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**Datasheet for the decision
of 31 August 2006**

Case Number: T 1116/04 - 3.4.03

Application Number: 94903345.0

Publication Number: 0672285

IPC: G09G 1/00

Language of the proceedings: EN

Title of invention:

Low-power-consumption monitor standby system

Patentee:

Elonex I.P. Holdings Limited

Opponents:

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Fujitsu Siemens Computers GmbH
Lambrecht, Christian
Koninklijke Philips Electronics N.V.

Headword:

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Relevant legal provisions:

EPC Art. 83

Keyword:

"Sufficiency of disclosure (no) "

Decisions cited:

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Catchword:

-



Case Number: T 1116/04 - 3.4.03

D E C I S I O N
of the Technical Board of Appeal 3.4.03
of 31 August 2006

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(Patent Proprietor)

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Decision under appeal: **Decision of the Opposition Division of the
European Patent Office posted 24 June 2004
revoking European patent No. 0672285 pursuant
to Article 102(1) EPC.**

Composition of the Board:

Chairman: R. G. O'Connell
Members: G. Eliasson
T. Bokor
V. L. P. Frank
J. Van Moer

Summary of Facts and Submissions

- I. This is an appeal against the revocation of European patent 0 672 285 on the ground of added subject matter (Article 100(c) EPC). Proposed amended claims in accordance with an auxiliary request were also found to add subject matter and to extend the scope of protection beyond that conferred by the patent as granted (Article 123(2) and (3) EPC).
- II. The appellant proprietor filed amended claims with the statement of grounds of appeal.
- III. In a communication annexed to a summons to oral proceedings, the board expressed its opinion that *inter alia* none of the requests on file appeared to meet the requirements of Article 83 EPC. In response, the appellant proprietor and the only remaining respondent, opponent O2, declared that they would not participate in the oral proceedings and would not provide any further arguments.
- IV. Oral proceedings were held in the absence of the parties. The parties have submitted the following requests in writing:

The appellant proprietor requests that the decision under appeal be set aside and the patent be maintained in amended form on the basis of one of the main request and auxiliary requests I to III, all filed with the statement of the grounds of appeal.

The respondent opponent O2 requests that the appeal be dismissed.

V. Claim 1 of the appellant proprietor's main request reads as follows:

"1. A power management system for a computer system having a CPU (115; 215), a memory, input apparatus (245, 251, 257), a video monitor (347; 447; 547), and a video adapter (117; 217) for providing video signals, including colour, VSYNC, and HSYNC signals to the video monitor, the power management system comprising:

timer means for monitoring inactivity of said input apparatus (245, 251, 257);

signaling means for signaling the video monitor to assume an alternative power state; and

power management means for removing power from power using circuits in the monitor (347; 447; 547);

characterized in that

said timer means is configured to reset to an initial value on input interrupts and to provide overflow signals at least at first and second overflow values corresponding to first and second time periods of inactivity of the input apparatus,

said signaling means operates by interrupting at least one of the HSYNC and VSYNC signals or by generating time-based coded sequences of frequency changes in HSYNC or VSYNC, coded values in the

color signals, or no color signal for an extended period to provide at least first and second power management signals to said monitor according to the overflow states of the timer means; and

the power management means is adapted to selectively remove power from the power using circuits of said monitor to reduce power usage of the video monitor (347; 447; 547) to at least first and second reduced power levels in response to said at least first and second power management signals."

- VI. Claim 1 of auxiliary request I differs from claim 1 of the main request in that "video adapter (117; 217) for providing video signals, including colour, VSYNC, and HSYNC signals to the video monitor" in the first paragraph is replaced by "video signal means (117; 119; 217; 219)".
- VII. Claim 1 of auxiliary request II differs from claim 1 of the main request in that "video adapter (117; 217)" in the first paragraph is replaced by "video adapter (117; 217) for providing VSYNC and HSYNC signals, and a D/A converter (119) for providing color signals (R, G, B) to the monitor".
- VIII. Claim 1 of auxiliary request III differs from claim 1 of the main request in that the first paragraph reads as follows (board's emphasis):

"A power management system for a computer system having a CPU (115; 215), a memory, input apparatus (245, 251, 257), a video monitor (347; 447; 547),

and a video **interface (121; 221)** for providing video signals, including colour, VSYNC, and HSYNC signals to the video monitor, **wherein a video adapter (117; 217) is configured for providing VSYNC and HSYNC signals to the video interface (121; 221) and a D/A converter (119; 219) is configured for providing colour signals (R, G, B) to the video interface (121; 221),** the power management system comprising:"

All requests further include independent claims directed to a computer and a method for saving power in operation of a computer system, respectively.

- IX. The arguments presented by the appellant proprietor dealt only with compliance of the requests with Article 123(2) and (3) EPC.
- X. The arguments of respondent opponent 02 can be summarized as follows:

Claim 1 according to all requests referred to "generating time-based coding sequences of frequency changes in HSYNC or VSYNC, coded values in the color signals, or no color signal for an extended period to provide at least first and second power management signals to said monitor". Thus, claim 1 covered the case where "no color signal" generated two different management signals. It was not disclosed in the opposed patent how a single "no color" signal could generate two different power management signals.

Reasons for the Decision

1. The appeal is admissible.

2. The opposed patent relates to a power management system for saving power in the operation of a computer system having a video monitor 347 and input apparatus, such as a keyboard and a mouse (see Figures 1 and 3; paragraphs 0015 to 0017). The video monitor is signalled to switch to a first reduced power level when inactivity of the input apparatus for a first time period has been detected. A second reduced power level is assumed when the period of inactivity continues for a second time period.

A signalling means provides first and second power management signals to the video monitor when a time period of inactivity exceeds the respective first and second time period. According to the description, these power management signals can be in form of interrupting one or the other or both of HSYNC or VSYNC signals to the video monitor (paragraphs 0016, 0017, 0019, 0022, 0023, 0025, and 0026). For example, a loss of HSYNC could trigger the video monitor to assume a one reduced power level and a loss of VSYNC could trigger another reduced power level (paragraphs 0023 and 0025).

- 2.1 Claim 1 according to all the requests includes the alternative that the generation of "no color signal for an extended period" is used to "provide at least first and second power management signals to said monitor."

- 2.2 Although the alternative of using "no colour signal for an extended period" is disclosed in the patent as an

alternative way of providing the power management signals (see paragraph 0027), it is unclear what is meant by "no colour signal" as the colour signal is composed of three separate signals R,G,B (see eg Figures 1 and 2A) and the patent lacks any definition of "no colour signal", thus leaving it to the reader to work out a definition on his own. As the respondent opponent O2 pointed out, one plausible definition of "no colour signal" would be the absence of all of the signals R,G,B. There is, however, no disclosure in the patent how the generation of the single state "no colour signal for an extended period" could be used to provide at least two different power management signals to the monitor (see item X above). The appellant proprietor has declined to file a response to this objection which was raised in the communication annexed to summons to oral proceedings.

Therefore, the board concludes that the invention as claimed in all requests is not disclosed in a manner sufficiently clear and complete for it to be carried out by a person skilled in the art. Hence none of the appellant proprietor's requests meets the requirements of Article 83 EPC.

Order

For these reasons it is decided that:

The appeal is dismissed.

Registrar

Chair

A. Townend

R. G. O'Connell