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**Datasheet for the decision
of 3 March 2014**

Case Number: T 2310/09 - 3.5.04

Application Number: 99961697.2

Publication Number: 1050165

IPC: H04N7/10, H04N7/14

Language of the proceedings: EN

Title of invention:
NAVIGATIONAL USER INTERFACE FOR INTERACTIVE TELEVISION

Applicant:
Prasara Technologies, Inc.

Headword:

Relevant legal provisions:
EPC Art. 123(2)

Keyword:
Amendments - added subject-matter (yes)

Decisions cited:

Catchword:



**Beschwerdekammern
Boards of Appeal
Chambres de recours**

European Patent Office
D-80298 MUNICH
GERMANY
Tel. +49 (0) 89 2399-0
Fax +49 (0) 89 2399-4465

Case Number: T 2310/09 - 3.5.04

**D E C I S I O N
of Technical Board of Appeal 3.5.04
of 3 March 2014**

Appellant: Prasara Technologies, Inc.
(Applicant) 931 Wekiva Springs Road
Longwood, FL 32779 (US)

Representative: Waldren, Robin Michael
Marks & Clerk LLP
90 Long Acre
London
WC2E 9RA (GB)

Decision under appeal: **Decision of the Examining Division of the
European Patent Office posted on 15 July 2009
refusing European patent application No.
99961697.2 pursuant to Article 97(2) EPC.**

Composition of the Board:

Chairman: F. Edlinger
Members: M. Paci
T. Karamanli

Summary of Facts and Submissions

- I. The appeal is against the decision of the examining division refusing European patent application No. 99961697.2 published as WO 00/31972 A1.
- II. The application was refused on the ground, among others, that the amendments made to claim 18 did not comply with the requirements of Article 123(2) EPC. The examining division's reasoning regarding that ground was based on the term "rotating" in claim 18 not being disclosed in the application as filed.
- III. With the statement of grounds of appeal the appellant filed amended claims 1 to 31, replacing all claims previously on file. The appellant submitted that the ground for refusal based on Article 123(2) EPC had been overcome by way of amendments to claim 18.
- IV. In a communication under Article 15(1) RPBA annexed to the summons to oral proceedings the board expressed *inter alia* the preliminary opinion that amended claim 1 did not meet the requirements of Article 123(2) EPC because there was no disclosure in the application as filed of a grid of cell in combination with a stationary focus area.
- V. In a letter of reply dated 30 December 2013 the appellant withdrew its request for oral proceedings and requested a decision on the state of the file. No arguments were submitted on any of the objections raised by the board in the communication annexed to the summons to oral proceedings.
- VI. The board cancelled the oral proceedings.

VII. The appellant's final requests are that the decision under appeal be set aside and that a patent be granted on the basis of the amended claims filed with the statement of grounds of appeal.

VIII. Claim 1 reads as follows:

"A navigational user interface system for interactive television, comprising:

(a) means for displaying pages, the pages being displayed individually and in consecutive order, and the pages having cells from which a selection can be made;

(b) first means for focusing on a selected page and displaying related cells containing a series of choices; and

(c) second means for focusing on a selected cell to define a focus area and arranged to remain stationary during scrolling, said second means for focusing being arranged to display a drawable containing information about the cell, the drawable comprising an image and/or text; characterized in that:

the cells are contained within a grid of cells having rows and columns, each row of cells being scrollable to the left and to the right, and each scroll giving focus to a different cell in the row until the last cell in the row in the direction of scrolling receives focus, at which point further scrolling in the same direction causes focus to remain with the last cell."

Reasons for the Decision

1. The appeal is admissible.

2. In the communication under Article 15(1) RPBA annexed to the summons to oral proceedings the board expressed the provisional opinion that claim 1 filed with the statement of grounds of appeal did not meet the requirements of Article 123(2) EPC for the following reasons (quoted from point 4.1 of said communication):

"There is no disclosure in the application as filed of a grid of cells **in combination with** a stationary focus area, as claimed in claim 1. Embodiments of navigational user interface systems displaying grids of cells are shown in figures 60 to 72 and 76 to 80. However, in these embodiments the focus area is not stationary: the cells are stationary and the focus area moves from cell to cell. Stationary focus areas are disclosed in other embodiments of the application as filed (e.g. those shown in figures 5 to 47 and 83 to 109) but only in combination with a one-dimensional list (not a grid) of "category item nodes" or "menu item nodes". In the terminology used in the application as filed, item nodes and cells are different entities dealt with under different sections in the description: see pages 30 to 34 for the former and page 43 to 45 for the latter. Page 25, lines 29 to 31 and page 34, lines 27 to 29, cited by the appellant, refer to a "drawable" 134 and to a menu-focus box 128 in figure 5, respectively, and do not disclose such a combination."

3. The appellant did not submit any observations on the above provisional opinion of the board.
4. The board, having reviewed the case, sees no reason to depart from the above provisional opinion.

Hence, claim 1 does not comply with the requirements of Article 123(2) EPC.

As a consequence, the appellant's sole request is not allowable.

Order

For these reasons it is decided that:

The appeal is dismissed.

The Registrar:

The Chairman:



K. Boelicke

F. Edlinger

Decision electronically authenticated