim 1 is not restricted to an apparatus generating display data for the special case that none of the reduced images is displayable.

The board takes the view that the detection frame marks and time point marks are linked in the sense that a detection frame mark replaces a time point mark for which the associated reduced image is not displayable. Moreover, in the board's opinion, detection frame marks and time point marks are not functionally-equivalent alternatives: a time point mark has an associated reduced image which helps the user to identify a movie position on the progress bar which likely contains desired content. This functionality is not available for a detection frame mark, which is consequently less useful for a user searching in the movie frames comprising the selected object for a particular scene, for example.

- 3.5 In view of the above, the board concludes that claim 1 of the main request infringes Article 123(2) EPC.

**First, second and third auxiliary requests**

4. Admissibility

Since the objection under Article 123(2) EPC to the main request also applies to the first auxiliary request, the board admitted the first auxiliary request

in view of the need for procedural economy (Article 12(4) RPBA).

The second and third auxiliary requests correspond to the first and second auxiliary requests considered in the decision under appeal. These requests therefore already form part of the appeal proceedings according to Article 12(1) and (2) RPBA.

5. Added subject-matter

The amendments made in the first, second and third auxiliary requests do not change the wording of the display data feature and do not introduce the restrictions necessary to overcome the main request's deficiency in terms of added subject-matter. The appellant submitted that its arguments regarding the board's objection under Article 123(2) EPC to the display data feature of claim 1 of the main request also applied to claim 1 of these auxiliary requests. In view of the above, the board concludes that none of these auxiliary requests overcomes the board's objection under Article 123(2) EPC to the main request.

**First auxiliary request B**

6. Admissibility under Article 13(2) RPBA

6.1 The appellant submitted first auxiliary request B with its reply to the board's communication under Article 15(1) RPBA.

6.2 Article 13(2) RPBA stipulates that any amendment to a party's appeal case made after the expiry of a period specified by the board in a communication under Rule 100, paragraph 2, EPC or, where such a

communication is not issued, after notification of a communication under Article 15(1) RPBA, shall, in principle, not be taken into account unless there are exceptional circumstances which have been justified with cogent reasons by the party concerned.

- 6.3 The appellant argued that the amendment made in first auxiliary request B addressed an objection raised in the decision under appeal against the display data feature which the appellant contested. This amendment had been introduced as part of the appellant's written submissions only in view of the negative preliminary opinion expressed in the board's summons that the display data feature infringed Article 123(2) EPC. As this amendment was a response to the board's negative preliminary opinion, providing this amendment at this stage of the appeal proceedings was justified.

Moreover, the appellant submitted that the amendments made in first auxiliary request B also served to address the further objections under Article 123(2) EPC and showed a clear progression towards an allowable set of claims.

Furthermore, the amendments made in first auxiliary request B were a reaction at the earliest possible opportunity to the board's objection to the admissibility of the first auxiliary request. In point 14.2 of its communication accompanying the summons, the board had objected that the first auxiliary request did not appear to address the further issues under Articles 123(2) and 56 EPC. The amendments introduced by first auxiliary request B addressed these issues.

6.3.1 Claim 1 of first auxiliary request B contains the additional text "wherein the detection frame marks are displayed due to a reason that the plurality of identified frames are too many to display reduced images corresponding to the plurality of identified frames on the progress bar".

6.3.2 Point II.1.1.1 of the decision under appeal, which objected to the data display feature under Article 123(2) EPC, states the following:

"Throughout the original disclosure the display data is disclosed to include reduced images corresponding to video frames in which a detected object occurs. It is acknowledged that the paragraph bridging p. 21/22 discloses the display data to include detection frame marks displayed without corresponding reduced images, but only in the presence of other marks that do have a corresponding reduced image being displayed (as shown in Fig. 6,7) and only when *all* reduced images are not displayable, e.g. due to there being too many of them."

6.3.3 The board takes the view that it was clear from the above-cited passage of the decision under appeal what the added-subject-matter objection was and how it could be addressed. In the board's view, the appellant could and should have reacted to this objection earlier in the proceedings, e.g. when it filed its statement of grounds of appeal, even if only as a precautionary measure in case the board was not convinced by the appellant's arguments. The objection made in point 8.1.2 of the board's communication did not go beyond the framework of the objection provided in point II.1.1.1 of the decision under appeal.



Consequently, the board did not raise a fresh issue under Article 123(2) EPC against claim 1 of the main request. In view of the above, the board does not consider there to be any exceptional circumstances as required by Article 13(2) RPBA.

- 6.3.4 Furthermore, the appellant's argument that there were exceptional circumstances as required by Article 13(2) RPBA because the board had expressed doubts about the admissibility of the first auxiliary request is not convincing. When a board expresses doubts about the admissibility of an amendment submitted with the statement of grounds of appeal, this is not an invitation to file further substantive requests and does not correspond to exceptional circumstances; it is merely a normal course of action in appeal proceedings.
- 6.3.5 In view of the above, the board is not convinced by the appellant's arguments that there are exceptional circumstances as required by Article 13(2) RPBA which could justify the admission of first auxiliary request B into the appeal proceedings. Consequently, first auxiliary request B is not admitted into the appeal proceedings under Article 13(2) RPBA.

## **Conclusion**

7. Since none of the requests admitted into the appeal proceedings is allowable, the appeal is to be dismissed.

## Order

**For these reasons it is decided that:**

The appeal is dismissed.

The Registrar:

The Chair:



S. Lichtenvort

P. San-Bento Furtado

Decision electronically authenticated