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D E C I S I O N
of 21 June 2001

Case Number: T 0258/99 - 3.5.1

Application Number: 89106255.6

Publication Number: 0337336

IPC: H04N 7/087

Language of the proceedings: EN

Title of invention:
Applications for information transmitted in the vertical
retrace interval of a television signal

Patentee:
RCA Thomson Licensing Corporation

Opponent:
Interessengemeinschaft für Rundfunkschutzrechte GmbH
Schutzrechtsverwertung & Co. KG

Headword:
-

Relevant legal provisions:
EPC Art. 56, 100(a)

Keyword:
"Inventive step (no)"

Decisions cited:
-

Catchword:
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Beschwerdekammern	Boards of Appeal	Chambres de recours

Case Number: T 0258/99 - 3.5.1

D E C I S I O N
of the Technical Board of Appeal 3.5.1
of 21 June 2001

Appellant:
(Opponent)

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Decision under appeal: **Decision of the Opposition Division of the
European Patent Office posted 20 January 1999
rejecting the opposition filed against European
patent No. 0 337 336 pursuant to Article 102(2)
EPC.**

Composition of the Board:

Chairman: A. S. Clelland
Members: R. S. Wibergh
            H. Preglau

Summary of Facts and Submissions

I.   This appeal is against the decision of the Opposition
        Division to reject an opposition against European
        patent No. 337 336. The opposition proceedings were
        primarily directed to the issue of inventive step as
        regards claims 1 and 9, independent apparatus and
        method claims respectively. The opponent had cited the
        following two documents:

        D1: EP-A-191 149

        D2: DE-C-3 527 939.

II.   The Opposition Division held that the subject-matter of
        each of claims 1 and 9 involved an inventive step.
        Consequently, the opposition was rejected and the
        patent maintained. The appellant (opponent) lodged an
        appeal against this decision and paid the prescribed
        fee; it was requested that the decision under appeal be
        set aside and the patent revoked. An auxiliary request
        was made for oral proceedings. A statement of grounds
        of appeal was subsequently filed, maintaining the
        objection of lack of inventive step on the basis of the
        documents considered by the Opposition Division. The
        respondent (patentee) argued that no new issues had
        been raised. He subsequently requested that the appeal
        be dismissed and the patent maintained as granted.

III.   Oral proceedings were appointed for 21 June 2001. Prior
        to the oral proceedings and following a communication
        from the Board the respondent filed revised claims of a
        first auxiliary request. Further claims of a second
        auxiliary request were filed in the course of the oral
        proceedings themselves.

IV.   Claim 1 of the main request reads as follows:

"A television signal processing apparatus wherein the
received television signals include image-
representative information and a plurality of
accompanying segments of supplementary information
including program identification information, and a
listing of program title information associated with
program source identification information, the
supplementary information being encoded during vertical
blanking intervals of the broadcast signal, said
television signal processing apparatus comprising:

    tuning means for selectively receiving television
signals transmitted by individual program sources, the
received signals including image-representative
information, and accompanying segments of supplementary
information,

    first signal decoder means for decoding said
listing including program title information and
associated program source identification information,

    memory means for storing and retrieving at least
said program title information and associated program
source identification information decoded by said first
signal decoder means,

    second signal decoder means for decoding said
program identification information accompanying related
image-representative information

    a first controller means coupled to said tuning
means, said first and second signal decoder means and
said memory means for selectively transferring said
segments of supplementary information from said first
signal decoder means to said memory means, said first
controller means also retrieving said segments from
said memory means; **characterized in that,** in order to
automatically display information identifying a

currently running television program,

said first controller means further comprises:

means to enable said second signal decoder means
to decode said program identification information
accompanying related image-representative information,
upon initial reception of signals from an individual
program source by said tuning means,

means to enable said first signal decoder means to
identify a program source identification information
within said listing identical with said decoded program
identification information,

means to store at least the associated program
title information of said listing in said memory means
corresponding to said currently running television
program, and
means to transfer said program title information from
said memory means for automatic display thereof along
with the related image-representative information."

Claim 9 of the main request reads as follows:

"A method of processing received television signals
wherein said television signals include image-
representative information and a plurality of segments
of accompanying supplementary information including
program identification information having a program-
identifying time code and a listing including program
title information associated with program source
identification information, the supplementary
information being encoded during vertical blanking
intervals of the television signal, the method
comprising:

tuning a television signal processor for
selectively receiving signals transmitted by an
individual program source, the received signals

including said image-representative information and
accompanying segments of supplementary information,

decoding said listing and said included program
title information and associated program source
identification information, storing said decoded
listing and included program source identification
information for subsequent retrieval,

decoding said program identification information
accompanying related image-representative information,

comparing said last-named program identification
information with said included program source
identification information to identify matching
information, and **characterized by** automatically
displaying at least program title information
associated with said included program source
identification information upon identifying matching
program identification information, along with related
image-representative information."

V.   The claims of the first auxiliary request differ from
       those of the main request only in respect of claim 9,
       which includes at the end of the claim the additional
       wording "in order to identify a currently running
       television program".

VI.   Claim 1 of the second auxiliary request includes all
       the features of claim 1 of the main request and is
       additionally limited by being directed to a television
       signal processing apparatus "in a TV receiver" and by
       the additional feature at the end of the claim,
       "wherein said program identification information is VPS
       program identification code and wherein said program
       source identification information includes VPV
       identification information". Claim 9 of this request is
       directed to a method of processing "in a TV receiver"

received television signals, and includes at the end of
the claim the wording "in order to identify a currently
running television program, wherein said program
identification information is VPS program
identification code and wherein said program source
identification information includes VPV identification
information".

Reasons for the Decision

1.   *Background to the invention*

1.1   In many countries broadcast television signals are
        multiplexed with digital alphanumeric information which
        can be displayed in place of the video signal. This
        information, generally referred to as teletext or in
        some countries videotext, is contained within the
        vertical blanking interval. A development of teletext
        is the VPS system in which the vertical blanking
        interval additionally includes information
        unambiguously identifying a specific program, to
        provide a signal for video recorders identifying the
        start and end of a program for recording purposes even
        if these times do not correspond to the advertised
        times. Thus, a video recorder in VPS mode will record a
        program correctly even if the previous program runs
        late. A further simplification of video recorder
        programming is given by the VPV system, which relies on
        a property of the teletext system, namely the ability
        to conceal information on a page. It is for example
        possible to display program information on a teletext
        page including the VPS information in concealed form
        (special VPS start and end times which may not coincide
        with the scheduled start and end times). The viewer

highlights the desired program and the concealed VPS
information is passed automatically to the video
recorder, obviating the need to program manually the
start and stop times.

1.2   The patent is concerned with a development of the
       teletext system. It would be desirable whenever
       changing channels to display content information on the
       program being viewed; both the prior art documents
       discussed in the present proceedings relate to
       teletext-based systems in which this problem arises. D1
       is primarily concerned with programming a video
       recorder by making use of an inbuilt teletext decoder
       to derive VPS and VPV information; the information is
       arranged to be displayed in such a manner that if there
       is a plurality of recordings these can be displayed
       simultaneously and any overlapping recordings
       indicated. In a further embodiment, not explained in
       detail, the teletext decoder is used to derive from a
       previously recorded video signal teletext data
       indicative of the recording time and subject. D1 does
       not disclose how this is done; the Board observes that
       it would not normally be possible to record teletext
       data on a video recorder since the data is contained in
       the vertical blanking interval and this signal is
       generated by the recorder itself on playback. D1 does
       not disclose the display of program data derived from a
       teletext signal in real time.

1.3   Document D2 is explicitly concerned with the problem of
       displaying teletext-derived program data on a receiver.
       The solution is to derive the required data at the
       transmitting end and display this data on a special
       teletext page which can be accessed rapidly by a
       suitably equipped receiver.

1.4   In the patent, on the other hand, the TV receiver
        extracts the VPS data and correlates it with those
        teletext pages likely to contain program data, these
        pages having the VPS data hidden in them for VPV
        recording. Thus, the right page can be found and by
        making some assumptions about the spatial relationship
        between the hidden VPS data and the program
        information, the program information and for example
        channel information can be derived for separate display
        on the TV screen.

2.   *Inventive step*

2.1   The sole issue in the present appeal is that of
        inventive step. Since the independent claims of the
        second auxiliary request include all the features of
        the corresponding claims of the main request and first
        auxiliary request, the Board's conclusions on the
        second auxiliary request apply equally to the main
        request and first auxiliary request.

2.2   In the course of the oral proceedings the debate
        concentrated on the disclosure of D2. The respondent's
        argument on D2 was, in essence, that it disclosed a
        system in a TV transmitter which generated a special
        teletext page containing the desired data; the
        invention, on the other hand, made use of unmodified
        teletext signals and carried out the information
        retrieval at the receiver end of the chain. It could
        therefore be used with all television stations which
        provided teletext signals whereas the D2 system would
        only work with those stations which provided the
        special, correctly formatted teletext page. The
        opposition division in essence agreed with this
        analysis and held that the skilled person would not

modify the transmitter-based solution of D2 to apply it
to a receiver-based decoder since there was no
motivation to do so and D2 gave no teaching as to how
such a solution could be implemented.

2.3   The Board, whilst accepting that D2 is concerned with
       modifying the transmitter rather than the receiver,
       notes that the actual problem solved in D2 is similar
       to that solved in the patent. D2 is concerned with a
       teletext system for providing program information at
       the receiver such as transmitter ID, date, time and
       program name, as well as receiver or video recorder
       control information (column 2, lines 26 to 39). More
       specifically D2 has as its object the display of
       program title information on the screen either
       permanently or on demand (column 3, lines 18 to 24).
       The solution can be seen in Figure 1. Although this is
       at the transmitter end of the chain the individual
       integers are those specified in the claims of the
       patent.

2.4   Using the terminology of claim 9 of the patent Figure 1
       of D2 shows a method of processing television signals
       which include image-representative information and
       supplementary information including a VPS signal, i.e.
       a program-identifying time code, and a teletext signal
       i.e. a listing including program title information
       associated with program source identification
       information. As noted at paragraph 1 above, such
       information is encoded during vertical blanking
       intervals of the television signal. Figure 1 of D2
       shows the use of a decoder 102 to decode the teletext
       information i.e. a listing which includes program title
       information and associated program source
       identification information, a memory 106 in which this

information is stored for subsequent retrieval, a VPS
decoder 103 for decoding program identification
information and a comparator (106) which compares the
VPS data with the teletext data to identify matching
information. This information is reconverted to
teletext and sent as the special teletext page.

2.5   As regards the final feature of the claim, it has
        already been noted that the program identification
        information used in D2 is the VPS signal. D2 moreover
        refers at column 3, lines 4 to 11 to the provision of
        hidden programme-identifiying information, implying
        that a VPS signal, i.e. program source identification
        information, is hidden in the teletext page in
        accordance with the VPV system.

2.6   The above analysis makes clear that D2 derives the same
        information in the same manner as in claim 9 of the
        patent; the differences are that in D2 the transmitted
        signal is processed in the studio whereas in the patent
        the received signal is processed in a TV receiver, and
        that the derived information is formatted as part of a
        special teletext page rather than displayed
        automatically on the screen in place of a portion of a
        picture.

2.7   The Board however considers that the skilled person,
        faced with the problem of deriving and displaying the
        desired program information, would find the solution in
        D2. As indicated above, the document gives the skilled
        person the information that by comparing the VPS signal
        with the content of teletext pages it is possible to
        derive program information. Once the skilled person has
        this appreciation, he has derived the core of the
        invention; whether this is used in the context of a

receiver or a transmitter, and whether the derived
information is supplied automatically to the screen or
to a teletext page, does not appear to the Board to
involve the exercise of inventive skill.

2.8   The Board accordingly concludes that the subject-matter
       of claim 9 of the second auxiliary request lacks an
       inventive step. This being the case, it follows that
       claim 9 of the main request and of the first auxiliary
       request are open to the same objection.

3.   There being no allowable request, it follows that the
       patent must be revoked.

Order

For these reasons it is decided that:

1.   The decision under appeal is set aside.

2.   The patent is revoked.

The Registrar: The Chairman:

M. Kiehl   A. S. Clelland

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