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**Datasheet for the decision  
of 7 May 2013**

**Case Number:** T 1534/09 - 3.5.04

**Application Number:** 05253383.3

**Publication Number:** 1605460

**IPC:** G11B20/00, G11B20/12

**Language of the proceedings:** EN

**Title of invention:**

Method and apparatus for reproducing multimedia contents,  
apparatus and method for creating multimedia contents, and  
medium for storing multimedia contents

**Applicant:**

Samsung Electronics Co., Ltd.

**Headword:**

**Relevant legal provisions:**

EPC 1973 Art. 56

**Keyword:**

Inventive step - (no)

**Decisions cited:**

**Catchword:**



**Beschwerdekammern  
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Case Number: T 1534/09 - 3.5.04

**D E C I S I O N**  
**of Technical Board of Appeal 3.5.04**  
**of 7 May 2013**

**Appellant:** Samsung Electronics Co., Ltd.  
(Applicant) 129, Samsung-ro  
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Suwon-si, Gyeonggi-do, 443-742 (KR)

**Representative:** Waddington, Richard  
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**Decision under appeal:** **Decision of the Examining Division of the European Patent Office posted on 4 March 2009 refusing European patent application No. 05253383.3 pursuant to Article 97(2) EPC.**

**Composition of the Board:**

**Chairman:** F. Edlinger  
**Members:** R. Gerdes  
C. Vallet

## **Summary of Facts and Submissions**

- I. The appeal is directed against the decision to refuse European patent application No. 05 253 383.3, published as European application EP 1 605 460 A1.
  
- II. The patent application was refused by the examining division on the ground that the subject-matter of the independent claims according to the main request and the first auxiliary request did not involve an inventive step (Article 56 EPC) in view of  
  
D2: EP 1 291 850 A1.
  
- III. The applicant appealed against this decision and with the statement of grounds of appeal submitted claims 1 to 13 of a "primary request".
  
- IV. In a communication annexed to a summons to oral proceedings the board indicated that it essentially shared the examining division's opinion with regard to inventive step of the claimed subject-matter. With a letter of reply of 5 April 2013, the appellant submitted new claims 1 to 12 of a main request and claims 1 to 10 of a first auxiliary request as well as new pages of the description. The appellant objected that no prior-art evidence had been put forward by the examining division to support its view that using Java to implement platform independent programs was well known in the art before the priority date of the application. The appellant informed the board of its intention not to attend the oral proceedings and asked the board to come to a decision based on the written submissions.

- V. The board sent a fax on 11 April 2013, referring to the DAVIC 1.2 Specification Part 9, Revision 4.2, excerpts of which were annexed to the fax (cover pages, table of contents, foreword and pages 1 and 27). The board indicated that it maintained its opinion that Java was well known before the priority date of the application and that it was even introduced into technical specifications in the relevant technical field.
- VI. The board received no observations from the appellant in reply to this fax.
- VII. The board held oral proceedings as scheduled on 7 May 2013 in the absence of the appellant. The board noted that the appellant had requested in writing that the decision under appeal be set aside and that the application be remitted to proceed to grant on the basis of claims 1 to 12 of the main request or claims 1 to 10 of the first auxiliary request, both filed by letter dated 5 April 2013.
- VIII. Claim 1 of the main request and claim 1 of the first auxiliary request have identical wording and read as follows:

"A multimedia reproducing apparatus comprising:

a reading unit which is operable to read multimedia data (400) comprising multimedia contents (402) coupled with a codec (404) for decoding the multimedia contents (402), from a storage medium; and  
a reproducing unit which is operable to reproduce the multimedia contents (402) by extracting and using the codec (404) from the read multimedia data (400);  
wherein the multimedia data (400) further comprises a header (502) in which information on characteristics of

the codec (404) is recorded, and the reproducing unit comprises a general-purpose engine (410) which is operable to decode the multimedia contents (402) by using the codec (404) with reference to the header (502) and the general-purpose engine (410) is a Java virtual machine operable to execute the codec (404) implemented by Java regardless of the type of a platform or operating system; wherein the codec (404) is recorded in a form implemented by Java regardless of the type of a platform or operating system; and wherein the codec (404) is implemented by a script language describing the operation of the codec (404), and wherein the script language includes Java language."

The further independent claims as well as the dependent claims of both requests do not have a bearing on the present decision.

- IX. In the decision under appeal the examining division essentially argued that, starting from D2, the subject-matter of claim 1 then on file was obvious given that Java language, which was a script language for implementing platform independent programs, was well known in the art long before the priority date of the present application.
- X. The appellant's arguments can be summarised as follows.

The apparatus of claim 1 is distinguished from D2 by the fact that the apparatus is "adapted to record the codec onto the storage medium specifically in a form which is operable to be implemented by Java and specifically in a form implemented by a script language including Java". The technical problem resulting from

these distinguishing features was "to provide a means or system for distribution of multimedia content, having an optimal codec for that multimedia content, which is capable of being widely decodable and playable by the end consumer using their end-apparatus for reproduction" (see letter of 5 April 2013, page 2, second paragraph and page 3, first paragraph).

At the priority date of the application the skilled person would have selected one of a standard set of codecs to solve this problem. Instead, according to claim 1 the inventive system provides the codec as part of the multimedia data in a format that is implementable using JavaScript on a Java virtual machine.

There is little detail in D2 regarding the implementation of a system supplying the codec along with encoded multimedia data. D2 does not disclose that decoding relies entirely on the provision of a codec along with the encoded, compressed multimedia data. According to D2 different types of software are provided depending on the type of the Digital Signal Processor (DSP) on the reproducing apparatus. D2 is concerned with the different technical problem of ensuring that the selection of a decoding program for use with the particular piece of encoded signal is achieved in a rapid manner.

No evidence was put forward by the examining division in support of its view that using Java to implement platform independent programs was well known in the art, long before the priority date of the application. It was therefore questionable whether the use of Java language and the Java virtual machine would be part of the toolkit of the multimedia expert who was

considering codecs for use in consumer electronics apparatus in 2004.

## **Reasons for the Decision**

1. The appeal is admissible.
2. *Main request*
  - 2.1 It is common ground that D2 may be considered as the closest prior art with respect to the subject-matter of claim 1.

D2 discloses a multimedia reproducing apparatus embodied as an audio player for reproducing music data compressed according to a predetermined compression format. The audio player comprises a reading unit (interface 14) which is adapted to read multimedia data comprising audio files from the Internet. These multimedia files are stored on a storage medium such as a detachable recording medium (18) and can be retrieved from this medium via the reading unit. The audio player also comprises a central processing unit (CPU, 20) and a digital signal processor (DSP, 22) forming a reproducing unit to decode and play the audio files (see figure 2 and paragraphs [0001], [0004], [0011], [0012], [0014]).

The multimedia data comprise compressed music data encoded according to one of a variety of formats such as MP3, AAC, AC-3. The compressed music data are coupled with appropriate decode software and a header containing compression format information. Using the compression format information in the header, the

reproducing unit is able identify the compression format and decode the music data using the decode software (see figures 4 and 9, paragraphs [0015] to [0019], [0023] to [0025], [0031] to [0035] and claim 3 of D2). Thus, the reproducing unit of D2, consisting of CPU 20 and DSP 22, constitutes a general purpose engine adapted to play music data which is encoded according to one of a variety of formats.

The decode software is delivered in a format which is adapted to the employed DSP. This implies that the decode software is specific for a particular reproducing unit (see paragraph [0020]).

2.2 Hence, the board agrees with the decision under appeal that D2 does not disclose the following features a and c of claim 1 (feature b was added in the appeal proceedings):

- a) the general-purpose engine is a Java virtual machine operable to execute the codec implemented by Java regardless of the type of platform or operating system;
- b) the codec is recorded in a form implemented by Java regardless of the type of platform or operating system; and
- c) the codec is implemented by a script language describing the operation of the codec, and wherein the script language includes Java language.

2.3 By using Java script language for the implementation of the codec and providing a Java virtual machine as the general purpose engine, the codec can be executed independently of the type of platform or operating system of the reproducing apparatus.



2.4 The board agrees with the appellant's initial formulation of the technical problem as set out in the statement of grounds, i.e. "the provision of [an] apparatus for reading multi-media contents on a recording medium combined with a codec for decoding multi-media contents, regardless of the type of platform or operating system used" (see statement of grounds, page 2, fifth paragraph). Although this statement was made in relation to claim 1 of the "primary request", which did not include distinguishing feature b (introduced into claim 1 filed by letter dated 5 April 2013), the board considers that it correctly reflects the technical effects produced by features a to c.

2.5 Given the widespread use of Java and its well-known advantages for applications running on different operating systems and/or hardware platforms, the board is convinced that the skilled person in the technical field of multimedia applications would have considered implementing the codec in Java script language and installing a Java virtual machine as a general-purpose engine to execute the codec. This view on which the decision under appeal essentially relied without providing documentary evidence, is supported by the fact that Java was introduced in technical specifications in the relevant technical field, such as DVB-MHP applications. As a concrete example, the board referred to the DAVIC 1.2 Specification Part 9, Revision 4.2. This specification establishes a standard for information representation in multimedia applications (see chapter 1: Scope, page 1). According to this specification, "applications shall use the MHEG-5 InterchangedProgram class to encapsulate Java VM code" (see chapter 9.1). The appellant did not submit any observations on what the board presented as an

exemplification of the common general knowledge. The board thus considers that the Java script language and the Java virtual machine can be considered as part of the common general knowledge at the priority date. Starting from D2 and faced with the above technical problem the skilled person would, in view of the known advantages of Java, have considered implementing the codec in a script language including Java and installing a Java virtual machine as a general-purpose engine on the reproducing unit.

2.6 Thus, the subject-matter of claim 1 would have been obvious to a person skilled in the art in view of D2 and thus lacks an inventive step (Article 56 EPC 1973).

2.7 In its reply to the summons to oral proceedings the appellant reformulated the technical problem as being "to provide a means or system for distribution of multimedia content, having an optimal codec for that multimedia content, which is capable of being widely decodable and playable by the end consumer using their end-apparatus for reproduction". The board does not concur with this formulation of the problem because it disregards the disclosure of the closest prior art D2 (the decoding software is coupled and delivered together with the multimedia content). The problem mentioned in point I.4 of the decision under appeal, "how to achieve playback of the audio files independent of the type of reproducing apparatus", suffers from a similar defect in that coupling and delivering decoding software and content together might be part of the problem's solution. Moreover, the appellant's formulation of the problem requires features of the codec ("having an optimal codec") which refer to a goal that is not dealt with in the present application.

The board agrees with the appellant that D2 is essentially concerned with the technical problem of ensuring that the selection of a decoding program for use with the particular piece of encoded signal is achieved in a rapid manner (see, for example paragraphs [0002], [0003] and [0043] of D2). However, this argument does not take into account that the further development of the apparatus disclosed in D2 was an obvious path to follow in view of the advances in the common general knowledge so as to solve other technical problems that were ubiquitous in this technical field.

Hence, the appellant's arguments have not convinced the board.

3. *First auxiliary request*

3.1 Claim 1 of the first auxiliary request has identical wording to claim 1 of the main request. Hence, the reasoning with respect to claim 1 of the main request applies equally with respect to claim 1 of the first auxiliary request.

3.2 As a result the subject-matter of claim 1 according to the first auxiliary request lacks an inventive step (Article 56 EPC 1973).

4. It follows from the above that none of the appellant's requests is allowable.

**Order**

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

The appeal is dismissed.

The Registrar:

The Chairman:



K. Boelicke

F. Edlinger

Decision electronically authenticated