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**Datasheet for the decision
of 8 January 2026**

Case Number: T 0717/25 - 3.5.04

Application Number: 19190930.8

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IPC: H04N21/4363, H04N21/41,
H04N21/414, H04N21/4402,
H04N21/24, H04N21/637

Language of the proceedings: EN

Title of invention:

IMAGE PROCESSING DEVICE, IMAGE REPRODUCTION DEVICE, AND IMAGE
REPRODUCTION SYSTEM

Applicant:

Sony Group Corporation

Headword:

Relevant legal provisions:

EPC Art. 54(1), 111(1)
RPBA 2020 Art. 11

Keyword:

Claim interpretation
Novelty
Remittal to the department of first instance

Decisions cited:

Catchword:



Beschwerdekammern
Boards of Appeal
Chambres de recours

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Case Number: T 0717/25 - 3.5.04

D E C I S I O N
of Technical Board of Appeal 3.5.04
of 8 January 2026

Appellant: Sony Group Corporation
(Applicant) 1-7-1 Konan
Minato-ku
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Decision under appeal: **Decision of the Examining Division of the
European Patent Office posted on 6 December 2024
refusing European patent application
No. 19190930.8 pursuant to Article 97(2) EPC.**

Composition of the Board:

Chair A. Seeger
Members: B. Le Guen
W. Ungler

Summary of Facts and Submissions

- I. The appeal is against the examining division's decision to refuse European patent application No. 19 190 930.8, a divisional application of third generation of the earlier patent application No. 11 191 527.8.
- II. The prior-art documents cited in the decision under appeal included document D1 (EP 1 233 622 A2).
- III. The decision under appeal was based on the grounds that the subject-matter of claim 1 of the main request then on file was not new in view of the disclosure of document D1 (Articles 52(1) and 54(1) EPC) and that claim 1 of the first and second auxiliary requests then on file contained subject-matter extending beyond the content of the earlier application as filed (Article 76(1) EPC).
- IV. The applicant (appellant) filed notice of appeal. In the statement of grounds of appeal, the appellant submitted that the claims of its main request and its fourth auxiliary request corresponded to those of the main and second auxiliary requests on which the decision under appeal was based, respectively. It also filed claims of first to third auxiliary requests and submitted reasons why these requests should be admitted into the appeal proceedings. The appellant indicated a basis for the amendments in the application as filed and provided arguments as to why the subject-matter of claim 1 of all requests was new and involved an inventive step and why claim 1 of the fourth auxiliary request met the requirements of Article 76(1) EPC.

- V. The appellant was summoned to oral proceedings. In a communication pursuant to Article 15(1) RPBA, the board explained why it was minded to set aside the decision under appeal and remit the case to the examining division for further prosecution.
- VI. The appellant agreed in writing to the remittal of the case to the examining division, and the oral proceedings were cancelled.
- VII. It follows from the file that the appellant's final requests are that the decision under appeal be set aside and that a European patent be granted on the basis of the claims of the main request on which the decision under appeal was based or, alternatively, on the basis of the claims of one of the first to third auxiliary requests filed with the statement of grounds of appeal or the claims of the second auxiliary request on which the decision under appeal was based (fourth auxiliary request).
- VIII. Claim 1 of the main request reads as follows (labelling added by the board):
- (a) "A wireless communication device (20) for communicating, usable in a wireless local area network, comprising:
 - (b) circuitry (201, 215) configured to:
 - (c) determine whether a format of content data transmitted is changed or not, the content data including a plurality of frames;
 - (d) transmit information to another wireless communication device (10), the information indicating a frame in the plurality of frames when the format of the content data is changed; and

- (e) transmit the content data with a changed format to the another wireless communication device after transmitting the information, wherein
- (f) the information refers to a decoding time stamp or presentation time stamp included in a header field of a packet of the frame."

Reasons for the Decision

1. The appeal is admissible.

The application

2. The application at hand relates to wireless communication of content data including a plurality of frames (e.g. video data), where the transmitting end can accommodate a change of a transmission rate by switching the frame format (e.g. resolution, frame rate, compressibility or scan mode) of each frame image during transmission of image data. The invention aims to ensure that the receiving end can recognise a format change early enough to guarantee seamless reproduction of the frames.

Main request - interpretation of claim 1

3. In point II.2.2.4 of the decision under appeal, the examining division stated the following.

"The wording of the claim reads that there is 'information indicating a frame', i.e., there is any information which may be a clock-time, or a frame number. Then, it is claimed that 'the [any] information refers to a DTS or PTS included in a header field' which is to be understood that the reference (given by

'refers to') is a specific property or feature of the 'any information', i.e., the wording of the claim does not specify two informations, a timestamp and a further reference to said timestamp. [A] PES header as such ... is information indicating a frame with a changed format and it refers to a DTS or PTS, namely it refers to its own DTS or PTS."

4. The board shares the appellant's view that claim 1 specifies a time stamp and a further reference to this time stamp (see statement of grounds of appeal, page 2, penultimate paragraph). In the board's view, *"information indicating a frame in the plurality of frames when the format of the content data is changed"* in feature (d) is information on the basis of which the frame at which there is a format change can be found. A *"decoding time stamp or presentation time stamp in a header field of a packet of the frame"* (see feature (f)) indicates the time at which the frame is to be decoded or presented, not whether the format of the relevant frame is different from the format of the previous frame. Thus, it does not allow finding the relevant frame on its own. For that reason, the skilled person would have understood that the information is not the decoding time stamp or presentation time stamp included in the header *per se* but information on that time stamp.

5. In point II.2.2.4 of the decision under appeal, the examining division remarked that *"the description as filed with the parent application [did] not disclose the wording 'the information refers to a DTS or PTS' but only 'to supply timing information indicating timing of switching to the display device [...]"*. For the sake of completeness, the board notes that there is no legal requirement to interpret a claim in a way that

ensures disclosure of a disputed feature in the earlier application as filed and, as a result, compliance with the requirements of Article 76(1) EPC.

Main request - novelty (Articles 52(1) and 54(1) EPC)

6. The appellant does not dispute that document D1 discloses features (a) to (c). The dispute concerns the remaining features of claim 1.

7. In point II.2.1 of the decision under appeal, the examining division argued that the references to RTP and MPEG-4 in paragraphs [0021] and [0031] of document D1 anticipated features (d) to (f) by implying the transmission of a packetised elementary stream (PES). It argued that a PES packet included a header with presentation and/or decoding time stamps (PTS, DTS) (feature (f)). The PES header also indicated the elementary stream rate (ES rate). If the ES rate of the current frame was different from the one of the previous frame, it meant that the format had changed. Therefore, each packet with a PES header indicated a frame when the format of the content data had changed (feature (d)). Moreover, payload content was sent after a header with time stamps (feature (e)).

8. The board disagrees with the examining division that the references to RTP and MPEG-4 in paragraphs [0021] and [0031] of document D1 imply that PES headers are used, let alone PES headers with PTS/DTS and ES rates. Paragraph [0031] of D1 discloses that MPEG-4 may be used as the encoding scheme. The reference to "*Video Object Planes*" in that paragraph seems to point to the MPEG-4 Part 2 standard (ISO/IEC 14496-2). Paragraph [0031] of D1 does not disclose that the encoded stream is converted to a PES stream (a

specification in the MPEG-2 Part 1 standard (ISO/IEC 13818-1)) before being transmitted using the RTP protocol. Moreover, there is no evidence on file that *"the PES header is part of ['the specific combination of the RTP transmission protocol and the MPEG-4 encoding']"* (see point II.2.2.2 of the decision under appeal), as argued by the appellant on page 2 of its statement of grounds of appeal. There is also no evidence on file that a PES header always includes a PTS/DTS and an ES rate.

9. Additionally, according to the examining division's reasoning, the *"information indicating a frame in the plurality of frames when the format of the content data is changed"* is effectively an ES rate differing from a previous ES rate, not information that *"refers to a decoding time stamp or presentation time stamp in a header field of a packet of the frame"* (see the board's interpretation of claim 1 in point 4. above).
10. For the above reasons, the board does not find the examining division's novelty objection convincing. Therefore, the decision under appeal must be set aside.

Remittal to the examining division for further prosecution

11. Article 111(1) EPC provides that *"[f]ollowing the examination as to the allowability of the appeal, the Board of Appeal shall decide on the appeal. The Board of Appeal may either exercise any power within the competence of the department which was responsible for the decision appealed or remit the case to that department for further prosecution"*.
12. In accordance with Article 11, first sentence, RPBA, *"[t]he Board shall not remit a case to the department*

whose decision was appealed for further prosecution, unless special reasons present themselves for doing so".

13. Article 11 RPBA is to be read in conjunction with Article 12(2) RPBA, which provides that it is the primary object of the appeal proceedings to review the decision under appeal in a judicial manner. This principle would not be observed if the board were to conduct a complete examination of an application (see Case Law of the Boards of Appeal of the European Patent Office, 11th edn., 2025 (Case Law), V.A.9.3.2). Issues undecided in the first-instance proceedings and a different interpretation of terms by a board may represent "*special reasons*" within the meaning of Article 11 RPBA (Case Law, V.A.9.3.2).

14. In the case at hand, the analysis of novelty in the decision under appeal is based on an interpretation of claim 1 of the main request which the board finds incorrect. Moreover, the examining division expressed doubts that the earlier application as filed disclosed two types of information (see point 5. above and points 2.1 and 2.2 of the minutes of the oral proceedings). However, it did not take a reasoned decision on that issue which the board could review. If the board decided not to remit the case to the department of first instance, it would have to carry out a full examination of the application as to the patentability requirements on the basis of the interpretation set out in point 4. above and would have to determine whether an additional search is necessary. This is primarily the task of the examining division. Therefore, special reasons present themselves for remitting the case to the examining division for further prosecution.

Order

For these reasons it is decided that:

1. The decision under appeal is set aside.
2. The case is remitted to the department of first instance for further prosecution.

The Registrar:

The Chair:



U. Bultmann

A. Seeger

Decision electronically authenticated