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**Datasheet for the decision
of 17 July 2017**

Case Number: T 2357/11 - 3.5.04

Application Number: 07746298.4

Publication Number: 2022259

IPC: H04N5/445, H04N5/46, H04N7/01

Language of the proceedings: EN

Title of invention:
CONVERTING IMAGE FORMAT

Applicant:
LG Electronics Inc.

Headword:

Relevant legal provisions:
EPC 1973 Art. 56
EPC 1973 R. 71(2)
RPBA Art. 15(3), 15(5), 15(6)

Keyword:
Inventive step - (no)

Decisions cited:

Catchword:



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Case Number: T 2357/11 - 3.5.04

D E C I S I O N
of Technical Board of Appeal 3.5.04
of 17 July 2017

Appellant: LG Electronics Inc.
(Applicant) 20, Yoido-Dong
Yongdungpo-Gu
Seoul 150-721 (KR)

Representative: Cabinet Plasseraud
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Decision under appeal: Decision of the Examining Division of the
European Patent Office posted on 15 June 2011
refusing European patent application
No. 07746298.4 pursuant to Article 97(2) EPC.

Composition of the Board:

Chairman C. Kunzelmann
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. 07746298.4 published as international patent application WO 2007/126291 A1.
- II. In the decision under appeal the following documents were cited among others:
- D1: US 2005/0259752 A1,
D6: JP 2005-080049 A and
D7: US 2003/0197715 A1.
- III. The decision under appeal was based on the following grounds:
- Claim 1 according to both the main and the auxiliary request then on file did not meet the requirements under Article 84 EPC of clarity and support by the description;
 - When only the clear features were considered, the subject-matter of claims 1 and 13 according to both the main and the auxiliary request did not involve an inventive step (Article 56 EPC) over a combination of documents D1 and D7, as well as over a combination of documents D6 and D7; and
 - Claim 1 according to the auxiliary request did not meet the requirements of Article 83 EPC.
- IV. With its statement of grounds of appeal the appellant filed amended claims according to a single (main) request replacing all the previous claims on file. It requested that the decision under appeal be set aside and that a patent be granted on the basis of the set of claims filed with the statement of grounds of appeal.

As a precaution, the appellant also requested oral proceedings.

- V. 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 informed the appellant of its provisional opinion on the claims filed with the statement of grounds of appeal.

In the communication, the board noted that claim 1 appeared to meet the requirements of Article 84 EPC 1973, but claims 6, 12 and 16 did not.

The board also observed that, in its assessment of inventive step, the examining division had ignored the features of claim 1 of the then main request which it regarded as unclear; concerning the subject-matter consisting of only the clear features of claim 1, it had held document D1 to be the closest prior art.

The board also informed the appellant, however, that if all the features of claim 1 as filed with the statement of grounds of appeal were taken into consideration (including the features clarifying the features found to be unclear in the decision under appeal), D1 became of limited relevance to the claimed subject-matter. The board was thus introducing *ex officio* the following more relevant prior-art document into the appeal proceedings:

D8: WO 2005/122025 A2.

The board also explained why it considered the subject-matter of the claims filed with the statement of

grounds of appeal not to involve an inventive step (Article 56 EPC 1973) over document D8.

- VI. In a letter of reply dated 23 June 2017, the appellant stated that it was withdrawing its request for oral proceedings and that a decision could be delivered according to the state of the file. The appellant did not file any comments in reply to the board's communication.
- VII. On 6 July 2017, the appellant informed the board's registry by telephone that it would not be attending the oral proceedings.
- VIII. Oral proceedings were held on 17 July 2017. As it had announced, the duly summoned appellant did not attend.

At the oral proceedings, the chairman noted that the appellant had requested that the decision under appeal be set aside and that a patent be granted on the basis of the claims of the sole request filed with the statement of grounds of appeal.

At the end of the oral proceedings, the chairman announced the board's decision.

- IX. Claim 1 according to the appellant's sole request reads as follows:

"A broadcast receiver for converting an image format of video data comprising:
an external interface (121) for being coupled to an external device;
an image converter (126) for converting the image format according to at least one parameter;

an encoder (127) for encoding the format changed video data;
a file system converter (128) for changing the encoded video data into a file system supported by the external interface (121); and
a display (400) for displaying a preview window (410) providing an image of the format changed video data, wherein the image converter (126) adjusts an aspect ratio of the video data to an aspect ratio employed by the external device coupled to the external interface (121)."

Reasons for the Decision

1. The appeal is admissible.

Non-attendance of the appellant at the oral proceedings

2. The duly summoned appellant did not attend the oral proceedings. According to Rule 71(2) EPC 1973, the proceedings were allowed to continue in its absence, however. In accordance with Article 15(3) RPBA the board relied for its decision only on the appellant's written submissions. At the conclusion of the oral proceedings, the board was in a position to take a decision since the case was ready for decision (Article 15(5) and (6) RPBA), and the appellant's voluntary absence was not a reason for delaying the decision (Article 15(3) RPBA).

Inventive step (Article 56 EPC 1973)

3. The board considers document D8 to be the closest prior art for assessing whether the subject-matter of the present claims involves an inventive step. The

appellant has not disputed that D8 is the prior art on file that is closest to the subject-matter of claim 1.

4. D8 discloses a media broadcasting system comprising, among other things, a personal media broadcaster 100, a home internet gateway 110, local clients 150 and remote clients 170 (see figure 1).

The personal media broadcaster (hereinafter "PMB") receives audio/video ("A/V") content from a variety of A/V sources (120), encodes it and streams it via an external interface (home internet gateway 110) to an external device (local client 150 or remote client 170) where a user can view and/or listen to the content (see paragraph [0013]). The external device may be a mobile terminal such as a PDA, mobile phone, notebook computer or tablet (see, for instance, paragraph [0016], 1st sentence, and page 6, lines 9 to 12 and 18 to 22). The PMB comprises an image converter for converting the received image format according to one or more parameters such as resolution, frame rate or bit rate, in order to optimise the format for the capabilities of the external device (see paragraphs [0049] to [0055]). By adjusting the resolution to match that of the external device, the converter thus automatically also converts the aspect ratio of the image format to that of the external device display. The format-converted video data is then encoded, for instance in MPEG-4 (see paragraph [0033], 3rd sentence), and converted to a file format allowing it to be transmitted to the external device via the external interface, optionally after having been stored on the PMB as a file (see paragraph [0093]).

The broadcast receiver of claim 1 thus differs from the broadcast receiver of D8 (comprising the PMB 100 and

the home internet gateway 110) by the following feature:

(f) the broadcast receiver comprises a display for displaying a preview window providing an image of the format-changed video data.

5. The technical effect achieved by this feature is that the user gets a preview of how the video format will look on the external device.

The objective technical problem may thus be formulated as how to let the user see in advance how the video format will look on the external device.

6. According to D8 the user may manually select the encoder settings, such as the image resolution (see paragraph [0055]). Moreover, D8 states that the PMB may be incorporated into a set-top box (see page 10, lines 29 to 32). Since a set-top box is conventionally connected to a television screen (see also the reference to "local display and sound" in paragraph [0028], last sentence), it would be straightforward for the skilled person to give the user a preview of the selected format on the television screen. The television screen would be part of a broadcast receiver comprising the PMB 100, home internet gateway 110, set-top box and television screen.
7. The appellant did not submit any arguments on inventive step over prior-art document D8.
8. For the above reasons, the board holds that the subject-matter of claim 1 does not involve an inventive step over D8.

Conclusion

9. Since the subject-matter of claim 1 does not involve an inventive step (Article 56 EPC 1973), the appellant's sole request is not allowable and the appeal must therefore be dismissed.

Order

For these reasons it is decided that:

The appeal is dismissed.

The Registrar:

The Chairman:



K. Boelicke

C. Kunzelmann

Decision electronically authenticated