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Aktenzeichen / File Number / Numéro du dossier

T 700/93 -351

In der Anlage erhalten Sie

- ☐ eine Kopie des Berichtigungsbeschlusses
  - Interner Verteilerschlüssel der berichtigten Entscheidung
  - ☐ A ☐ B ☐ C
- ☐ ein korrigiertes Vorblatt (Form 3030)
- ☐ einen Leitsatz / Orientierungsatz (Form 3030)
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Please find enclosed

- ☒ a copy of the decision correcting errors
  - Internal distribution code of the corrected decision
  - ☐ A ☐ B ☒ C
- ☐ a corrected covering page (Form 3030)
- ☐ a headnote / catchword (Form 3030)
- ☒ correcting errors in the decision

Veuillez trouver en annexe

- ☐ une copie de la décision rectifiant des erreurs
  - Code de distribution interne de la décision rectifiée
  - ☐ A ☐ B ☐ C
- ☐ une page de garde (Form 3030) corrigée
- ☐ un sommaire / une phrase vedette (Form 3030)
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Anmeldung Nr. / Patent Nr.: / Application No. / Patent No.: / Demande n° / Brevet n°:

(soweit nicht aus der Anlage ersichtlich) / (if not apparent from enclosure) / (si le n° n'apparaît pas sur l'annexe)

R. Schumacher

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Beschwerdekammern | Boards of Appeal | Chambres de recours

Case Number: T 0700/93 - 3.5.1

D E C I S I O N
of 30 October 1995
correcting errors in the decision of the Technical Board of Appeal 3.5.1 of 9 May 1995

Appellant: FUJI PHOTO FILM CO., LTD.
210 Nakanuma
Minami-Ashigara-shi
Kanagawa 250-01 (JP)

Representative: Patentanwälte
Grünecker, Kinkeldey,
Stockmair & Partner
Maximilianstr. 58
D-80538 München (DE)

Decision under appeal: **Decision of the Examining Division of the European Patent Office dated 3 March 1993 refusing European patent application No. 89 100 166.1 pursuant to Article 97(1) EPC.**

Composition of the Board:

Chairman: P. K. J. van den Berg
Members: C. G. F. Biggio
C. Holtz

In application of Rule 89 EPC, the decision given in case T 0700/93 - 3.5.1 is corrected as follows:

Page 1, para. V., line 5:

(pages 2-3, 5 and 9-24) is replaced by (pages 2-3, 5 and 9-34).

The Registrar:

M. Kiehl

The Chairman:

P. K. J. van den Berg

BESCHWERDEKAMMERN DES EUROPÄISCHEN PATENTAMTS

BOARDS OF APPEAL OF THE EUROPEAN PATENT OFFICE

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Internal distribution code:
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(C) [X] To Chairmen

D E C I S I O N
of 9 May 1995

Case Number: T 0700/93 - 3.5.1

Application Number: 89100166.1

Publication Number: 0323849

IPC: H04N 1/46

Language of the proceedings: EN

Title of invention:
Color film analyzing method and apparatus therefore

Applicant:
FUJI PHOTO FILM CO., LTD.

Opponent:
-

Headword:
-

Relevant legal provisions:
EPC Art. 56, 123(2)

Keyword:
"Inventive step (yes) after amendment"

Decisions cited:
-

Catchword:
-

Europäisches Patentamt | European Patent Office | Office européen des brevets

Beschwerdekammern | Boards of Appeal | Chambres de recours

Case Number: T 0700/93 - 3.5.1

D E C I S I O N
of the Technical Board of Appeal 3.5.1
of 9 May 1995

Appellant: FUJI PHOTO FILM CO., LTD.
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Members: C. G. F. Biggio
C. Holtz

Summary of Facts and Submissions

I. European patent application No. 89 100 166.1, filed on 5 January 1989 and claiming rights of priority from Japanese patent applications: No. 2034/88 (8 January 1988), No. 22989/88, 22990/88, 22991/88, and 22992/88 (3 February 1988), and No. 25 116/88 (5 February 1988), was refused by decision of the Examining Division dated 3 March 1993.

II. Said decision was based on independent Claims 1 and 7, as filed on 23 March 1992. The Examining Division considered that the subject-matter of said claims lacked an inventive step in respect of the teaching disclosed by prior art documents:

D1: US-A-4 364 084,
D2: DE-A-2 705 097, and
D3: EP-A-0 108 158.

III. On 12 May 1993, the Appellant lodged an appeal against said decision paying the appropriate appeal fee the same day.

Grounds of Appeal were filed on 13 July 1993.

IV. Oral Proceedings took place on 9 May 1995.

V. The Appellant requested that the appealed decision be set aside and a patent granted on the basis of a single Claim as submitted at the Oral Proceedings and a description as amended with letter of 13 July 1993 (pages 2-3, 5 and 9-34), with letter of 24 November 1994 (pages 6, 7 and 8) and in the Oral proceedings (pages 1 and 4).

VI. The single Claim, as submitted at the Oral Proceedings, reads: "A video-type colour film analyser for displaying simulated colour images of a plurality of picture frames of a colour film web (13) consisting of a plurality of films (110, 111) spliced to one another, said simulated colour images being displayed in a matrix pattern on a video image display device (33a), said analyser comprising:

a colour TV camera (83) for providing colour image data of said plurality of picture frames;
memory means (84, 101a, 101b) for storing said colour image data; means (85) for reading out said colour image data from said memory means to simulate and display colour print images of said picture frames on said video image display device (33a);
means (23) for detecting a spliced section between two of said plurality of films which are spliced to each other and displaying said detected spliced section as a blank image on said video image display device (33a) at a size equal to each colour image as simulated;
means (40) for specifying, one at a time, said images including said blank image displayed on said video image display device (33a);
data inputting means (38) for inputting a common number of prints common to all picture frames to be printed of one of said plurality of films which follows said spliced section when said blank image is specified, and an individual number of prints to be produced from a picture frame belonging to a specified simulated colour image when each of said simulated colour images is individually specified; means (42) for displaying said number of prints inputted through said data inputting means (38) in a portion of said specified image and

memory means (67) for storing said individual number of prints which has been inputted for each of said specified images and, if inputted, said common number of prints, wherein
when both said common number and said individual number of prints are inputted, said individual number of prints is used for said specified simulated colour image in preference to said common number of prints".

VII. In support of inventive step, the Appellant made substantially the following submissions:

Document D1, which had to be considered as the closest prior art on file, disclosed no detection and no display, in whatsoever form, of the spliced section between two films of the web made by a plurality of films spliced to each other.

The consideration made by the Examining Division in the appealed decision (see the paragraph bridging pages 4 and 5) was an unsubstantiated allegation based on an inadmissible analysis of said prior art document; said document could, indeed, not be interpreted as the Examining Division did, without the hindsight of the present application.

The video-type colour film analyser disclosed by document D3 did not come closer to the claimed analyser than that disclosed by document D1.

Document D2, admittedly, disclosed a video-type colour film analyser comprising detection means intended to detect the spliced section between two films of the plurality by which the long webs were made. Document D2, however, disclosed no display, in whatsoever form, of said so detected spliced section.

Moreover, the purpose of the spliced section detection in D2, was that of precisely establishing the leading and trailing edges of each frame on the film, in order to accurately ascertain their length, on the basis of accurately ascertained length of other film frame or frames in the same film.

Thus the subject-matter of the single Claim was not rendered obvious by the combination of the teachings from documents D1, D2 and D3.

The invention, in fact, taught to use a very specific representation of the detected spliced section between two films of a web in order to display a common number of prints to be made for all the picture frames of a given film comprised between two subsequent spliced sections, whereas an individual number of prints - different from said common number - might still be associated with some specified picture frames of said film comprised between said two subsequent spliced sections.

This invention was not a mere presentation of information, because very specific technical features - i.e. the functional features mentioned in the last sentence of the single Claim - were intimately related to the following features:

- the detected spliced section is displayed as a blank image on the video image display device; said blank image having the same size as all the other simulated colour images on said video display device, and

- the common number of prints, when inputted, is displayed on said blank image on the video image display device.

Reasons for the Decision

1. The appeal complies with Articles 106 to 108 and Rule 64 EPC and is therefore admissible.

2. *Article 123(2) EPC*

The subject-matter of the single Claim meets the requirements of Article 123(2) EPC. Support for said subject-matter is, indeed, to be found, inter alia, in Claims 14 to 19 of the application, as originally filed.

3. *The Prior Art*

3.1. Document D1

This document discloses a video-type colour film analyser, showing, in common with the video-type colour film analyser according to the pending single Claim, the following features.

The colour film analyser is for displaying simulated colour images of a plurality of picture frames of a colour film consisting of a plurality of films spliced to one another; said simulated colour images are displayed in a matrix pattern on a video image display device. Said colour film analyser further comprises:

- a colour TV camera for providing colour image data of said plurality of picture frames;
- memory means for storing said colour image data;
- means for reading out said colour image data from said memory means to simulate and display colour print images of said picture frames;
- means for specifying, one at a time, said images displayed on said image display device;

- data inputting means for inputting specific input data pertaining to a picture frame belonging to a specified image among those displayed; said specific input data comprising both specific colour correction data and an indication of whether or not said specified image has to be printed, i.e. an indication of the number of prints to be made for said specified image (see column 7, lines 35 to 52), and
- means for displaying said specific input data inputted through said data inputting means, in connection with said specified image (see column 7, lines 53 to 66 and the Abstract, last two sentences thereof).

The disclosure of document D1 (see column 1, lines 10 to 26, and Figure 1) seems to imply that the whole film made up by said plurality of films spliced to one another is scanned, thus also the spliced sections between pairs of said plurality of spliced films. D1, however, neither discloses any detection of said spliced sections nor any display, in whatsoever form, of said spliced sections.

3.2. Document D2

This document discloses a video-type colour film analyser comprising detection means intended to detect the spliced section between two films of the plurality by which the long webs are made.

Document D2, however, discloses no display, in whatsoever form, of said so detected spliced section. The purpose of the spliced section detection in D2, is that of precisely establishing the leading and trailing edges of each frame on the film, in order to accurately ascertain their length, on the basis of accurately

ascertained length of other film frame or frames in the same film.

3.3. Since document D3 does not come nearer to the subject-matter claimed than documents D1 and D2, the subject-matter of the single Claim has to be considered as new pursuant to Article 54 EPC; the novelty with regard to D1 being represented by the following features recited by said single Claim:

- means (23) for detecting a spliced section between two of said plurality of films which are spliced to each other and displaying said detected spliced section as a blank image on said video image display device (33a) at a size equal to each colour image as simulated;
- data inputting means (38) for inputting a common number of prints common to all picture frames to be printed of one of said plurality of films which follow said spliced section when said blank image is specified;
- means (42) for displaying said number of prints inputted through said data inputting means (38) in a portion of said specified image and memory means (67) for storing said individual number of prints which has been inputted for each of said specified images and, if inputted, said common number of prints, wherein
- when both said common number and said individual number of prints are inputted, said individual number of prints is used for said specified simulated colour image in preference to said common number of prints.

3.4. The Board considers it useful to mention that:

- the sentence: "and displaying said detected spliced section as a blank image on said video image display device (33a) at a size equal to each colour image as simulated" is construed as meaning that the detected spliced section is displayed on the video image display device (33a) in such a manner as to show exactly the same size as all the other simulated colour images displayed, and
- the sentence: "said individual number of prints is used for said specified simulated colour image in preference to said common number of prints" is construed as meaning that, when both the common number and the individual number of prints are inputted, said individual number of prints is used for said specified simulated colour image instead of said common number of prints.

4. *Problem and Solution*

The problem the application aims to solve is to provide a video-type colour film analyser of a generally known structure with the facility of inputting

- a common number of prints to be made; said common number being valid for all the picture frames of a film comprised between two subsequent spliced sections and being displayed in an "ad hoc" reserved portion of the screen of the video image display device 33a, and, when necessary,
- an individual number of prints to be made; said individual number being different from said common number, being individually valid for each of few selected picture frames of said film comprised between the same two subsequent spliced sections and being displayed in an "ad hoc" reserved portion

of the images individually corresponding to each of said few selected picture frames, as simulated and displayed on the screen of said video image display device 33a.

This problem is solved by the claimed means 23 for detecting a spliced section between two of the plurality of films which are spliced to each other and displaying said detected spliced section as a blank image on said video image display device 33a at a size equal to each colour image as simulated and by using said blank image for displaying therein the inputted common number of prints to be made for all the picture frames of a film comprised between the detected and the subsequent spliced section, so that the "ad hoc" reserved portion of the images, individually corresponding to each of few selected picture frames in the film following said detected spliced section, may be used for displaying, when it has been inputted, the individual number of prints to be made for said few selected picture frames.

5. *Inventive Step*

5.1. It might be argued that, as soon as the above-summarized problem is stated, the solution thereof could seem obvious for a person skilled in the art.

In fact, the video-type colour film analyser according to document D1 comprises already the facility of inputting and storing an individual number of prints to be made; said individual number individually valid for each of the picture frames of the films in the web and being displayed in an "ad hoc" reserved portion of the images individually corresponding to each of said picture frames, as simulated and displayed on the screen of the video image display device. Thus, the person

skilled in the art would have considered that the further inputting and storing of an additional number of prints to be made - the common number - did not constitute a technical problem to be solved.

The person skilled in the art, on the contrary, would have considered that the technical problem effectively left open by document D1, i.e. the problem to be solved, was that of providing a further "ad hoc" reserved portion of the video image display device, in order to display therein said further additional common number, and to do so, without disturbing the matrix pattern display according to document D1, while still maintaining the facility - already present in the video-type colour film analyser according to said document - of inputting, storing and displaying the individual number of prints to be made, individually valid for each of the picture frames of the films in the web.

Thus, since the said problem to be solved seems merely to necessitate the addition of a further "ad hoc" reserved portion of the video image display device, in order to display therein said further common number of prints to be made, a solution consisting:

- in merely dedicating a further unspecified portion of the screen of the video image display device to the display of said further common number, and
- in establishing an interdependence between said further undefined screen portion and the spliced sections identifying the leading and the trailing edges of each film,

could seem obvious to the person skilled in the art, having regard to the fact that the detection of said spliced sections is known from document D2.

5.2. The claimed solution, however, goes beyond the above summarized obvious solution.

In order to provide the necessary further "ad hoc" reserved portion of the video image display device for displaying therein the common number of prints to be made, the claimed solution further comprises specific means for

- detecting the spliced sections and
- displaying said detected spliced section as a blank image which shows exactly the same size as all the other simulated colour images displayed, i.e. in a manner which does not disturb the matrix display according to document D1.

5.3. As seen in previous points 3.1 to 3.3, neither documents D1 or D3 nor even document D2, which teaches the detection of the spliced sections, disclose any display, in whatsoever form, of said spliced section. A fortiori, none of the prior art documents considered contains any hint susceptible of leading the person skilled in the art to the claimed solution.

The subject-matter of the single Claim has, consequently, to be considered as involving an inventive step pursuant to Article 56 EPC.

Order

For these reasons it is decided that:

1. The appealed decision is set aside.

2. The case is remitted to the first instance with the order to grant a patent on the basis of the Appellant's request (see Item V).

The Registrar: The Chairman:

M. Kiehl P. K. J. van den Berg