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**Datasheet for the decision
of 20 January 2015**

Case Number: T 1854/10 - 3.5.04

Application Number: 08158966.5

Publication Number: 2023612

IPC: H04N5/268

Language of the proceedings: EN

Title of invention:

Bus identification circuit

Applicant:

Vestel Elektronik Sanayi ve Ticaret A.S.

Headword:

Relevant legal provisions:

RPBA Art. 13(1), 13(3)
EPC Art. 84

Keyword:

Claims - clarity (no)

Decisions cited:

Catchword:



Beschwerdekammern
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Case Number: T 1854/10 - 3.5.04

D E C I S I O N
of Technical Board of Appeal 3.5.04
of 20 January 2015

Appellant: Vestel Elektronik Sanayi ve Ticaret A.S.
(Applicant) Organize Sanayi Bölgesi
45030 Manisa (TR)

Representative: Cayli, Hülya
Paragon Consultancy Incorporated
Koza Sokak No: 63/2
GOP 06540 Ankara (TR)

Decision under appeal: **Decision of the Examining Division of the European Patent Office posted on 29 June 2010 refusing European patent application No. 08158966.5 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. 08158966.5 published as EP 2 023 612 A1.
- II. The application was refused on the ground that the subject-matter of claim 1 according to the sole request then on file did not involve an inventive step (Article 56 EPC).
- III. With the statement of grounds of appeal the appellant filed amended claims according to a main request and an auxiliary request, replacing the claims previously on file.
- IV. In a communication under Article 15(1) RPBA (Rules of Procedure of the Boards of Appeal, OJ EPO 2007, 536), annexed to the summons to oral proceedings, the board raised objections of added subject-matter (Article 123(2) EPC), insufficiency of disclosure (Article 83 EPC) and clarity (Article 84 EPC).
- V. With a letter of reply dated 19 December 2014, the appellant filed amended claims according to a main request and an auxiliary request, as well as amended description pages and drawings.
- VI. The board held oral proceedings on 20 January 2015. The appellant submitted several amendments in an attempt to overcome the board's objections. The appellant's final request was that the decision under appeal be set aside and that a patent be granted on the basis of claim 1 of the main request submitted during oral proceedings at 13.00 hours. At the end of the oral proceedings, the chairman announced the board's decision.

VII. Claim 1 according to the appellant's final request reads as follows:

"An apparatus for selecting one of two input signals, wherein said input signals are video and audio signals and said video and audio signals are provided to audio or video sink devices, as output signal by recognizing resistance of a sink device connectable to an output connector of the apparatus, comprising a single output line to reach a unique output connector where said two input signals are output **characterized in that** it comprises:

- an identification circuitry that detects resistance of sink device connected to said output connector and outputs one of said input signals, wherein said identification circuitry comprises
 - i. a driving transistor Q1, which generates a current level of which changes according to resistance of sink device connected to said output connector;
 - ii. a transistor M1, which connects said audio signals from an audio source to said output connector;
 - iii. a transistor M2, which connects video signals from a video source to said output connector;
 - iv. a current mirror, which mirrors said current to a transistor Q4, which controls state of transistor M1 according to mirrored current level, wherein said current mirror comprises a transistor Q2, which is connected to said driving transistor Q1, and a transistor Q3 which is connected to transistor Q4;

- v. at least one transistor Q5 which controls transistor M2 according to state of transistor Q4

wherein the sink device is an audio sink device if the resistance seen by the identification circuitry is over threshold resistance and an video sink device otherwise,

wherein said current, which passes through transistor Q1, defines said sink device and depending on the sink device said video source or said audio source is switched automatically."

- VIII. The appellant's arguments regarding the issues relevant to the present decision can be summarised as follows:

Admissibility of amended claim 1

Amended claim 1 according to the appellant's final request was filed during the oral proceedings in order to overcome objections under Article 84 EPC which had been raised by the board in its communication annexed to the summons to oral proceedings but became clear to the appellant only during the oral proceedings.

Hence the board should admit this amended claim into the appeal proceedings.

Clarity

Amended claim 1 overcame the objections of lack of clarity via, in particular, the following amendments:

- the specification that the two input signals are video and audio signals;
- the deletion of the video and audio buffers;

- the specification of the structure of the identification circuit in terms of the arrangement of its elements (transistors, current mirror,...); and
- the automatic selection of the input signal based on the comparison of the resistance of the sink device to a threshold resistance.

Reasons for the Decision

1. The appeal is admissible.

Admission of amended claim 1 according to the sole request

2. The board considered that amended claim 1 according to the appellant's sole request addressed objections under Article 84 EPC, raised in the board's communication annexed to the summons to oral proceedings, did not significantly increase the complexity of the subject-matter and could reasonably be expected to be dealt with by the board without adjournment of the oral proceedings. The board further took into account that some of these objections apparently only became clear to the appellant in the course of the discussions during the oral proceedings and that the amendments filed in response thereto were a fair attempt at overcoming these objections.

For the above reasons, the board exercised its discretion to admit amended claim 1 according to the sole request into the appeal proceedings, in accordance with the provisions of Article 13(1) and (3) RPBA.

Clarity - Article 84 EPC

3. In the board's view, claim 1 according to the appellant's sole request does not comply with the requirements of Article 84 EPC at least for the following reasons:

(a) Claim 1 states that the claimed apparatus comprises a "single output line to reach a unique output connector". The output line is not mentioned anywhere else in the claim and it is unclear how it is positioned relative to the other features of the apparatus and how it interacts with them. However, in figure 2, the automatic switching of one of the sources to the output connector (emitter of the driving transistor Q1) depends on a particular connection to the driving transistor Q1 via the single output line.

(b) Claim 1 states that the identification circuitry comprises "a current mirror, which mirrors said current to a transistor Q4 [...]". This feature, however, is not supported by the circuit shown in figure 2 (the sole alleged support for this feature in the description and drawings of the application), which shows the mirrored current (ie the current passing through transistor Q3) flowing through resistor R1 but not through transistor Q4, except in the situation where the mirrored current is high enough that some of it flows through the base-emitter junction of the transistor Q4.

(c) Feature (v) of claim 1 states that the identification circuitry comprises "at least one transistor Q5 which controls transistor M2 according to state of transistor Q4". This feature, however, does not specify that the respective outputs of transistors

Q4 and Q5 are in an inverse relationship. This missing feature is however essential in order to control transistors M1 and M2 so that only one of the audio input signal and the video input signal is selected at any given time. Hence, the unspecific formulation of feature (v) affects the clarity of the claimed subject-matter.

Conclusion

4. Since claim 1 does not meet the requirements of Article 84 EPC, the appellant's sole request cannot be allowed.

Order

For these reasons it is decided that:

The appeal is dismissed.

The Registrar:

The Chairman:



K. Boelicke

F. Edlinger

Decision electronically authenticated