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**Datasheet for the decision  
of 10 October 2013**

**Case Number:** T 1090/10 - 3.5.04

**Application Number:** 04075205.7

**Publication Number:** 1435733

**IPC:** H04N5/445, H04N7/088

**Language of the proceedings:** EN

**Title of invention:**

Method and apparatus for displaying television program information

**Applicant:**

Gemstar Development Corporation

**Headword:**

**Relevant legal provisions:**

EPC 1973 Art. 56

**Keyword:**

Inventive step - obvious combination of known features

**Decisions cited:**

**Catchword:**



**Beschwerdekammern  
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Case Number: T 1090/10 - 3.5.04

**D E C I S I O N**  
**of Technical Board of Appeal 3.5.04**  
**of 10 October 2013**

**Appellant:** Gemstar Development Corporation  
(Applicant) 2830 De La Cruz Boulevard  
Santa Clara CA 95050 (US)

**Representative:** Neobard, William John  
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**Decision under appeal:** **Decision of the Examining Division of the  
European Patent Office posted on 21 December  
2009 refusing European patent application No.  
04075205.7 pursuant to Article 97(2) EPC.**

**Composition of the Board:**

**Chairman:** F. Edlinger  
**Members:** A. Dumont  
B. Müller

## Summary of Facts and Submissions

- I. The applicant appealed against the decision to refuse European patent application No. 04 075 205.7.
- II. The examining division refused the application on the grounds that the subject-matter of all the claims of the sole request then on file lacked novelty within the meaning of Articles 52(1) and 54(3) EPC over document:  
  
D3: EP 0 682 452 A2.
- III. The examining division further commented *obiter* that it was doubtful whether additional features taken from the description could define subject-matter which would involve an inventive step over a combination of documents:  
  
D1: EP 0 339 675 A2 and  
D5: EP 0 447 968 A2.
- IV. With the statement of grounds of appeal the appellant filed a new main and three auxiliary requests.
- V. In a communication pursuant to Article 15(1) RPBA the board questioned the admissibility of all the requests filed with the statement of grounds of appeal.
- VI. As announced in the summons, the board consecutively held oral proceedings on 10 October 2013 in appeal cases T 1890/12 and T 1090/10, which both relate to divisional applications from the same earlier application.
- VII. In the oral proceedings held in the present case, the appellant withdrew all requests on file and requested

that the decision under appeal be set aside and that a patent be granted on the basis of the claims of the main request submitted in the oral proceedings. Following the appellant's amendment to its case, the board raised an objection of lack of inventive step which was similar to that raised in the technically closely related case T 1890/12. As in case T 1890/12, the board based its argumentation on document D2 taken alone or in combination with either of documents D1 or D6. D2 and D6 are as follows:

D2: WO 92/04801 A1; and

D6: IBM Technical Disclosure Bulletin, Vol.33, No.3B, August 1990, pages 116 to 118: J.M. DINWIDDIE et al.: "Combined-User Interface for Computers, Television, Video Recorders, and Telephone, etc."

VIII. Claim 1 according to the main (and sole) request reads as follows:

"A system comprising:  
a video display (20);  
a video signal tuner (11);  
a memory (22) that stores program related information comprising: program listings and additional information for a plurality of television programs;  
means (19, 22, 24, 30) for displaying a plurality of program listings of current programs, in a schedule area (46) of the video display;  
means (24, 28) for selectively marking a first program listing in the schedule area;  
means (19, 24, 30) for displaying substantially all of an image output by the video signal tuner corresponding to the marked first program listing in a video area (42) of the video display;

means for reproducing an audio output accompanying the image output by the video signal tuner; and means (19, 22, 24, 30) for displaying in a description area (44) of the video display, additional information related to the marked first program listing (48), wherein the additional information comprises information not in the first program listing, and wherein the plurality of program listings, the image output by the video signal tuner and the additional information are simultaneously displayed."

IX. The board's argumentation in the oral proceedings may be summarised as follows:

D2 shows in Figure 6 a system with program listings arranged as a guide in which the user may navigate using either a cursor or channel up/down keys. In the former (cursor) case, additional information (a program note) corresponding to the highlighted program (32 in Figure 6) may be overlaid.

D2 shows in Figures 9 and 10 a system in which program-related information is overlaid on the video program while watching television (i.e. while reproducing both audio and video content). Furthermore, D1 shows a system with a screen simultaneously displaying video and related text information (teletext) in non-overlapping areas. D6 also discloses a system, in which a screen displaying a schedule of pre-selectable stations, a selected station and a description are shown in windows.

In view of the problem to be solved of enhancing the program guide, it would have been obvious to complement the system of Figure 6 of D2 with the simultaneous display of the image of the related video signal.

- X. The argumentation by the appellant as regards inventive step starting from document D2 may be summarised as follows:

The system of D2 does not comprise means for displaying/reproducing the image/audio output of the signal tuner together with the interactive program guide, essentially because the guide of Figures 1 or 6 is separated from any real-time video program. It is also doubtful whether vertically grazing through the guide would cause the television tuner to change its frequency so as to follow the program marking. Furthermore the text information overlaid on the video program in Figures 9 and 10 of D2 is not interactive and cannot be selectively marked.

The problem solved by the invention may be seen as enhancing the prior-art system. The on-screen text information of D1 is not linked to the simultaneously displayed television program and it has nothing to do with selectively markable program listings. D6 relates to a portable touch pad for controlling a "unit", with a "screen". It is unclear whether the "screen" is in the "unit" or in the touch pad, or whether the "channels" are more than just icons shown on the touch pad in D6. D1, D2 and D6 constitute disparate pieces of prior art and do not render obvious the reproduction of a video program simultaneously with an associated program marked in the guide.

### **Reasons for the Decision**

1. The appeal is admissible.

2. Document D2 became relevant after the ground for refusal (lack of novelty, Article 52(1) and 54(3) EPC) had been overcome by amendment in the oral proceedings before the board. The board admitted the amendment to the appellant's case and raised the new objection regarding inventive step in the oral proceedings *inter alia* because D2 had been cited in communications by the examining division in this case.
  
3. Document D2 discloses a system with a video display (see for instance 210 in Figure 22A), a video signal tuner (202), a memory (232) storing program-related information comprising program listings and additional information for a plurality of television programs, means (grid 24 in Figure 6) for displaying a plurality of program listings of current programs in a schedule area of the video display, means for selectively marking a first program listing in the schedule area and means for displaying in a description area (program note overlay 52) additional information related to the marked first program listing (32), wherein the additional information comprises information not in the first program listing. This is not contested by the appellant.
  
4. The board agrees with the appellant in that the system of D2 does not disclose means for displaying substantially all of an image output by the video signal tuner corresponding to the marked first program listing in a video area of the video display and means for reproducing an audio output accompanying the image output by the video signal tuner, with the plurality of program listings, the image output and the additional information being simultaneously displayed. This facilitates channel grazing by allowing the user to observe on the screen (and hear) what program is being

received on the respective channels (see e.g. paragraphs [0004] and [0008] of the published application).

5. The board thus agrees with the appellant that the problem solved by those features may be formulated in general terms as enhancing the system of D2.
6. The solution according to claim 1 provides additional information in a video area in the shape of real-time video/audio content, associated with the marked program listing in the schedule area. In particular, this facilitates channel grazing in a "NOW" guide covered by claim 1 and shown in Figure 2 of the present application. Technically, this implies the television tuner (11 in Figure 1) being set to the channel frequency corresponding to the highlighted and currently broadcast program prior to displaying it in a video area which has to be arranged on the video display (see also paragraph [0008] in the published application).
7. In D2, the channel and the cursor highlights (56, 32) should preferably be moved in unison in the grid guide, so that a program note may be retrieved immediately. A channel up/down command causes the tuner to automatically change the channel with the highlighted program listing (and cursor in unison). In this context, changing the channel means that the tuner makes video, audio and metadata, such as teletext, available to the system. In the context of figure 6, this allows a corresponding program note to be displayed when a select key is pressed (see page 14, line 6 to page 15, line 7). Thus D2 links the setting of the tuner to marking or highlighting (32) a program



listing (see page 12, lines 33 to page 13, line 27 and page 13, lines 30 to 34).

The board thus does not share the appellant's doubts (see point X above) and is convinced that the teaching of D2 is consistent in describing the simultaneous effect of the program listing selection, the corresponding highlights (32, 56) and the corresponding tuner setting.

Thus the system of D2 preferably makes the video and audio signals of a currently broadcast television program automatically available when the corresponding program listing is marked in the grid guide of Figure 6. However, D2 does not disclose the further step of displaying that image (and audio) output by the tuner simultaneously with the program listings and the additional information.

8. This further step is however obvious for the following reasons. D2 aims to convey the most amount of information to the user in an easily understood manner, in particular using an interface with supplemental schedule information presented in an overlay (see page 3, lines 29 to 32 and page 4, lines 15 to 18). Ways of achieving this consist in the embodiments of Figures 9 and 10 of D2 in simultaneously displaying substantially all of the currently broadcast television program and related text information as overlay. The related information does not comprise multiple selectable items such as the program listings shown in Figure 6. However, in view of the general object mentioned in the introductory part of D2 and in view of the fact that setting the tuner to the corresponding frequency had already made available the currently broadcast television program, together with additional

information (displayable as a program note), the skilled person would also have envisaged displaying the television program simultaneously with the grid guide.

- 8.1 Furthermore, document D1 discloses a television receiver, where multiple information, *inter alia* a television program and related text information (teletext), is simultaneously displayed in different non-overlapping areas of the screen (see column 1, lines 17 to 21 and 45 to 50, and Figure 1). Document D6 discloses an interface for a television set, where a schedule, the program on a television channel and a description may be displayed in windows on a screen, with channels selected in the schedule window being displayable in the television window (see in particular the fourth paragraph on page 116, the paragraph bridging pages 116 and 117 and the first two paragraphs on page 118).
- 8.2 The board recognises that the content of the teletext information can be changed in D1 in response to user commands and that there is not necessarily a correspondence between a video program and a marked program listing within the meaning of the present invention. However, those further documents show that the basic idea of simultaneously displaying the image (and audio) output by the video signal tuner with program listings and additional information related to a marked program listing was a technical option to further enhance the entertainment system of D2. Neither does the present application, let alone claim 1, mention any particular technical feature that would be necessary to overcome an obstacle when implementing the system of claim 1.

8.3 In short, the system of claim 1 results from an obvious enhancement of the system known from D2, reproducing as supplemental information the video and audio content for the currently selected program, which content was already made available by automatically setting the tuner in D2.

8.4 In conclusion, the subject-matter of claim 1 does not involve an inventive step within the meaning of Article 56 EPC 1973. Thus the 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