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**Datasheet for the decision
of 11 July 2012**

Case Number: T 1821/08 - 3.5.04

Application Number: 05018287.2

Publication Number: 1631088

IPC: H04N7/24

Language of the proceedings: EN

Title of invention:

Apparatus for transmitting video signal and method thereof

Applicant:

LG Electronics Inc.

Headword:

Relevant legal provisions:

EPC 1973 Art. 84

Keyword:

Claims - clarity (no)

Decisions cited:

Catchword:



**Beschwerdekammern
Boards of Appeal
Chambres de recours**

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Case Number: T 1821/08 - 3.5.04

D E C I S I O N
of the Technical Board of Appeal 3.5.04
of 11 July 2012

Appellant: LG Electronics Inc.
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Representative: Katérle, Axel
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Decision under appeal: **Decision of the Examining Division of the
European Patent Office posted 13 May 2008
refusing European patent application No.
05018287.2 pursuant to Article 97(2) EPC.**

Composition of the Board:

Chairman: F. Edlinger
Members: R. Gerdes
B. Müller

Summary of Facts and Submissions

- I. The appeal is against the decision of the examining division refusing European patent application No. 05 018 287.2, published as EP 1 631 088 A1.

The patent application was refused by the examining division in accordance with Article 97(2) EPC because the subject-matter of claims 1 to 5 was found to lack an inventive step (Article 56 EPC).

- II. The applicant filed an appeal against this decision. Together with the statement setting out the grounds of appeal the appellant submitted a clean copy of claims 1 to 5 underlying the decision under appeal and description pages 1, 2, 2a and 3 to 9. Oral proceedings were requested if the board did not order grant of a patent.
- III. In a communication annexed to a summons to oral proceedings, the board *inter alia* expressed doubts as to whether the claims fulfilled the requirements of Article 84 EPC 1973.
- IV. With a letter dated 21 May 2012, the appellant's representative informed the board that no-one would appear for the appellant at the oral proceedings. The appellant did not comment on the board's observations.
- V. Oral proceedings were held on 11 July 2012. The appellant was not represented at the oral proceedings. The board noted that the appellant's request, presented in writing, was that the decision under appeal be set aside and that a patent be granted in the following version:

- claims 1 to 5 as filed with the statement of grounds of appeal;
- description, pages 1, 2, 2a, 3 to 9 as filed with the statement of grounds of appeal;
- drawings, figures 1 to 3 (three sheets) as originally filed.

At the end of the oral proceedings the board announced its decision.

VI. Claim 1 of the appellant's request reads as follows:

"A video transmission apparatus for transmitting a coded video signal, comprising:
a base layer coding unit (100A) for coding a video signal into a base layer stream;
an enhancement layer coding unit (100B) for coding the video signal into an enhancement layer stream;
a layer-combining multiplexing unit (200) for combining the base and enhancement layer streams into one stream;
and
a real-time transport protocol (RTP) packetization unit (300) for packetizing the combined stream according to a real-time transport protocol (RTP);
characterized in that the multiplexing unit (200) is configured to combine the base and enhancement layer streams by adding in a base layer video packet, a field identified by an enhancement data start code and containing enhancement layer video information of macroblocks at the same positions as macroblocks included in the base layer video packet."

The wording of claims 2 to 5 has no bearing on the present decision.

Reasons for the Decision

1. The appeal is admissible.
2. *Article 84 EPC 1973*
 - 2.1 According to Article 84 EPC 1973, the claims shall define the matter for which protection is sought. They shall be clear and concise and be supported by the description.
 - 2.2 The application relates to the transmission of a coded video signal, preferably according to the multimedia standard MPEG-4. To allow for a scalable decoding operation, the video information is divided into a base layer stream and an enhancement layer stream. The application discloses two embodiments relating to the transmission of these streams using a real-time transport protocol (RTP). According to the first embodiment the streams are separately processed and RTP packetisation is carried out on each of the streams. According to the second embodiment the base layer and enhancement layer streams are input to a layer-combining multiplexing unit to be combined into a single stream. The combined stream is subjected to RTP packetisation and transmitted to the user.

The processing according to the second embodiment provides the technical effect that the video transmission apparatus is simpler than that of the first embodiment "since the RTP packetization is carried out on a single combined stream". Moreover, the "generated overhead traffic of a network due to the RTP header is reduced" (see paragraphs [0037] and [0038] of the description).

- 2.3 The subject-matter of claim 1 is directed to the second embodiment of the invention (see paragraphs [0031] to [0038] of the description together with figure 3). The characterising feature of claim 1 specifies that "a field identified by an enhancement data start code and containing enhancement layer video information of macroblocks ..." is added in a base layer video packet. The description, paragraph [0036], states that "after insertion of 'enhancement_data_start_code', the enhancement layer information is included. In this case, the enhancement layer information inserted in a packet of the base layer has information of macroblocks at the same positions of macroblocks included in the base layer." It should be noted that this passage refers to "the insertion of the enhancement layer information" (not: "enhancement layer **video** information" as in claim 1) and to the "information in the packet level shown in Table 2" (see paragraph [0035]).
- 2.4 Figure 3 shows separate base layer and enhancement layer packets multiplexed into one stream (see reference number 350) and an RTP header attached to this stream. Hence, it appears from figure 3 and the corresponding passage of the description (see paragraph [0032]) that the "enhancement layer video information" is not inserted in the base layer packet.
- 2.5 In view of these discrepancies it is unclear whether the added field contains (header) information about macroblocks of the enhancement layer or macroblock video enhancement data. It is further unclear at which layer the base and enhancement layer video information is combined and whether the reference in claim 1 to "adding in a base layer video packet ... enhancement layer video information" implies more than that base

and enhancement layer video information is combined and packetised.

2.6 Therefore, claim 1 does not clearly define the matter for which protection is sought (Article 84 EPC 1973).

2.7 The appellant did not provide arguments or amended claims to resolve this lack of clarity.

3. Since the appellant's request is not allowable, the appealed decision cannot be set aside.

Order

For these reasons it is decided that:

The appeal is dismissed.

The Registrar:

The Chairman:



K. Boelicke

F. Edlinger

Decision electronically authenticated