

Veröffentlichung im Amtsblatt	Ja/Nein
Publication in the Official Journal	Yes/No
Publication au Journal Officiel	Oui/Non



Aktenzeichen / Case Number / N^o du recours : T 357/86 - 3.5.1

Anmeldenummer / Filing No / N^o de la demande : 83 301 862.5

Veröffentlichungs-Nr. / Publication No / N^o de la publication : 0 091 298

Bezeichnung der Erfindung: Information signal reproducing apparatus

Title of invention:

Titre de l'invention :

Klassifikation / Classification / Classement : G11B 15/46

ENTSCHEIDUNG / DECISION

vom / of / du 08.12.1988

Anmelder / Applicant / Demandeur : Sony Corporation

Patentinhaber / Proprietor of the patent /
Titulaire du brevet :

Einsprechender / Opponent / Opposant :

Stichwort / Headword / Référence :

EPÜ / EPC / CBE Article 56

Schlagwort / Keyword / Mot clé : "Inventive step (no)"

Leitsatz / Headnote / Sommaire

Europäisches
Patentamt

Beschwerdekammern

European Patent
Office

Boards of Appeal

Office européen
des brevets

Chambres de recours



Case Number : T 357/86 - 3.5.1

D E C I S I O N
of the Technical Board of Appeal
of 8 December 1988

Appellant : Sony Corporation
7-35 Kitashinagawa 6-Chome Shinagawa-ku
Tokyo 141
Japan

Representative : Ayers, Martyn Lewis Stanley
J.A. KEMP & CO.
14 South Square
Gray's Inn
London, WC1R 5EU
GB

Decision under appeal : Decision of Examining Division 067
of the European Patent Office
dated 13 May 1986 refusing European
patent application No. 83 301 862.5
pursuant to Article 97(1) EPC

Composition of the Board :

Chairman : E. Persson
Members : J.A.H. Van Voorthuizen
W. Riewald

Summary of Facts and Submissions

- I. European patent application No. 83 301 862.5 filed on 31.03.1983 (publication No. EP-A1-0-091-298) claiming a priority as from 02.04.1982, based on an application in Japan No. 54931/82, was refused by decision of Examining Division 2.2.08.067 dated 13.05.1986.
- II. That decision was based on Claims 1-5 filed with letter dated 17.01.1986 on the ground that the subject-matter of these claims was not considered to involve an inventive step with respect to the prior art disclosed in the following document:

D1: IBE International Broadcast Engineer, Vol. 12, No. 176, March 1981, pages 28 and 29.
- III. The Appellant (Applicant) lodged a Notice of Appeal against this decision on 10.07.1986 by telex which was confirmed by a letter received on 11.07.1986. The appeal fee was paid on 10.07.1986 and a Statement of Grounds filed on 19.09.1986.
- IV. In his Notice of Appeal the Appellant requested that the decision be overturned. He also made a subsidiary request for Oral Proceedings. In his Statement of Grounds the Appellant further submitted first, second and third alternatives to Claim 1 and asked that these alternatives to Claim 1 be considered in sequence if the Board would consider refusing the claims on which the impugned decision was based. The wording of the independent Claim 1 as considered by the Examining Division for its decision (main request) and of the first, second and third alternatives to this Claim 1 as submitted by the Appellant are reproduced hereunder:

CLAIM 1 (MAIN REQUEST)

"1. In a video signal reproducing device of the type including a magnetic head for reproducing a video signal recorded in slant tracks on a magnetic tape, said video signal including a program signal of a predetermined time duration when said tape is driven at a predetermined speed, a transport mechanism for driving said tape at a controllably varied speed, and a tracking control circuit for supplying tracking control signals to said magnetic head whereby said magnetic head tracks said video signal, said device characterized by a system controller that controls said transport mechanism to drive said tape at a selected playback speed; and a display connected with said system controller that indicates the ratio of said predetermined time duration and a time duration of the reproduced program signal as played back with said tape driven at said selected playback speed."

FIRST ALTERNATIVE CLAIM 1.

"1. In a video signal reproducing device of the type including a magnetic head for reproducing a video signal recorded in slant tracks on a magnetic tape, said video signal including a program signal of a predetermined time duration when said tape is driven at a predetermined speed, a transport mechanism for driving said tape at a controllably varied speed, and a tracking control circuit for supplying tracking control signals to said magnetic head whereby said magnetic head tracks said video signal, said device characterized by a system controller that controls said transport mechanism to drive said tape at a selected playback speed; and a display connected with said system controller that indicates as a percentage the ratio of said predetermined time duration and a time duration of the reproduced program signal as played back with said tape

driven at said selected playback speed for display to an operator of the device."

SECOND ALTERNATIVE CLAIM 1

"1. In a video signal reproducing device of the type including a magnetic head for reproducing a video signal recorded in slant tracks on a magnetic tape, said video signal including a program signal of a predetermined time duration when said tape is driven at a predetermined speed, a transport mechanism for driving said tape at a controllably varied speed, and a tracking control circuit for supplying tracking control signals to said magnetic head whereby said magnetic head tracks said video signal, said device characterized by a system controller that controls said transport mechanism to drive said tape at a selected playback speed; a data input device to provide data of said predetermined time duration to said system controller; and a display connected with said system controller that indicates the ratio of said predetermined time duration and a time duration of the reproduced program signal as played back with said tape driven at said selected playback speed for display to an operator of the device."

THIRD ALTERNATIVE CLAIM 1

"1. In a video signal reproducing device of the type including a magnetic head for reproducing a video signal recorded in slant tracks on a magnetic tape, said video signal including a program signal of a predetermined time duration when said tape is driven at a predetermined speed, a transport mechanism for driving said tape at a controllably varied speed, and a tracking control circuit for supplying tracking control signals to said magnetic head whereby said magnetic head tracks said video signal,

said device characterised by the provision of a data storage device which stores data representative of the end of the program and of a required end time of the program; a system controller that uses the stored data to select the playback speed which makes the end of the program coincide with the required end time of the program and controls said transport mechanism to drive said tape at the selected playback speed; and a display connected with said system controller that indicates the ratio of said predetermined time duration and a time duration of the reproduced program signal as played back with said tape driven at said selected playback speed for display to an operator of the device."

Claims 2 to 5 are dependent upon Claim 1.

- V. Summons to Oral Proceedings were issued on 29.09.1988 together with a Communication from the Rapporteur on behalf of the Board. The following document

D2: IBE International Broadcast Engineer, Vol. 12, No. 176, March 1981, pages 18-26

was cited in this Communication in addition to D1.

In this Communication, the Rapporteur also referred to dependent Claims 6-8 filed with letter dated 10.07.1985, which, although they apparently had not been abandoned by the Appellant, were not considered in the decision of the Examining Division.

Further, in the same Communication, the Rapporteur explained and substantiated in detail the provisional opinion of the Board that the subject-matter of each independent Claim 1 submitted by the Appellant seemed to lack inventive step in view of the documents D1 and D2.

VI. On 07.12.1988 in the afternoon a telecopy (fax) confirming an earlier telephone conversation of the same day was received by the Registrar of the Board. In this telecopy the Appellant withdrew his request for Oral Proceedings scheduled for 08.12.1988.

Nobody appeared for the Appellant at the Oral Proceedings held on 08.12.1988. The Board decided to continue the proceedings in accordance with Rule 71(2) EPC and dismissed the appeal.

Reasons for the Decision

1. The appeal complies with Articles 106 to 108 and Rule 64 EPC and is, therefore, admissible.
2. The Board sees no valid reason which could justify further continuing the proceedings.
3. The reasoned opinion given in the above mentioned Communication of 29.09.1988, duly received by the Appellant, has not been challenged by him and the Board maintains the views expressed therein. The Board, therefore, considers that, because of lack of inventive step, none of the independent claims submitted by the Appellant can form the basis for the grant of a European patent. It follows that the appeal has to be dismissed.

Order

For these reasons, it is decided that:

The appeal is dismissed.

The Registrar:

S. Fabiani

S. Fabiani

The Chairman:

E. Persson

E. Persson

[Handwritten initials]