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**D E C I S I O N**  
**of 26 January 1994**

**Case Number:** T 0603/93 - 3.4.1

**Application Number:** 86309382.9

**Publication Number:** 0231612

**IPC:** G09G 1/28

**Language of the proceedings:** EN

**Title of invention:**

A method and apparatus for accessing a memory in a colour graphics system

**Applicant:**

Advanced Micro Devices, Inc.

**Opponent:**

-

**Headword:**

Remittal/ADVANCED MICRO DEVICES II

**Relevant legal norms:**

EPC Art. 111(1)

**Keyword:**

"Remittal to the first instance"

**Decisions cited:**

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**Catchword:**

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**Case Number:** T 0603/93 - 3.4.1

**D E C I S I O N**  
**of the Technical Board of Appeal 3.4.1**  
**of 26 January 1994**

**Appellant:** Advanced Micro Devices, Inc.  
901 Thompson Place  
PO Box 3453  
Sunnyvale, CA 94088 (US)

**Representative:** Wright, Hugh Ronald  
Brookes & Martin  
52/54 High Holborn  
London WC1V 6SE (GB)

**Decision under appeal:** Decision of the Examining Division of the European Patent Office dated 25 March 1993 refusing European patent application No. 86 309 382.9 pursuant to Article 97(1) EPC.

**Composition of the Board:**

**Chairman:** G.D. Paterson  
**Members:** R.K. Shukla  
U.G.O. Himmler



## Summary of Facts and Submissions

- I. European patent application No. 86 309 282.9 was refused in a decision of the Examining Division dated 25 March 1993 on the grounds that independent Claims 1 and 15 (filed on 25 September 1992) of the main request did not meet the requirement of Article 54 EPC and that the independent Claims 1 and 15 of the first and second auxiliary requests filed during the oral proceedings on 9 February 1993 did not comply with the requirements of Articles 123(2) and 54 EPC.
- II. The Applicant filed a Notice of Appeal against the above decision on 17 May 1993. The appeal fee was however paid on 18 June 1993 after the expiry of the period of two months according to Article 108 EPC. A Statement of Grounds of Appeal was filed on 1 July 1993.
- III. An application for *restitutio in integrum* in respect of the appeal fee, pursuant to Article 122 EPC, and the fee for the application for *restitutio* were filed along with the appeal fee.
- IV. In respect of the above application for *restitutio in integrum*, the present Board decided in its Decision T 603/93 that the Applicant is re-established in its rights in relation to the filing of the appeal fee.
- V. Along with the Statement of Grounds, the Appellant has filed a new set of claims and requests, as a main request, that the application be referred back to the first instance for further prosecution on the basis of these claims. In the event that the Board intended to

reach an unfavourable decision, the Appellant requested oral proceedings.

VI. Claim 1 of the main request has the following wording:

"A color video graphics system for driving a color monitor comprising;

    a color palette data memory means (12);

    a first source (6) of color palette memory addresses;

    a second source (CPU) of color palette memory addresses with associated color data;

    a source (4) of monitor pixel clock pulses;

    control means (3) for controlling the system so that for refreshing the monitor said first source (6) of addresses is used to access palette color data from said palette data memory means (12), and so that for updating the memory said second source of addresses is used to access addresses in said palette data memory means (12) to be updated with fresh color data; and

    a first address path (60,70,33,10) from said first source (6) of color palette memory addresses to said color palette memory (12), for accessing and reading memory locations in said color palette data memory means (12) using addresses from said first source (6) in response to a first control signal from said control means (3), said memory locations being accessed in synchronism with said pixel clock pulses for refreshing the monitor;

characterised in that

    said color palette data memory means (12) is exclusively addressed via register means (10), said register means being arranged to temporarily store, in synchronisation with said pixel clock pulses, an

address of a location to be accessed in said colour palette data memory means provided by said first source (6) of color palette memory means; and characterised by a second address path (20) from said second source (CPU) of color palette addresses to said color palette memory means (12), for accessing and storing data in the same memory locations in the color palette data memory means (12) without storing the address locations in said register means (10), using addresses from said second source (CPU) in response to a second control signal from said control means (3), said memory locations being accessed independently of said pixel clock pulses for storing color data in said memory locations."

Independent Claim 14 of the main request reads as follows:

"A method of accessing a color palette memory means in a color graphics system which comprises:

- a color palette data memory means (12);
- a first source of memory addresses (6);
- a second source (CPU) of memory addresses with associated color data;
- a source of pixel clock pulses (4); and
- control means (3) arranged to control the system so that for refreshing the monitor said first source (6) of addresses is used to access color data from said palette data memory means (12), and so that for updating the memory said second source of addresses is used to access addresses in said palette data memory means (12) to be updated with fresh color data;

characterised by:

temporarily storing in an address register (10) the address of a memory location in said color palette data memory means (12) from said first source (6) and subsequently using that stored address to access that location in response to a first control signal in synchronism with said pixel clock pulses for refreshing said monitor; and rendering said address register (10) transparent and accessing the same memory locations in said color palette data memory means (12) without so temporarily storing the address of the memory locations using addresses from said second source (CPU) in response to a second control signal independently of said pixel clock pulses for updating color data in said memory locations."

### **Reasons for the Decision**

1. In the Minutes of the oral proceedings (see page 3, last but one paragraph to page 4, second paragraph) which took place before the Examining Division and Annex 1 to the Minutes, the Examining Division indicated amendments to Claim 1 of the first auxiliary request meeting the requirements of Articles 123(2) and 54 EPC.
2. Claim 1 of the main request under consideration incorporates the amendments suggested by the Examining Division during the oral proceedings, and are as follows:
  - replacement of "said first address path includes storage means ... color palette data memory means" by "said color palette data memory means (12) is



exclusively addressed via register means (10), said register means being arranged to temporarily store, in synchronisation with said pixel clock pulses, an address of a location to be accessed in said colour palette data memory means provided by said first source (6) of color palette memory means",

- deletion of "directly" from "directly accessing and storing data in the same memory location", and
- amendment of "said storage means (10)" to read "said register means (10)".

Independent Claim 14 of the main request under consideration contains the following amendments in relation to the independent Claim 15 of the first auxiliary request:

- amendment of "temporarily storing the address of a memory location" to read "temporarily storing in an address register (10) the address of a memory location",
- replacement of "accessing memory locations in said color palette ... for storing color data in said memory locations." by "rendering said register (10) transparent ... updating color data in said memory locations".

3. The Minutes of the oral proceedings referred to above do not indicate that the amendments proposed by the Examining Division to Claim 1 of the auxiliary request would meet the requirement of inventive step within the

meaning of Article 56 EPC. Amended independent Claim 14 also needs further examination at least in respect of the requirement of inventive step.

4. For the foregoing reasons, the Board has decided to remit the case to the Examining Division for further prosecution.

## **Order**

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

The case is remitted to the first instance with the order to prosecute the application further on the basis of Claims 1 to 22 forming the main request.

The Registrar:

The Chairman:

M. Beer

G.D. Paterson