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Datasheet for the decision of 17 January 2022

Case Number: T 1179/19 - 3.5.05

Application Number: 04714026.4

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Language of the proceedings: EN

Title of invention:
TRANSMITTER APPARATUS AND TRANSMITTING METHOD

Applicant:
Panasonic Intellectual Property Management Co., Ltd.

Headword:
Multimedia broadcasting and reception/PANASONIC

Relevant legal provisions:
EPC Art. 56

Keyword:
Inventive step - main request (yes)

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Case Number: T 1179/19 - 3.5.05

D E C I S I O N
of Technical Board of Appeal 3.5.05
of 17 January 2022

Appellant: (Applicant)	Panasonic Intellectual Property Management Co., Ltd. 7 OBP Panasonic Tower, 1-61, Shiromi 2-chome, Chuo-ku, Osaka-shi, Osaka 540-6207 (JP)
Representative:	Grünecker Patent- und Rechtsanwälte PartG mbB Leopoldstraße 4 80802 München (DE)
Decision under appeal:	**Decision of the Examining Division of the European Patent Office posted on 13 November 2018 refusing European patent application No. 04714026.4 pursuant to Article 97(2) EPC.**

Composition of the Board:

Chair	A. Ritzka
Members:	P. Cretaine
	D. Prietzel-Funk

Summary of Facts and Submissions

I. This appeal is against the examining division's decision, posted on 13 November 2018, refusing European patent application No. 04714026.4. A main request and auxiliary requests 1 and 2 were refused for lack of inventive step (Article 56 EPC) having regard to the disclosure of:

D2: US 6 412 008

II. The notice of appeal was received on 14 January 2019 and the appeal fee paid on the same date. The statement setting out the grounds of appeal was received on 7 March 2019. The appellant requested that the decision under appeal be set aside and that a patent be granted on the basis of the main request or auxiliary requests 1 and 2 on which the decision was based, i.e. on the basis of the claims of the main request, submitted by letter dated 10 August 2018, or of auxiliary requests 1 or 2, both submitted during the oral proceedings before the examining division. As an auxiliary measure, oral proceedings were requested.

III. A summons to oral proceedings was issued on 2 July 2021. In a communication pursuant to Article 15(1) RPBA sent on 17 November 2021, the board gave its preliminary opinion that the main request and auxiliary requests 1 and 2 lacked an inventive step (Article 56 EPC) over D2.

IV. With a letter dated 14 December 2021, the appellant provided further arguments in response to the board's preliminary assessment.

V. Oral proceedings were held on 17 January 2022. The appellant 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 by letter dated
10 August 2018, or of auxiliary requests 1 or 2, both submitted during the oral proceedings before the examining division. The board announced its decision at the end of the oral proceedings.

VI. Claim 1 of the main request reads as follows:

"A method for broadcasting content to a plurality of reception terminals (1303), comprising the steps of:
storing content and a plurality of program configuration information (105), wherein each of the plurality of program configuration information (105) includes layout information indicating which of a plurality of media including video, audio, text, and still image is to be displayed as program content and respective display positions of the plurality of media to be displayed on a screen of the plurality of reception terminals (1303); and
transmitting the content and the plurality of program configuration information (105) to the reception terminals (1303),
wherein, in the step of storing the plurality of program configuration information (105), the plurality of program configuration information (105) is associated with respective transmission bands, so that each of the reception terminals (1303) selects one of the received plurality of program configuration information (105) based on a transmission condition."

The main request includes further independent claims directed to a corresponding receiving method (claim 2),

a corresponding transmission apparatus (claim 6), a corresponding receiving apparatus (claim 7) and a corresponding broadcast system comprising a server and reception terminals (claim 9).

Due to the outcome of the appeal, there is no need to set out the claims of auxiliary requests 1 and 2.

Reasons for the Decision

1. Prior art

The decision is based on D2 as the closest prior-art document.

D2 discloses a method for distributing and customising files, in particular web pages, sent from a server to requesting client terminals (see the abstract), the customisation being used for specifying how each file is to be displayed at a terminal. The customisation task is distributed between the server and the requesting client terminals (see column 5, lines 18 to 20). The server-side customisation is based, *inter alia*, on personal and corporate requirements, user preferences and user constraints for each requesting client terminal (see column 7, lines 13 to 24). The client-side customisation is based, *inter alia*, on current conditions at the requesting client terminal (see column 2, lines 61 to 67; column 5, lines 11 to 15) or network traffic (see column 4, lines 47 to 50). The server-side customisation involves embedding return customisation information in a file sent to client terminals (see column 2, lines 56 to 59; column 5, lines 1 to 4). The server may also embed complexity information related to portions of the file (see column 6, lines 46 to 56). A client then decides whether or

not to display a particular portion of the file depending on its complexity level (see column 6, lines 56 to 58; column 9, lines 22 to 31).

2. Main request - inventive step

2.1 The following numbering of features of claim 1 proposed by the appellant will be used:

1. A method for broadcasting content to a plurality of reception terminals (1303), comprising the steps of:
1.1 storing content and a plurality of program configuration information (105),
1 1.1 wherein each of the plurality of program configuration information (105) includes layout information
1.1.2 indicating which of a plurality of media including video, audio, text, and still image is to be displayed as program content and
1.1.3 respective display positions of the plurality of media to be displayed on a screen of the plurality of reception terminals (1303); and
1.2 transmitting the content and the plurality of program configuration information (105) to the reception terminals (1303),
1.3 wherein, in the step of storing the plurality of program configuration information (105),
1.3.1 the plurality of program configuration information (105) is associated with respective transmission bands,
1.3.2 so that each of the reception terminals (1303) selects one of the received plurality of program configuration information (105) based on a transmission condition.

2.2 A main difference between the subject-matter of claim 1 and the disclosure of D2 is that claim 1 defines a method for broadcasting content whereas D2 relates to point-to-point content distribution. Feature 1 is thus not disclosed in D2. As a consequence, feature 1.2 is not disclosed in D2 either since an item of content and its related return customisation information, i.e. the plurality of program configuration information as defined in claim 1, are specific to a requesting client terminal and transmitted only to it.

Furthermore, features 1.1.2, 1.1.3, 1.3.1 and 1.3.2 are not disclosed in D2. In that respect, feature 1.1.2 requires the layout information included in the program configuration information sent by the server to indicate which content part is to be displayed and which is not. By contrast, D2 merely discloses that the client itself decides which portions will be displayed on the basis of complexity information related to various portions of the file received from the server (see column 6, lines 46 to 58). Moreover, D2 does not disclose that the return customisation sent by the server comprises layout information indicating display positions of the content parts on the screen of a terminal, as required by feature 1.1.3.

The board also agrees with the appellant that features 1.3.1 and 1.3.2 are not disclosed in D2. These features are related to associating the plurality of transmitted program configuration information with transmission bands, i.e. bandwidths, and the selection by each terminal of a received program configuration depending on a transmission condition, i.e. the bandwidth available at each terminal. In D2, bandwidth limitations are disclosed in respect of customisation in a single passage (see column 2, lines 25 to 28);

they are not disclosed in connection with either the client-side customisation or the complexity information on which the client-side customisation is based. Moreover, the current conditions at the client mentioned in D2 (see column 5, lines 13 to 15) are not disclosed as being represented by the complexity information sent by the server or as being sent by the server.

2.3 There are numerous technical effects of these distinguishing features. First, the terminals are not able to request content from the server, and in particular a customisation of the received content, since the same content associated with a plurality of program configuration information is sent to all terminals. However, bandwidth is saved by using a broadcasting service instead of a point-to-point delivery. Second, since the plurality of the program configuration information is associated with transmission bands, each terminal can directly select, depending on its own transmission condition, which program configuration information is suitable for its capacities and then display parts of the content in accordance with this selection. The processing resources needed at each terminal for this file customisation method are thus reduced with respect to the client-side customisation performed in D2.

It was thus common ground during the oral proceedings that, in that context, an objective technical problem could well be how to save bandwidth and client resources in a content delivery system.

Starting from D2, the skilled person could choose to use a broadcast scheme in order to save bandwidth. However, there is no hint in the prior art to design a

server-side customisation of files depending on transmission bands, as defined in claim 1. The appellant plausibly argued that the features of claim 1 allow the broadcasting server to prescribe the manner in which the content is displayed at each terminal in all transmission conditions, without any cognitive task being performed on the content at the terminals.

For these reasons, the subject-matter of claim 1 involves an inventive step (Article 56 EPC) having regard to D2. Independent claims 2, 6, 7 and 9 contain the same features as claim 1 but expressed in terms of a receiving method, a transmission apparatus, a reception apparatus and a broadcast system, respectively, and also meet the requirements of Article 56 EPC. Claims 3 to 5, 8 and 10 are dependent claims and, as such, also meet the requirements of Article 56 EPC.

Order

For these reasons it is decided that:

1. The decision under appeal is set aside.

2. The case is remitted to the examining division with the order to grant a patent on the basis of the following documents:
   - claims 1 to 10 of the main request submitted on 10 August 2018
   - description pages 1 to 47 as originally filed
   - Figures 1 to 22 of drawings sheets 1/20 to 20/20 as originally filed

The Registrar: The Chair:

K. Götz-Wein A. Ritzka

Decision electronically authenticated