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Aktenzeichen / Case Number / N° du recours : T 399/86 - 3.5.1

Anmeldenummer / Filing No / N° de la demande : 83 902 032.8

Veröffentlichungs-Nr. / Publication No / N° de la publication : WO 83/04154

Bezeichnung der Erfindung: Method and system for remote reporting, particularly
Title of invention: for pay television billing
Titre de l'invention :

Klassifikation / Classification / Classement : H04N 7/16

ENTSCHEIDUNG / DECISION

vom / of / du 15 September 1988

Anmelder / Applicant / Demandeur : TELEASE, INC. (US)

Patentinhaber / Proprietor of the patent /
Titulaire du brevet :

Einsprechender / Opponent / Opposant :

Stichwort / Headword / Référence : Television Billing (TELEASE)

EPÜ/EPC/CBE Art. 52(1), 54, 56

Schlagwort / Keyword / Mot clé : Novelty and inventive step (yes)

Leitsatz / Headnote / Sommaire

Europäisches
Patentamt

Beschwerdekammern

European Patent
Office

Boards of Appeal

Office européen
des brevets

Chambres de recours



Case Number : T 399/86 - 3.5.1

D E C I S I O N
of the Technical Board of Appeal 3.5.1
of 15 September 1988

Appellant : TELEASE INC. (US/US): 1875 Century
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Decision under appeal : Decision of Examining Division 058 of the European
Patent Office dated 16 July 1986 refusing
European patent application No. 83 902 032.8
pursuant to Article 97(1) EPC

Composition of the Board :

Chairman : P.K.J. van den Berg
Members : W. Riewald
F. Benussi

Summary of Facts and Submissions

- I. European patent application No. 83 902 032.8, claiming priority of an application in the United States of 11 May 1982, was filed on 11 May 1983 under the Patent Cooperation Treaty (Publication No. WO 83/04 154).

The following documents were cited by the Examining Division as representing pertinent prior art:

D1: US-A-3 934 079

D2: US-A-2 769 023.

In a first communication it was stated that the subject-matter of the claims lacked an inventive step in view of D1.

After the Applicant had amended the claims, novelty objection was made with reference to D2.

The application was refused because of lacking novelty by a decision of the Examining Division dated 16 July 1986. The decision was based on Claims 1 to 18 as filed on 19 March 1986.

- II. The Appellant filed a Notice of Appeal and paid the appeal fee on 9 September 1986.

Together with a Statement of Grounds of Appeal, received on 23 October 1986, the Appellant filed amendments I and II to the claims and the description, which were to be regarded as a main and an auxiliary request, respectively.

In a communication dated 23 March 1988, the Rapporteur took the provisional view that the subject-matter of the newly filed independent Claims 1 and 8 of the main request could not be regarded as obvious from a combination of the documents D1 and D2.

However, the Rapporteur drew the Appellant's attention to a number of deficiencies which had to be remedied before a positive decision could be made.

On 28 July 1988 new Claims 1 to 12 were filed together with amended parts of the description.

The Appellant requested that the decision to refuse the application be set aside, and that a patent be granted as amended.

Oral proceedings were only conditionally requested "if the Board of Appeal so directs" (letter received on 23 October 1986).

The independent Claims 1 and 8 read as follows:

"1. A method for providing subscription services in which a subscriber obtains access to a transmission from a transmission station by payment of a charge contained in a cost signal associated with the transmission, characterised by:

transmitting from the transmission station to the subscriber's location (12), upon receipt of payment by the subscriber in respect of a preceding billing period, a credit signal indicative of credit available for payment for transmissions not normally available to the subscriber on a prearranged basis and which may be selected on impulse in the next billing period;

storing that credit signal as a stored credit value at the subscriber's location (12);

evaluating that a transmission selected on impulse is not in a tier paid for by the subscriber on a prearranged basis;

comparing a cost signal associated with the impulse selected transmission with the stored credit value;

if the stored credit value is equal to or exceeds the charge in the cost signal, enabling access to that impulse selected transmission and subtracting the charge in the cost signal from the stored credit value to update the stored credit value; and

when the charge in the cost signal exceeds the stored credit value, preventing access to the impulse selected transmission and displaying an insufficient credit indication to the subscriber."

"8. A system for providing subscription services in which a subscriber indicates a desire to access a transmission to the subscriber's location (12) from a transmission station (10) which transmits a cost signal containing a charge associated with the transmission, with equipment at the subscriber's location for paying that charge in order to obtain access to the transmission, characterised by:

a data generator (26) at the transmission station (10) which generates a signal indicative of credit available for payment for impulse selected transmissions in a billing period, a transmission tier signal for each transmission, and a cost signal for transmission with each transmission which is not in a prearranged tier;

a data decoder (60) at the subscriber's location (12) having a credit data output connected to a credit value store (80), and a transmission tier output connected to a transmission tier comparator (92);

a tier eligibility store (76) which stores data indicative of tiers of transmissions paid for on a prearranged basis, and has an output connected to the transmission tier comparator (92);

a transmission cost signal output from the decoder (60) which output is connected to a subtractor (116);

a credit comparator (114) connected to the output from the credit value store (80) and to the transmission cost signal output from the decoder (60); and

gating circuits connected to the transmission tier comparator (92) the credit comparator (114) and the subtractor (116) and operable, when the tier comparator (92) indicates a non-prearranged impulse selection of a transmission, to enable subscriber's access to that transmission and to cause the subtractor (116) to subtract that cost from the stored credit and update the credit store (80), if the credit comparator (114) indicates that the value of the stored credit is equal to or exceeds the transmission cost."

Reasons for the Decision

1. The appeal complies with Articles 106-108 and Rule 64 EPC and is, therefore, admissible.
2. The application documents are considered to meet the requirements of Article 123(2) EPC, since

The features of the claims have been disclosed in their combination in the originally filed documents.

The introductory part of the description has been adapted accordingly on pages 4 to 5a.

Prior art documents D1 and D2 have been acknowledged on pages 1 and 1a.

The Board is satisfied that Claim 3 has now been brought into consistency with the details derivable from Figure 4 in connection with the description: c.f. the

"tier eligibility" 76 and the "tier compare" 92 and the "enable access" signal from the OR-gate 96 to the decode control 98.

3. **Novelty.**

Subscription services of the kind referred to in the present application allow access of the subscriber to (at least certain) transmissions from transmission stations only on payment of a charge associated with the respective transmission.

As the closest prior art can be regarded a pay television system disclosed in D2 according to which a coded cost signal is transmitted together with the audio signal part of the television signal (see column 6, lines 15 to 32).

The payment is effected by the subscriber at the subscriber's location in response to the received cost signal by inserting coins into the coin slots of a special attachment device 27 placed close to the television receiving apparatus 20 (Figure 1). This attachment device allows the selection of a pay television program (called

"secret program" in the document) only if the proper amount of coins is deposited in the coin slots (column 4, lines 32 to 58).

The method as characterised in the present Claim 1 differs from this prior art basically in that the payment is effected not at the subscriber's location but at the transmission station which responds to the payment by transmitting a "credit signal" to the subscriber's location which is stored as a stored credit value at the subscriber's location. The charge for any "impulse selected transmissions" (= transmissions only available to

the subscriber on payment of a special charge) is then subtracted from the stored credit value. Thus, the unilateral cost signal transmission with each "impulse selected transmission" to all the subscribers (known per se from D2) is expanded by the provision of a credit signal transmission to each individual subscriber once per "billing period". Despite the fact that the payment is made at the transmission station (once per billing period), the account keeping is made at the subscriber's location. Only a unilateral transmission link for the signals from the transmission station to the subscriber's locations is required.

D1 discloses a method for providing subscription service that avoids the coin collecting at the subscriber's locations. In this system in order that a subscriber can receive a programme with which a billing charge is associated, a request message must be sent from the subscriber's location to the central processor at the head end of the system. In response to this request the equipment at the head end sends a channel authorisation message to the subscriber's location, which permits the subscriber to receive the requested programme.

A computer at the head end generates billing information, for example a printed bill (c.f. D1, the abstract, column 4, lines 28 to 35 and column 5, lines 30 to 39). In contrast to the present invention, this known method and system requires a bilateral communication link.

The method of Claim 1 is, therefore, considered to be novel.

The same applies to the system specified in the independent Claim 8, which system comprises all the means for executing the method of Claim 1.

4. Inventive Step.

Starting from the coin collection system of D2 with "impulse purchase capability (IPC)", the skilled person would perceive as a main disadvantage that the collected money had to be fetched by somebody from the subscriber's location. It is obvious that he would look for some possibility of a cashless payments system.

D1 as established above, suggests a bilateral communications system between a central processor at the head end of the system and the subscriber's location. The subscriber makes a request to the central processor which sends out a corresponding channel authorisation to the subscriber's location and generates the billing information. So, the whole account keeping is carried out at the central station. This approach would readily appear to be the normal solution of a cashless payments system.

The Board regards as an important step from the prior art to the claimed invention the suggestion to separate the location of payment from the location of account keeping. The payment is effected at the transmission station which is the same as in D1. However, D1 teaches to carry out the account keeping also in the central station which

requires bilateral communication between the central station and the subscriber's location if a subscriber wishes access to transmission not normally available to him on a prearranged basis. The claimed account keeping for IPC (impulse purchase capability) program costs at the subscriber's location is somewhat similar to the outmoded coin collecting system of D2. But, this document teaches the combination of payment and account keeping at the subscriber's location and requires the said fetching of the money from the subscriber by an employee of the transmission station.

The combination of free IPC program choice and the necessity of a unilateral communication only (by avoiding coin collection at the subscriber's location) is made possible by the said separation of the locations for payment and account keeping, and no incentive can be found in the cited documents for this step.

The Board is, therefore, satisfied that the method and system specified in the independent Claims 1 and 8, as amended in the proceedings before the Board, involve an inventive step in view of the prior art cited in the examination proceedings within the meaning of Article 56 EPC and as required by Article 52(1) EPC.

5. The Claims 1 and 8 are therefore allowable. The same applies to the dependent Claims 2 to 7 and 9 to 12 since they specify embodiments and comply with the provisions of Article 84 and Rule 29 EPC.
6. It was not necessary, to summon for oral proceedings because the Appellant's main request for grant of a patent has been allowed.

Order

For these reasons, it is decided that:

1. The decision under appeal is set aside.
2. The case is remitted to the first instance with the order to grant a European patent on the basis of the following documents:

- 2.1 Pages 1, 1a, 6 filed on 23.10.86,
Pages 2, 3, 7 to 9, 12 to 15 and 17 to 37 as originally filed,
Pages 4, 5, 5a, 10, 11, 16 and 38 filed on 28 July 1988,
subject to the following amendments of clerical errors:

Page 2, line 33: replace "groups" by "group";
Page 9, line 32: correct: "transmitting";
Page 11, line 33: correct: "WO-82/01109";
Page 12, line 19: delete: "application";
Page 15, line 12: replace: "34" by "54"; (see Fig.1) ;
Page 16, line 28: replace "modulator 44" by
"remodulator 44"; (see Fig.1) ;
Page 23, line 1: replace "82" by "124"; (see Fig.4) ;
Page 35, line 23: delete "a".

- 2.2 Claims 1 to 12, filed on 28 July 1988, subject to the following amendment of a clerical error:

Claim 5, line 2: delete "a".

The Registrar :

The Chairman :

S. Fabiani

P.K.J. van den Berg