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**Datasheet for the decision
of 10 February 2022**

Case Number: T 1348/17 - 3.5.04

Application Number: 09704553.8

Publication Number: 2245851

IPC: H04N7/16, H04N5/00, G09G5/00

Language of the proceedings: EN

Title of invention:

A MEDIA PRESENTATION DEVICE FOR CONVERTING MEDIA SIGNALS BASED
ON STORED OUTPUT SETTINGS

Applicant:

ARRIS Enterprises LLC

Headword:

Relevant legal provisions:

EPC R. 115(2)
RPBA 2020 Art. 15(3), 15(6)
EPC Art. 52(1), 54(1), 56

Keyword:

Oral proceedings - held in absence of party
Main request and second auxiliary request - novelty (no)
First and third auxiliary requests - inventive step (no)

Decisions cited:

Catchword:



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Case Number: T 1348/17 - 3.5.04

D E C I S I O N
of Technical Board of Appeal 3.5.04
of 10 February 2022

Appellant: ARRIS Enterprises LLC
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Suwanee, GA 30024 (US)

Representative: Openshaw & Co.
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Decision under appeal: **Decision of the Examining Division of the
European Patent Office posted on 17 January 2017
refusing European patent application
No. 09704553.8 pursuant to Article 97(2) EPC.**

Composition of the Board:

Chair B. Willems
Members: B. Le Guen
T. Karamanli

Summary of Facts and Submissions

I. The appeal is against the decision to refuse European patent application No. 09 704 553.8.

II. The following prior-art documents were cited in the decision.

D1: US 2007/0274689 A1

D2: WO 2007/052205 A1

D3: US 2007/0280646 A1

Document D3 was introduced shortly before the first-instance oral proceedings *"as a further support of the division's arguments"* (see point 1.8 of the decision).

III. The application was refused on the grounds that the subject-matter of the independent claims of the main request and the first to third auxiliary requests then on file lacked inventive step (Article 56 EPC) in view of the combined disclosures of documents D1 and D2.

IV. The applicant ("appellant") filed notice of appeal. In its statement of grounds of appeal, it requested that the decision under appeal be set aside and provided arguments why the subject-matter of the claims of all requests on which the decision was based involved an inventive step. It also requested *"[a]s a precautionary measure, oral proceedings [...] should the Appeal Board intend to refuse the appeal"* (see page 6, last paragraph).

- V. On 4 December 2020, the board issued a summons to oral proceedings. In a communication under Article 15(1) of the Rules of Procedure of the Boards of Appeal 2020 ("RPBA 2020" - see OJ EPO 2019, A63), the board gave its preliminary opinion in which it raised for the first time the following objections based on document D3.
- (a) The subject-matter of claim 1 of the main request and the second auxiliary request was not new (Article 54(1) EPC) over the disclosure of document D3.
- (b) The subject-matter of claim 1 of the first and third auxiliary requests did not involve an inventive step (Article 56 EPC) in view of the disclosure of document D3 combined with the common general knowledge of the person skilled in the art.
- VI. By communication of the board's registrar dated 29 November 2021, the appellant was informed that the oral proceedings scheduled for 10 February 2022 would be held by videoconference.
- VII. The appellant did not reply in substance to the board's communication pursuant to Article 15(1) RPBA 2020. In a letter dated 8 February 2022, the appellant informed the board that it would not be attending the scheduled oral proceedings and requested that the oral proceedings be held in its absence.
- VIII. On 10 February 2022, the oral proceedings before the board were held by videoconference (Article 15a(1) RPBA 2020) in the appellant's absence.

The chair noted that, according to the file, the appellant had requested that the decision under appeal be set aside and that a European patent be granted on the basis of the claims of the main request on which the decision was based or, alternatively, on the basis of the claims of one of the first to third auxiliary requests on which the decision was based.

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

IX. Claim 1 of the **main request** reads as follows.

"A media presentation device for converting media signals based on stored output settings, the media presentation device comprising:

a sink-interaction port configured to at least partially receive device-specific information of a sink device in response to a connection of the sink device to the media presentation device and output converted signals;

a data storage device configured to store each of a plurality of device-specific information at least partially and, for each stored device-specific information, one or more output settings indicating one or more output formats of the converted signals that are supported by a receiving device; and

a processor configured to:

determine whether one of the plurality of stored device-specific information matches the received device-specific information of the sink device;

select at least one of the one or more output settings corresponding to the stored device-specific information that matches the received device-specific information of the sink device for use in converting the media signals to an output format supported by the sink device, wherein the media signals carry media content; and

detect a change by a user to override the selected output setting and save the output setting change in the data storage device."

- X. Claim 1 of the **first auxiliary request** reads as follows (features added to claim 1 of the **main request** are underlined).

"A media presentation device for converting media signals based on stored output settings, the media presentation device comprising:

a sink-interaction port configured to at least partially receive device-specific information of a sink device in response to a connection of the sink device to the media presentation device and output converted signals;

a data storage device configured to store each of a plurality of device-specific information at least partially and, for each stored device-specific information, one or more output settings indicating one or more output formats of the converted signals that are supported by a receiving device; and

a processor configured to:

determine whether one of the plurality of stored device-specific information matches the received device-specific information of the sink device;

select at least one of the one or more output settings corresponding to the stored device-specific information that matches the received device-specific information of the sink device for use in converting the media signals to an output format supported by the sink device, wherein the media signals carry media content; and

detect a change by a user to override the selected output setting and save the output setting change in the data storage device, the user change being inputted and detected at the sink device."

XI. Claim 1 of the **second auxiliary request** reads as follows.

"A media presentation device for converting media signals based on stored output settings, the media presentation device comprising:

a sink-interaction port configured to at least partially receive extended display identification data, EDID, of a sink device in response to a first connection of the sink device to the media presentation device;

a data storage device configured to store each of a plurality of EDIDs at least partially and, for each stored EDID, one or more output settings indicating one or more output formats of the converted signals that are supported by a receiving device having that EDID; and

a processor configured to:

determine whether one of the plurality of stored EDIDs matches the received EDID of the sink device;

select at least one of the one or more output settings corresponding to the stored EDID that matches the received EDID of the sink device; and

detect a change by a user to override the selected at least one output setting;

update the selected at least one output setting; and

store, in the data storage device, the updated at least one output setting associated with the stored EDID that matches the received EDID of the sink device; wherein

the data storage device is further configured to store, for the stored EDID that matches the received EDID of the sink device, the updated at least one output setting;

the sink-interaction port is further configured to at least partially receive the EDID of the sink device in response to a subsequent connection of the sink device to the media presentation device and output converted signals; and

the processor is further configured to:

responsive to determining that a stored EDID matches the EDID of the sink device received in

response to the subsequent connection of the sink device to the media presentation device, select the updated at least one output setting for the matching EDID for use in converting the media signals to an output format supported by the sink device, wherein the media signals carry media content."

XII. Claim 1 of the **third auxiliary request** reads as follows (features added to claim 1 of the **second auxiliary request** are underlined).

"A media presentation device for converting media signals based on stored output settings, the media presentation device comprising:

a sink-interaction port configured to at least partially receive extended display identification data, EDID, of a sink device in response to a first connection of the sink device to the media presentation device;

a data storage device configured to store each of a plurality of EDIDs at least partially and, for each stored EDID, one or more output settings indicating one or more output formats of the converted signals that are supported by a receiving device having that EDID; and

a processor configured to:

determine whether one of the plurality of stored EDIDs matches the received EDID of the sink device;

select at least one of the one or more output settings corresponding to the stored EDID that matches the received EDID of the sink device; and

detect a change by a user to override the selected at least one output setting, the user change being inputted and detected at the sink device;

update the selected at least one output setting; and

store, in the data storage device, the updated at least one output setting associated with the stored EDID that matches the received EDID of the sink device; wherein

the data storage device is further configured to store, for the stored EDID that matches the received EDID of the sink device, the updated at least one output setting;

the sink-interaction port is further configured to at least partially receive the EDID of the sink device in response to a subsequent connection of the sink device to the media presentation device and output converted signals; and

the processor is further configured to:

responsive to determining that a stored EDID matches the EDID of the sink device received in response to the subsequent connection of the sink device to the media presentation device, select the updated at least one output setting for the matching EDID for use in converting the media signals to an output format supported by the sink

device, wherein the media signals carry media content."

XIII. There is no argument on file from the appellant as to why the subject-matter of claim 1 of the main request and the second auxiliary request is new over the disclosure of document D3 and why the subject-matter of claim 1 of the first and third auxiliary requests involves an inventive step in view of the disclosure of document D3 combined with the common general knowledge of the person skilled in the art.

Reasons for the Decision

1. The appeal is admissible.
2. *Non-attendance of the appellant at the oral proceedings before the board*
 - 2.1 In accordance with Rule 115(2) EPC, if a party duly summoned to oral proceedings before the EPO does not appear as summoned, the proceedings may continue without that party. Pursuant to Article 15(3) RPBA 2020 (which is applicable in accordance with Article 25(1) RPBA 2020), the board is not obliged to delay any step in the proceedings, including its decision, by reason only of the absence at the oral proceedings of a duly summoned party, which may then be treated as relying only on its written case. In view of these provisions, a board has the discretionary power to hold the oral proceedings in the absence of a duly summoned party or to cancel oral proceedings. This is irrespective of whether the party requests that the oral proceedings be held in its absence.

2.2 In the case in hand, the appellant announced that it would not be attending the oral proceedings. The board considers that this statement is not equivalent to a withdrawal of the appellant's request for oral proceedings. Therefore, the board decided that it was appropriate to proceed by holding the oral proceedings, as scheduled, in the absence of the appellant. By not attending these oral proceedings, the appellant effectively chose not to avail itself of the opportunity to present its observations and counter-arguments orally but instead to rely on its written submissions. The board was in a position to announce a decision at the conclusion of the oral proceedings in accordance with Article 15(6) RPBA 2020, which applies in accordance with Article 25(1) RPBA 2020.

3. *Main request, novelty (Article 54(1) EPC)*

3.1 An invention is to be considered new if it does not form part of the state of the art (Article 54(1) EPC).

3.2 Document D3 discloses a media presentation device for converting media signals based on stored output settings (see paragraph [0015]: "*audio-video signal transmitting device includes ... a setting processing unit that extract a common format of the acquired formats of the audio/video data ... and an output signal processing unit that supplies the audio/video data ... in accordance with the extracted common format*"; see also Figure 1).

The media presentation device of D3 comprises the following means.

(a) A sink-interaction port configured to at least partially receive device-specific information of a

sink device in response to a connection of the sink device to the media presentation device (see paragraph [0044]: "*sink device*"; paragraph [0046]: "*a hot plug detection unit **211** that detects that a device ... has been connected or such a device is already connected, an EDID decode unit **212** that decodes individual identification data unique to individual output devices*"; see also paragraphs [0053], [0054] and [0061]) and output converted signals (see paragraph [0015]: "*audio-video signal transmitting device includes ... an output signal processing unit that supplies the audio/video data ... in accordance with the extracted common format*").

(b) A data storage device configured to store each of a plurality of device-specific information at least partially and, for the stored device-specific information, one or more output settings indicating one or more output formats of the converted signals that are supported by a receiving device (see paragraph [0053]: "*when two or more sink devices ... are detected*"; see further paragraphs [0055] and [0059]).

(c) A processor configured to:

- determine whether stored device-specific information matches the received device-specific information of the sink device (see paragraphs [0056] and [0062])
- select at least one of the one or more output settings corresponding to stored device-specific information that matches the received device-specific information of the sink device for use in

converting the media signals to an output format supported by the sink device (see paragraph [0057], second to fourth sentences and paragraph [0063], second sentence)

- detect a change by a user to override the selected output setting (see paragraph [0051]: "*It should be noted that the set value can be changed to '480p (525p)' if the user makes such a switching instruction*"; paragraph [0060] and paragraph [0064]: "*when there is only one device connected by HDMI, it is naturally that the 'output resolution (video specification)' and 'audio format (audio output specification)' to be output to the output signal processing unit **101** can be changed (switched) arbitrarily under the control of the user control unit **501** corresponding to the selection instruction (entry) from the key input unit **44** by the user*") and save the output setting change in the data storage device (see paragraphs [0059], [0065] and [0068]).

3.3 The board notes that paragraph [0029] of the application in hand specifies that "*the sink-interaction port 122 may be formed of two separate ports for performing the receipt of the EDID of the sink device 110 and output of the converted media signals, respectively*". Thus, for the examination of novelty, it is irrelevant whether different ports are used for receiving device-specific information and outputting the converted signals.

3.4 The appellant did not provide counter-arguments (see points VII. and XIII. above).

- 3.5 In view of the above, the board concludes that document D3 discloses all the features of claim 1 of the main request in combination. Therefore, the subject-matter of claim 1 of the main request is not new within the meaning of Article 54(1) EPC.
4. *First auxiliary request, inventive step (Article 56 EPC)*
- 4.1 Claim 1 of the first auxiliary request differs from claim 1 of the main request in that it specifies that when a change by a user is detected to override the selected output setting and save the output setting change in the data storage device, the user change is input and detected at the sink device (see point X. above).
- 4.2 Unlike document D1, document D3 discloses a processor configured to detect a change by a user to override the selected output setting and save the output setting change in the data storage device (see point 3.2(c) above, last item). This feature is the "gist" of the invention according to the appellant (see statement of grounds of appeal, page 2, second full paragraph to page 5, first paragraph). For this reason, the board considers document D3 a more promising starting point than document D1 for an obvious development leading to the claimed invention.
- 4.3 The media presentation device of claim 1 of the first auxiliary request solely differs from the device disclosed in document D3 in that the user change is input and detected at the sink device.
- 4.4 Thus, the objective technical problem can be formulated as finding an alternative to the "key entry unit 44" of

the audio-video signal transmitting device of document D3 (see paragraph [0041]) for changing the output setting (see point 3.2(c) above, last item).

4.5 The board notes that, in document D3, the sink device may be a TV monitor (see, for example, paragraph [0044] or paragraph [0048]). The audio/video signal transmitting device shown in Figure 1 (see reference sign 1) - also called a "*video/audio signal reproduction device (video recorder)*" in paragraph [0017] - resembles what is generally referred to as a "set-top box". A TV monitor connected to a set-top box represents a natural choice for implementing an interface for remotely changing settings of the set-top box. Thus, the person skilled in the art would have thought of enabling the user to remotely change the settings of the audio/video signal transmitting device by interacting with (one of) the TV monitors as an alternative interface to the "*key entry unit 44*".

4.6 The appellant did not provide counter-arguments (see points VII. and XIII. above).

4.7 In view of the above, the board concludes that the subject-matter of claim 1 of the first auxiliary request does not involve an inventive step within the meaning of Article 56 EPC.

5. *Second auxiliary request, novelty (Article 54(1) EPC)*

5.1 Claim 1 of the second auxiliary request differs from claim 1 of the main request in that it distinguishes between the two following situations.

(a) In response to a **first** connection of the sink device, the media presentation device receives

extended display identification data ("EDID") of the sink device. At least one or more stored output settings are selected if a match for the EDID is found. The selected output setting(s) is (are) overridden by a user and updated. The updated setting(s) is (are) stored in the data storage device.

(b) In response to a **subsequent** connection of the sink device, the media presentation device receives the EDID of the sink device and converts the media signals using the updated output setting(s).

5.2 These amendments do not result in any additional difference compared to the disclosure of document D3, for the following reasons.

5.2.1 Document D3 discloses using EDID as "device-specific information" (see, for instance, paragraphs [0046], [0053], [0054] and [0061]).

5.2.2 Paragraphs [0059] and [0068] teach saving the final output (transmission) setting selected during a first connection (following the algorithm of Figure 3) and reusing this setting directly in response to a subsequent connection.

5.3 The appellant did not provide counter-arguments (see points VII. and XIII. above).

5.4 In view of the above, the board concludes that document D3 discloses all the features of claim 1 of the second auxiliary request in combination. Therefore, the subject-matter of claim 1 is not new within the meaning of Article 54(1) EPC.

6. *Third auxiliary request, inventive step (Article 56 EPC)*

6.1 Claim 1 of the third auxiliary request differs from claim 1 of the main request in that it further specifies that the user change is input and detected at the sink device (see point XII. above).

6.2 For the reasons given under points 4.4 and 4.5 above, this feature is an obvious modification of the system disclosed in document D3 in view of the common general knowledge of the person skilled in the art.

6.3 The appellant did not provide counter-arguments (see points VII. and XIII. above).

6.4 Thus, the board concludes that the subject-matter of claim 1 of the third auxiliary request does not involve an inventive step within the meaning of Article 56 EPC.

7. *Conclusion*

Since none of the appellant's requests meets the requirements of Article 52(1) EPC, the appeal is to be dismissed.

Order

For these reasons it is decided that:

The appeal is dismissed.

The Registrar:

The Chair:



K. Boelicke

B. Willems

Decision electronically authenticated