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**Datasheet for the decision
of 22 October 2025**

Case Number: T 0591/24 - 3.5.04

Application Number: 19202786.0

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Title of invention:
TELEVISION USER INTERFACE

Applicant:
Sky CP Limited

Headword:

Relevant legal provisions:
EPC Art. 56

Keyword:
Main request and first and second auxiliary requests -
inventive step (no)

Decisions cited:

Catchword:



Beschwerdekammern
Boards of Appeal
Chambres de recours

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Case Number: T 0591/24 - 3.5.04

D E C I S I O N
of Technical Board of Appeal 3.5.04
of 22 October 2025

Appellant: Sky CP Limited
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Representative: Cross, James Peter Archibald
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Decision under appeal: **Decision of the Examining Division of the
European Patent Office posted on 2 November 2023
refusing European patent application
No. 19202786.0 pursuant to Article 97(2) EPC.**

Composition of the Board:

Chairwoman B. Willems
Members: F. Sanahuja
W. Ungler

Summary of Facts and Submissions

- I. The appeal is against the examining division's decision to refuse European patent application No. 19 202 786.0.
- II. The documents cited in the decision under appeal included the following:

D2 US 2005/0015804 A1
- III. The application was refused on the grounds that the subject-matter of claims 1 and 6 to 8 of the main request and claim 1 of the auxiliary request did not involve an inventive step (Article 56 EPC).
- IV. The applicant (appellant) filed notice of appeal. With its statement of grounds of appeal, the appellant maintained the main request and the auxiliary request (hereinafter referred to as the first auxiliary request) that had formed the basis of the decision under appeal and provided arguments as to why the claims of these requests met the requirements of Article 56 EPC.
- V. The appellant was summoned to oral proceedings. In a communication under Article 15(1) RPBA, the board gave the preliminary opinion that the subject-matter of claim 1 of the main request and the first auxiliary request lacked inventive step (Article 56 EPC).
- VI. With its letter dated 3 September 2025, the appellant filed an amended set of claims of a second auxiliary request and provided reasons as to why this request was to be admitted into the proceedings. The appellant

indicated a basis for the amendments in the application as filed and submitted arguments to support its opinion that the claims of all the requests met the requirements of Article 56 EPC.

VII. The appellant requested that the decision under appeal be set aside and that a patent be granted on the basis of the claims according to the main request that had formed the basis of the decision under appeal or, alternatively, the first auxiliary request which had formed the basis of the decision under appeal, or the second auxiliary request filed by letter of 3 September 2025.

VIII. Claim 1 of the **main request** reads as follows:

"A method of providing an interactive user interface for a television display, responsive to a user-operated remote control (28), the method comprising displaying a plurality of programme items in a two-dimensional grid (176) in which programme items are arranged horizontally by broadcast time and vertically by channel, together with a position indicator (S); characterised in that the grid (176) scrolls in a horizontal direction, while maintaining the position indicator (S) at a fixed horizontal position (LR) relative to the display, in response to a horizontal direction command from the user, until the scrolling of the grid (176) reaches a time boundary of the programme items, where the position indicator (S) is enabled to move in said horizontal direction in order to reach a programme item past the fixed horizontal position (LR)."

IX. Claim 1 of the **first auxiliary request** differs from claim 1 of the main request in that the following

phrase has been amended as follows (additions underlined and deletions ~~struck through~~):

"where the user is enabled to scroll the position indicator (S) ~~is enabled to move in said horizontal direction in order to reach a programme item past the fixed horizontal position (LR).~~"

- X. Claim 1 of the **second auxiliary request** differs from claim 1 of the first auxiliary request in that the following phrases have been amended as follows (additions underlined and deletions ~~struck through~~):

"A method of providing an interactive ~~user interface~~ electronic programme guide for a television display"

"together with a position indicator (S) that highlights a selected one of the programme items, allowing the user to select that programme item for viewing and/or recording;"

Reasons for the Decision

1. *The invention*

The invention relates to a method of providing an interactive user interface for a television display. Programme items are arranged horizontally by broadcast time and vertically by channel in a two-dimensional grid together with a position indicator.

A user may change the position indicator in the grid by inputting a horizontal direction command. In response to the command, the grid scrolls in a horizontal direction while the position indicator remains in a

fixed horizontal position relative to the display. Should the scrolling of the grid reach a time boundary, for example, the end of available programme data, the position indicator may scroll in the horizontal direction to reach a programme item past the fixed horizontal position.

2. *Main request and first auxiliary request - inventive step (Article 56 EPC)*

2.1 An invention is to be considered to involve an inventive step if, having regard to the state of the art, it is not obvious to a person skilled in the art (Article 56 EPC).

In the following, the board applies the "problem-solution approach" to assess whether the subject-matter of the claims involves an inventive step (see Case Law of the Boards of Appeal of the European Patent Office, 11th edition, 2025, "Case Law", I.D.2). The problem-solution approach consists of the following stages:

- (a) determining the "closest prior art",
- (b) assessing the technical results (or effects) achieved by the claimed invention when compared with the "closest state of the art" determined,
- (c) defining the technical problem to be solved, the object of the invention being to achieve said results; and
- (d) considering whether or not the claimed solution, starting from the closest prior art and

the objective technical problem, would have been obvious to the skilled person.

2.2 The examining division identified document D2 as the closest prior art for the assessment of inventive step of the subject-matter of claim 1 (see point 11.1 of the decision under appeal). The appellant did not dispute this and the board agrees with the examining division.

2.3 It is undisputed that document D2 discloses an interactive programme guide, i.e. a user interface for a television display, in the form of a two-dimensional grid in which programme items are arranged horizontally by broadcast time and channels are arranged vertically as rows (see paragraphs [0121] and [0122]). A cursor is used to highlight a programme cell and select it for viewing (see paragraphs [0123] and [0128]). Grid cells scroll according to user commands, whereas the cursor does not move within the grid (see paragraph [0124]).

2.4 The board agrees with the appellant that document D2 does not disclose the condition for changing the scrolling strategy specified in claim 1 (see point 1.3 of the statement of grounds of appeal). Accordingly, the subject-matter of claim 1 differs from the disclosure of document D2 in that the grid scrolls in a horizontal direction:

"until the scrolling of the grid (176) reaches a time boundary of the programme items, where the position indicator (S) is enabled to move in said horizontal direction in order to reach a programme item past the fixed horizontal position (LR)".

2.5 According to the appellant, in the interactive programme guide disclosed in document D2, the screen

area to the right of the selected programme cell could not be used to display programme items after the time boundary of programme items had been reached. Consequently, the number of programme items displayed to the user was reduced (see point 1.7 of the statement of grounds of appeal).

2.5.1 In the decision under appeal, the objective technical problem starting from document D2 concerned how scrolling should be performed when reaching a time boundary of programme items; however, since document D2 did not disclose identifying said boundary, the person skilled in the art would not have been aware of this problem (see point 1.6 of the statement of grounds of appeal).

2.5.2 The decision under appeal did not address why the person skilled in the art would have arrived at the selection of a scrolling mode that depended on whether a time boundary of the programme items had been reached. Furthermore, the disclosure of document D2 did not consider an alternative scrolling mechanism for reaching a programme item without moving a selected grid cell from the middle of the screen (see points 1.4 to 1.6 of the statement of grounds of appeal).

2.5.3 The appellant submitted that the problem concerned the technical limitations of screen size, the limitations on available programme items and their effect on the number of programme items that could be presented to a user for selection in an interactive user interface. Hence, both the technical problem and the solution were technical. Furthermore, neither of them depended on the information content of the programme items, nor on the

user's subjective preferences or aesthetic requirements (see point 1.10 of the statement of grounds of appeal).

2.6 For the sake of argument, the board considers it expedient to accept that the distinguishing feature avoids reducing the number of displayed programs at the end of available programme data, thereby allowing the full area reserved for displaying programme items to be used for a technical purpose, as suggested by the appellant (see e.g. points 1.7, 1.8 and 1.10 of the statement of grounds of appeal).

2.7 In such a case, the problem to be solved can be formulated in terms of maximising the number of programme items displayed to the user of the interactive programme guide disclosed in document D2 (see point 2.5 above).

2.7.1 The appellant submitted that such an objective technical problem was not suggested by document D2 and was formulated with knowledge of the invention (see section 5 of the letter dated 3 September 2025). The appellant further argued that the invention was based on the recognition of the problem.

2.7.2 The board notes that the problem-solution approach requires the technical effect(s) achieved by the invention when compared with the closest prior art to be identified, i.e. those of the distinguishing feature(s) (see point 2.1 above). It is thus inconsequential whether the problem was suggested by document D2. Furthermore, the objective technical problem is precisely formulated based on the technical effect achieved by the distinguishing feature of the invention. Therefore, recourse to the disclosure of the invention is a necessary step to identify these

effects, and this does not constitute impermissible hindsight.

- 2.7.3 Moreover, posing a new problem did not represent a contribution to the inventive merits of the solution if it could have been posed by a person of average skill in the art. It also had to be taken into consideration that it was the normal task of the skilled person to be constantly occupied with the elimination of deficiencies, the overcoming of drawbacks and the achievement of improvements of known devices and/or products (see Case Law, I.D.9.12).

Indeed, the person skilled in the art, starting from document D2, would readily recognise that when the two-dimensional grid scrolls to the end of available programme data, i.e. a time boundary, the portion of the screen corresponding to a time frame beyond that boundary would remain empty, as no further programme items are available. Consequently, the problem of maximising the use of screen space for programme items when reaching this time boundary may be regarded as an improvement that could have been posed by a person of average skill in the art.

- 2.7.4 The appellant argued that the fact that scrolling the position indicator within the grid was known per se did not render obvious the claimed method of switching between grid and position indicator scrolling when a time boundary was reached. The appellant noted that none of the cited prior-art documents disclosed or suggested switching between scrolling modes (see section 5 of the letter dated 3 September 2025). It also submitted that the person skilled in the art setting out to maximise the number of programme items displayed to the user would have considered

substituting the grid scrolling known from document D2 with the customary cursor movement from the outset.

2.7.5 The board is of the opinion that an obvious strategy for addressing the problem of maximising the use of screen space for programme items and ensuring that all available programme items (up to the time boundary) can be accessed and selected is to switch between grid and position indicator scrolling at the time boundary. The combination of these known modes and the switching at the time boundary is the direct consequence of aiming to maximise the use of interactive screen space for programme items while largely preserving the navigation approach in document D2. The board is not convinced that the person skilled in the art would have substituted the grid scrolling known from document D2 with scrolling of the position indicator from the outset. User preferences may have dictated largely preserving the navigation approach in document D2. It would have therefore been obvious for the person skilled in the art to halt the scrolling of the two-dimensional grid at the end of the available programme data and to then enable the known and customary scrolling of the position indicator within the grid to reach programme items at that boundary.

2.8 In view of the above, the subject-matter of claim 1 of both the main request and the first auxiliary request lacks inventive step over the disclosure of document D2 combined with the common general knowledge of the person skilled in the art (Article 56 EPC).

3. *Second auxiliary request - admittance and inventive step (Article 56 EPC)*

3.1 The board admits the second auxiliary request into the appeal proceedings. In view of the fact that admitting the second auxiliary request is beneficial to the appellant, it is not necessary to provide reasons for this decision.

3.2 However, as concluded in the assessment of inventive step for the main request and first auxiliary request in section 2. above, even when interpreting the purpose of the method in claim 1 of the first auxiliary request as that of enabling the user to select a programme for viewing, such subject-matter does not involve an inventive step. The subject-matter of claim 1 of the second auxiliary request, which explicitly incorporates this purpose, therefore does not involve an inventive step for the reasons set out for claim 1 of the first auxiliary request (Article 56 EPC).

4. *Conclusion*

Since claim 1 of each of the requests does not involve an inventive step (Article 56 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