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**Datasheet for the decision
of 24 June 2025**

Case Number: T 2021/23 - 3.5.04

Application Number: 18898883.6

Publication Number: 3739887

IPC: H04N19/86, H04N19/117,
H04N19/176, H04N19/136

Language of the proceedings: EN

Title of invention:

ENCODING METHOD AND APPARATUS THEREFOR, AND DECODING METHOD
AND APPARATUS THEREFOR

Applicant:

Samsung Electronics Co., Ltd.

Headword:

Relevant legal provisions:

RPBA 2020 Art. 13(2)
EPC Art. 123(2)

Keyword:

Amendment after notification of Art. 15(1) RPBA communication
- exceptional circumstances (yes)
Sole request - added subject-matter (yes)



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Case Number: T 2021/23 - 3.5.04

D E C I S I O N
of Technical Board of Appeal 3.5.04
of 24 June 2025

Appellant: Samsung Electronics Co., Ltd.
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Representative: Appleyard Lees IP LLP
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Decision under appeal: **Decision of the Examining Division of the
European Patent Office posted on 2 June 2023
refusing European patent application
No. 18898883.6 pursuant to Article 97(2) EPC.**

Composition of the Board:

Chair B. Willems
Members: F. Sanahuja
G. Decker

Summary of Facts and Submissions

- I. The appeal is against the examining division's decision to refuse European patent application No. 18 898 883.6.
- II. The application was refused on the following grounds.
 - The main request was not admitted into the examination proceedings under Rule 137(3) EPC because it did not comply with the requirements of Rule 137(5) EPC.
 - The subject-matter of claim 1 of the auxiliary request contained subject-matter which extended beyond the content of the application as filed (Article 123(2) EPC).
- III. The applicant (appellant) filed notice of appeal. With its statement of grounds of appeal, the appellant requested that a patent be granted on the basis of the claims of the auxiliary request underlying the decision under appeal and provided arguments why claim 1 of that request met the requirements of Article 123(2) EPC.
- IV. The appellant was summoned to oral proceedings. In a communication under Article 15(1) RPBA, the board gave, *inter alia*, the preliminary opinion that the range relationship between upper and lower range values of a horizontal boundary specified in claim 1 was not directly and unambiguously derivable from the application as filed (Article 123(2) EPC).
- V. With its letter dated 20 May 2025, the appellant filed an amended claim request and reasoned that the sole

claim of the request met the requirements of Article 123(2) EPC.

VI. The appellant requested that the decision under appeal be set aside and that a European patent be granted on the basis of the claim of the sole request filed by letter dated 20 May 2025.

VII. Claim 1 of the sole request reads as follows:

"A video decoding method, the method comprising:

if a boundary between a first block and a second block is a horizontal boundary for deblocking-filtering and a size of the first block and a size of the second block are equal to or greater than a predetermined size, determining a first range in an upper side of the horizontal boundary to be a first value and a second range in a lower side of the horizontal boundary to be a second value;

if at least one of the size of the first block and the size of the second block is less than the predetermined size, determining both the first range and the second range to be less than the second value; and

obtaining filtered values of samples corresponding to the first range and the second range by performing the deblocking-filtering,

wherein the first value is less than the second value,

wherein filter coefficients of the deblocking-filtering are set differently according to a position of a sample to be filtered,

wherein the first range indicates a sample unit distance in a vertical direction to be deblocking-filtered among a plurality of samples included in the first block, and

wherein the second range indicates a sample unit distance in the vertical direction to be deblocking-filtered among a plurality of samples included in the second block."

Reasons for the Decision

1. *The invention*

The invention relates to a method for applying a deblocking filter to a horizontal boundary between a first and a second block. The method obtains filtered samples corresponding to a first range on the upper side of the boundary and a second range on the lower side, with the first range being smaller than the second.

2. *Sole request - admittance (Article 13(2) RPBA)*

2.1 In its communication under Article 15(1) RPBA, the board raised, for the first time, objections under Article 123(2) EPC. The appellant's sole request, filed in response to the board's communication, aims to overcome these objections. The board accepts that this constitutes exceptional circumstances within the meaning of Article 13(2) RPBA and therefore takes the sole request into account.

3. *Sole request - amendments (Article 123(2) EPC)*

3.1 The European patent application may not be amended in such a way that it contains subject-matter which extends beyond the content of the application as filed (Article 123(2) EPC).

In line with the consistent interpretation of Article 123(2) EPC in the case law, an amendment can only be made within the limits of what the person skilled in the art would derive directly and unambiguously, using common general knowledge, and seen objectively and relative to the date of filing, from the whole disclosure of the description, claims and drawings of the application as filed (see Case Law of the Boards of Appeal of the European Patent Office, 10th edition, 2022, II.E.1.1).

3.2 Claim 1 specifies "*obtaining filtered values of samples corresponding to the first range [on an upper side of the horizontal boundary] and the second range [on a lower side of the horizontal boundary] by performing the deblocking-filtering*" and that "*the first value [corresponding to the first range] is less than the second value [corresponding to the second range]*".

3.2.1 However, the application as filed does not provide a basis for applying the third deblocking filter to any first and second ranges on the upper and lower sides of the horizontal boundary that meet the claimed broad relationship. Rather, it discloses applying the third deblocking filter to specific first and second range values (see paragraphs [00276], [00281] and [00298] to [00309]).

3.2.2 The appellant argued that paragraph [00259] of the application as filed disclosed applying the third deblocking filter "*within a certain pixel unit among a 5-pixel unit to an 8-pixel unit*", "*[f]or example ... within the 7-pixel unit*", and that the "*[t]arget pixel to which the third deblocking filter is applied may be set differently*". The application as filed did not limit in any way the number of pixels to which the filter was applied. Furthermore, since the 7-pixel range in paragraph [00259] was an example, the disclosure of paragraph [00281] - applying the third deblocking filter to a specific range on the upper side - should also be construed as illustrative (see pages 4 and 5 of the letter dated 20 May 2025).

The board is not convinced by these arguments. The person skilled in the art would have understood that the disclosure of paragraph [00259] relates to equal ranges for the upper and lower sides of the horizontal boundary given that this is the context of the disclosure and that the problem of using large ranges in deblocking filtering is first introduced in paragraph [00275].

Claim 1, however, specifies applying the third deblocking filter to different upper and lower ranges, with the upper range being smaller than the lower range. There is no disclosure in the application as filed for applying the third deblocking filter to any upper and lower range characterised by this relationship. The application provides a single, concrete example applying the third deblocking filter to specific upper and lower ranges (see paragraphs [00276], [00281] and [00298] to [00309]). Such an example, by itself, cannot provide a basis for the

generalisation to any combination of upper and lower ranges characterised only by the claimed relationship.

Furthermore, the board cannot accept the argument that the disclosure of the upper range in paragraph [00281] should be interpreted as an example merely because it uses the same value for the lower range as the example in paragraph [00259]. The use of the same value in two distinct parts of the description does not necessarily imply that features disclosed in one context are directly and unambiguously disclosed in the other.

- 3.2.3 The appellant also submitted that the description as filed disclosed the technical problem of reducing the size of the memory for storing the upper neighbouring samples of the horizontal boundary and the technical solution of reducing the number of samples to be filtered on the upper side of the horizontal boundary. Therefore, the feature of determining an upper side range to be deblocking-filtered to be less than a lower side range to be deblocking-filtered was clearly and unambiguously implied by the original description. The appellant also argued that an amendment did not require literal support in the application as filed (see pages 5 and 6 of the letter dated 20 May 2025).

The board does not accept the appellant's argument for the following reasons.

The identification of a problem may inform the person skilled in the art of what the invention seeks to achieve, but this does not provide a sufficient basis for specific claim features unless those features are clearly and unambiguously derivable from the application as filed. In the current case, although the description identifies the technical requirement of a

large storage space for samples adjacent to an upper side of the horizontal boundary (see paragraph [00275]) and suggests a solution, this solution - with its defined upper and lower range values (see paragraphs [00276], [00281] and [00298] to [00309]) - does not directly and unambiguously disclose any combination of upper and lower range values that merely satisfy the claimed relationship.

While an amendment may not require literal support, it must be directly and unambiguously derivable from the application as filed. The board does not accept that the claimed range relationship between upper and lower range values is implied by the description as filed. The formulation of the problem does not inevitably lead to the claimed solution in this case and, for the reasons set out above, the person skilled in the art would not have directly and unambiguously derived the claimed range relationship from the sole disclosed example in the application.

3.2.4 Accordingly, the claimed range relationship goes beyond the limits of what the person skilled in the art would have objectively understood to be a direct and unambiguous consequence of the single disclosure of range values.

3.3 In light of the above, the board finds that claim 1 contains subject-matter which extends beyond the content of the application as filed (Article 123(2) EPC).

4. *Conclusion*

Since claim 1 of the sole request contains subject-matter which extends beyond the content of the

application as filed (Article 123(2) 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