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**Datasheet for the decision  
of 2 February 2022**

**Case Number:** T 1963/19 - 3.5.05

**Application Number:** 10816173.8

**Publication Number:** 2476040

**IPC:** G06F3/00, G06F17/30

**Language of the proceedings:** EN

**Title of invention:**

METHOD AND SYSTEM FOR SHARING DIGITAL MEDIA CONTENT

**Applicant:**

OpenTV, Inc.

**Headword:**

Sharing several media clips with another media player

**Relevant legal provisions:**

EPC Art. 56

**Keyword:**

Inventive step - (no)



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Case Number: T 1963/19 - 3.5.05

**D E C I S I O N**  
**of Technical Board of Appeal 3.5.05**  
**of 2 February 2022**

**Appellant:** OpenTV, Inc.  
(Applicant) 275 Sacramento Street  
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**Representative:** Ipside  
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**Decision under appeal:** **Decision of the Examining Division of the  
European Patent Office posted on 26 October 2018  
refusing European patent application No.  
10816173.8 pursuant to Article 97(2) EPC.**

**Composition of the Board:**

**Chair** A. Ritzka  
**Members:** P. Tabery  
E. Mille

## **Summary of Facts and Submissions**

- I. The appeal is directed against the examining division's decision to refuse the European patent application.
- II. The examining division decided that the application did not meet the requirements of Article 56 EPC.
- III. The documents referred to by the examining division included:
- D1** US 2008/313541;
- D2** WO 98/40831;
- D5** WO 2007/056532.
- IV. In its statement of grounds of appeal, the appellant (applicant) requested that the decision of the examining division be set aside and that a patent be granted on the basis of the claims of the main request or the auxiliary request; copies of both requests were submitted with the statement setting out the grounds of appeal. In the event that neither the main request nor the auxiliary request was found to be allowable, oral proceedings were requested.
- V. The board set out its preliminary opinion on the case (Article 15(1) RPBA 2020).
- The board considered that neither of the requests met the requirements of Articles 84, 123(2) or 56 EPC.
- VI. Oral proceedings were held on 2 February 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 or the auxiliary request.

VII. **Claim 1** of the **main request** includes the following features:

"A method comprising:

at a first media player device, receiving from a second media player device at least one waypoint pair and a content identifier, the waypoint pair consisting of a first waypoint defining a beginning point of a media clip and a second waypoint defining the ending point of the media clip, the first and second waypoints defining a portion of a media content identified by the content identifier, the content identifier identifying digital media content to which the waypoint pair relate;

displaying, on the first media player, a plurality of content sources from which the content identified by the content identifier can be requested, the plurality of content sources presented so as to indicate the content source identified by the content identifier;

receiving a user-selection of one content source from the plurality of displayed content sources; and communicating the waypoint pair, and the content identifier to a content source corresponding with the user-selection along with a content request;

receiving from the content source data representing a media clip extracted from the selection of digital media content identified by the content identifier in accordance with the waypoint pair; and

at the first media player device, receiving from the second media player device a second set of waypoint pair,

receiving from the content source data representing a first and a second media clip extracted from the selection of digital media content identified by the

content identifier in accordance with the waypoint pairs;

concatenating the first and second media clip at the content source; and

presenting the concatenation of the first and the second media clips at the first media player device on a graphical user interface module for enabling a user to concatenate various media clips in an order determined by the user with transitions selected by the user."

VIII. **Claim 1** of the **auxiliary request** differs from claim 1 of the main request in that the last feature reads as follows:

"presenting the concatenation of the first and the second media clips at the first media player device on a graphical user interface module for enabling a user to concatenate various media clips in an order determined by the user with transitions and special effects selected by the user."

### **Reasons for the Decision**

1. The present application concerns sharing several media clips of a media item with another media player.

2. Main request

Claim 1 of the main request differs from claim 1 of the main request considered in the decision under appeal in that the following feature has been appended to it:

"on a graphical user interface module for enabling a user to concatenate various media clips in an order determined by the user with transitions selected by the user"

2.1 Admission (Article 12(4) RPBA 2007)

The board considers that the appended feature constitutes an appropriate attempt to overcome the objection pursuant to Article 56 EPC that was raised in the impugned decision. The board therefore decides to admit the main request into the proceedings.

2.2 Distinguishing features (Article 54(1) EPC)

Largely in agreement with the examining division's analysis in the impugned decision, the board considers that document **D1** discloses the following features of **claim 1** (the references in parentheses are to that document; strike-through is used to mark features it does not disclose, while alternative features disclosed in it are underlined; the board has adopted the same labelling of the features as that used in the decision under appeal):

F1) A method comprising:

F2) at a first media player device ("*client 106*", see *fig. 1B and [0027]*), receiving from a second media player device ("*client 102*", see *fig. 1B and [0027]*) at least one waypoint pair and a content identifier, the waypoint pair consisting of a first waypoint defining a beginning point of a media clip ("*start time marker 206*", see *[0049]*) and a second waypoint defining the ending point of the media clip ("*end time marker 207*", see *[0049]*), the first and second waypoints defining a portion of a media content ("*portion of the media item*", see *[0049]*) identified by the content identifier, the content identifier identifying digital media content to which the waypoint pair relate ("*identification of the media item*", see *[0062]*)

F3) displaying, on the first media player, a ~~plurality of content sources~~ source from which the content identified by the content identifier can be

requested ("*link*", see [0005]), the ~~plurality of~~ content ~~sources~~ source presented so as to indicate the content source identified by the content identifier;

F4) receiving a user-selection of one content source ~~from the plurality of displayed content sources~~; and communicating the waypoint pair, and the content identifier to a content source ~~corresponding with the user-selection~~ along with a content request ("*selection [of the link] by the recipient*", see [0005]);

F5) receiving from the content source data representing a media clip extracted from the selection of digital media content identified by the content identifier in accordance with the waypoint pair (see [0006]); and

F6) ~~at the first media player device, receiving from the second media player device a second set of waypoint pair,~~

F7) ~~receiving from the content source data representing a first and a second media clip extracted from the selection of digital media content identified by the content identifier in accordance with the waypoint pairs;~~

F8) ~~concatenating the first and second media clip at the content source; and~~

F9) ~~presenting the concatenation of the first and the second media clips~~ clip at the first media player device on a graphical user interface module ("*playback of the video item on the recipient's device*", see [0005]) ~~for enabling a user to concatenate various media clips in an order determined by the user with transitions selected by the user.~~

### 2.3 Interpretation of claim 1

Feature F2) specifies "*at least one waypoint pair*", whereas feature F5) refers to "**the** *[single] waypoint pair*". Since a single "*first media clip*" is mentioned subsequently, the board considers that feature F2) should relate only to "*a [single] waypoint pair*". This interpretation has been assumed by the board.

Likewise, the board interprets the formulation "*a second **set of** waypoint pair*" used in feature F6) as relating only to "*a [single] second waypoint pair*".

Finally, to the benefit of the appellant, the board interprets feature F7) as relating to "*receiving ... data representing a concatenation of a first and a second media clip ...*", in line with feature F8).

#### 2.4 Inventive step (Article 56 EPC)

##### 2.4.1 The distinguishing features identified in the preceding section may be grouped as follows:

- 1) Document **D1** discloses one content source, rather than a plurality of content sources as claimed;
- 2) Feature F6) relates to receiving a second waypoint pair;
- 3) Features F7), F8) and the first part of feature F9) relate to concatenation at the source, and presentation of the concatenated media clip at the receiving media player;
- 4) The second part of feature F9) relates to properties of the (recipient's) media player device.

##### 2.4.2 These four different groups of distinguishing features do not cause a common synergetic effect, so the board holds that they constitute a mere juxtaposition of features. In particular, differences 3) and 4) relate



to properties of the transmitting and the receiving side respectively.

- 2.4.3 **Difference 1)** achieves the technical effect of having backup sources to access the media clip in case the transmission quality from the content primary source is insufficient.

The objective technical problem may thus be formulated as how to ensure that the content can still be accessed if the transmission quality from the primary content source is insufficient.

Mirror sites are sites which keep a copy of some or all files of the original site. Manually choosing a mirror site for retrieving digital multimedia data was a well-known design option before the priority date, see for example document **D2**, page 7, lines 19-28.

Thus, by combining what is known from document **D1** with what was well known, the skilled person would arrive at difference 1) without employing any inventive skill.

- 2.4.4 **Difference 2)** achieves the technical effect of sharing another passage of a media item.

The objective technical problem may thus be formulated as how to allow for sharing another passage of a media item.

Document **D1** already mentions that several segments may be marked by waypoint pairs (denoted "*time markers*" in **D1**) in a media item, see [0049]. This would have prompted the skilled person to consider the above problem, and would have suggested the solution of additionally sharing another waypoint pair. Hence, the skilled person would arrive at difference 2) without employing any inventive skill.

2.4.5 **Difference 3)** achieves the technical effect of avoiding unnecessary effort of "*fishing*" for the desired content in a media item.

The objective technical problem may thus be formulated as how to avoid unnecessary effort of "*fishing*" for the desired content in a media item.

When looking for a solution to this problem, the skilled person would have consulted document **D5**. Document **D5** is from the same field, namely playing video content on a user device, as document **D1** and is concerned with the problem mentioned above (see **D5**, page 20, lines 1-3). According to document **D5**, the problem is solved by merging content segments for playback into one file/stream, which is then provided to the client for playback (see page 19, lines 29-31). The merging of the segments is conducted at a different system ("*media merge module 900*", see fig. 7 and page 23, lines 17-25). The skilled person would recognise that this solution may be readily implemented in the system known from document **D1**. In this way, the skilled person would arrive at difference 3) without employing any inventive skill.

2.4.6 **Difference 4)** achieves the technical effect of allowing a user to manipulate media items.

The board notes that the second part of feature F9) is formulated as an apparatus feature ("*a graphical user interface module for enabling a user to concatenate various media clips in an order determined by the user with transitions selected by the user*") and is not linked to any of the preceding method steps.

Since it is commonly known, in the area of digital video processing as well, to concatenate media clips with transitions selected by a user, depending on the circumstances a skilled person would certainly consider

implementing corresponding functions in a media player. Therefore, the skilled person would arrive at difference 4) without employing any inventive skill.

2.4.7 Since all the juxtaposed differences are obvious, the board holds that the subject-matter of **claim 1 of the main request** is not inventive over the disclosure of document **D1**, in combination with the teaching of document **D5** and common general knowledge.

2.4.8 In the statement of grounds of appeal, the appellant argued that *"the underlying objective technical problem [was] to improve the quality of sharing media clips while using limited resources."* The appellant submitted that the user could rearrange the order of several media clips.

The board is not convinced by this argument. The alleged advantage cannot be derived from what is claimed, since - according to claim 1 - the user receives a single media item only, comprising the concatenation of two media clips. In order to be able to rearrange media items, the user would have to receive more than one media item.

2.4.9 During the oral proceedings, the appellant argued that the distinguishing features did not constitute a juxtaposition. Rather, all the differences related to the problem of how to rearrange the order of different media clips and how to improve the quality of sharing a plurality of media clips. Since document **D5** did not disclose any form of transition, the subject-matter of claim 1 was not obvious in view of the teaching of documents **D1** and **D5**.

The board holds that each group of distinguishing features relates to a distinct measure for improving the quality of sharing a plurality of media clips. Consequently, there is no synergistic effect going

beyond the sum of the separate effects. Therefore, the board is not convinced by this argument.

As to the appellant's argument regarding document **D5**, the board emphasises that it considers (see section 2.4.6 above) that transitions between media clips are commonly known. Thus, the skilled person would arrive at difference 4) even without transitions being disclosed in document **D5**. Therefore, the board is not convinced by this argument either.

2.5 In view of the above, the **main request** is not allowable.

3. Auxiliary request

In contrast to claim 1 of the main request, it is further specified - at the very end of claim 1 - that "*transitions and special effects [are] selected by the user.*"

3.1 Admission (Article 12(4) RPBA 2007)

The board considers that the amended feature constitutes an appropriate attempt to overcome the objection pursuant to Article 56 EPC that was raised in the impugned decision. The board therefore decides to admit the auxiliary request into the proceedings.

3.2 Inventive step (Article 56 EPC)

The amended feature relates only to difference 4). It does not affect the board's considerations with respect to the lack of a synergistic effect caused by the differences, as identified above.

The board holds that it is commonly known, in the area of digital video processing as well, to apply special effects selected by the user to media items. Hence, the board considers that even when the amended feature is included the skilled person would arrive at difference 4) without employing any inventive skill.

Therefore, the subject-matter of **claim 1 of the auxiliary request** is not inventive over the disclosure of document **D1**, in combination with the teaching of document **D5** and common general knowledge.

3.3 In view of the above, the **auxiliary request** is not allowable.

4. Consequently, the appeal is not allowable.

## Order

**For these reasons it is decided that:**

The appeal is dismissed.

The Registrar:

The Chair:



K. Götz-Wein

A. Ritzka

Decision electronically authenticated