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**Datasheet for the decision
of 20 May 2022**

Case Number: T 2388/18 - 3.5.03

Application Number: 15154661.1

Publication Number: 3024198

IPC: H04L29/08, G06F3/14, G09G5/14

Language of the proceedings: EN

Title of invention:
Display apparatus, video system, display method and projector

Applicant:
Delta Electronics, Inc.

Headword:
Display apparatus for teachers and students/DELTA

Relevant legal provisions:
EPC Art. 123(2)

Keyword:
Added subject-matter - (yes): unallowable intermediate
generalisation



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Case Number: T 2388/18 - 3.5.03

D E C I S I O N
of Technical Board of Appeal 3.5.03
of 20 May 2022

Appellant: Delta Electronics, Inc.
(Applicant) No. 252, Shanying Road
Guishan District
Taoyuan City 333 (TW)

Representative: D Young & Co LLP
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Decision under appeal: **Decision of the Examining Division of the
European Patent Office posted on 12 April 2018
refusing European patent application
No. 15154661.1 pursuant to Article 97(2) EPC.**

Composition of the Board:

Chair K. Bengi-Akyürek
Members: K. Schenkel
C. Heath

Summary of Facts and Submissions

I. This case concerns the appeal of the applicant against the decision of the examining division refusing the European patent application on the grounds of lack of inventive step (Article 56 EPC).

II. Oral proceedings were held before the board on 20 May 2022 by videoconference.

The appellant's final requests were that the appealed decision be set aside and that a patent be granted on the basis of the claims of the **main request** filed with the response to the board's communication issued under Article 15(1) RPBA 2020.

III. Claim 1 of the **main request** reads as follows (board's labelling):

- (a) "A display apparatus (100), comprising:
- (b) a display unit (110); and
- (c) a processing module (120) electrically connected with the display unit (110) and configured to establish a connection with a host terminal (140) according to a connection request outputted by the host terminal (140) and to establish a connection with a client terminal (130) according to a connection request outputted by the client terminal (130),
- (d) wherein the host terminal (140) and the client terminal (130) are separate terminals to the display apparatus (100) comprising the processing module (120);
- (e) the processing module (120) being configured to receive a first preview request outputted by the

host terminal (140) and output a second preview request to the client terminal (130) according to the first preview request (242),

- (f) the processing module (120) then transmitting preview data outputted by the client terminal (130) to the host terminal (140) (246) after transmitting the second preview request,
- (g) if the processing module (120) receiving a first display permission signal outputted by the host terminal (130) (250) for indicating agreement to the preview data, the processing module (120) being further configured to output a second display permission signal to the client terminal (130) according to the first display permission signal (252); and the processing module (120) controlling the display unit (110) to display an image corresponding to an image signal outputted by the client terminal (130) (256) after the second display permission signal is transmitted."

Reasons for the Decision

1. Technical background

The application refers to a video system including a display unit, a host terminal and a client terminal. The display unit can display video data from the client terminal under the control of the host terminal. In an example, the host terminal is operated by a teacher and the client terminal by a student (paragraphs [0012] to [0015] of the originally filed description).

2. Main request - added subject-matter (Article 123(2) EPC)
- 2.1 Feature (g) of claim 1 refers to the condition of receiving a "first display permission signal outputted by the host terminal for indicating agreement to the preview data" (underlining by the board).
- 2.2 The "first display permission signal" outputted by the host terminal is not further specified in the claims as originally filed. The only basis related to that *first display permission signal* and an agreement is found in the description as originally filed in paragraph [0029] which reads as follows (underlining by the board):

"[0029] According to another embodiment of the present disclosure, the host terminal 140a displays a preview image corresponding to the preview data 135 after receiving the preview data 135, and outputs the first display permission signal 165 to the display apparatus 100a according to a user command for the host terminal. Thereby, in the abovementioned embodiment, the teacher's personal computer (i.e., the host terminal 140a) displays a preview image (e.g., the desktop snapshot of the student's personal computer) corresponding to the preview data 135 after receiving the preview data 135. If the teacher agrees the student's personal computer (i.e., the client terminal 130a) to output the desktop snapshot of the student's personal computer to the display apparatus 100a after seeing the above mentioned preview image, the teacher could utilize a keyboard or a mouse of the host terminal 140a to generate a user command for the host terminal. The host terminal 140a could then output the first display permission signal 165

to the display apparatus 100a according to the abovementioned user command for the host terminal."

2.3 Whereas claim 1 leaves the origin of the agreement totally unspecified, i.e. it could be anyone's or anything's agreement, paragraph [0029] only provides a disclosure of an agreement of a "user" of the host terminal, namely the teacher. Moreover, paragraph [0029] includes further intermediate steps related to the generation of the *first display permission signal*, namely the host terminal displaying the preview image to its user and receiving a user command of the user. Claim 1, however, does not specify any of these features.

Yet, the aforementioned features are indeed intrinsically linked to the generation of the "first display permission signal" and the agreement expressed by it. In other words, the *first display permission signal* is only sent if there is a prior agreement by the "user of the host terminal", so the "teacher", according to paragraph [0029] of the original description. Adding the limitation "for indicating agreement to the preview data" without specifying the origin of the agreement and the aforementioned intermediate steps of its generation therefore amounts to an unallowable intermediate generalisation of the disclosure in paragraph [0029].

2.4 The appellant argued that paragraph [0029] described the system in more natural language rather than in a strict technical language. Further, as a basis for the disputed feature, it was pointed to paragraph [0041] and Fig. 4 to which paragraph [0042] refers.

In that regard, the board however holds that the disclosure of paragraph [0029] leaves no doubt as to the fact that the agreement, which can be attributed to the "first display permission signal", is a user's agreement and is dependent on a command generated by the user. As to paragraphs [0041] and [0042] alongside Fig. 4, it is further noted that they do not refer to an agreement and for this reason alone cannot provide a basis for the feature in question.

- 2.5 Consequently, the subject-matter of claim 1 of the main request contains added subject-matter, contrary to Article 123(2) EPC.
3. Since there is no allowable claim request on file, the appeal is to be dismissed.

Order

For these reasons it is decided that:

The appeal is dismissed.

The Registrar:

The Chair:



B. Brückner

K. Bengi-Akyürek

Decision electronically authenticated