

Internal distribution code:

- (A) [] Publication in OJ
(B) [] To Chairmen and Members
(C) [X] To Chairmen

D E C I S I O N
of 25 April 1996

Case Number: T 0045/96 - 3.5.1

Application Number: 90104891.8

Publication Number: 0393352

IPC: H04N 9/64

Language of the proceedings: EN

Title of invention:

TV receiver including multistandard osd

Applicant:

MOTOROLA, INC.

Opponent:

-

Headword:

Lunn/multistandard OSD-circuitry

Relevant legal provisions:

EPC Art. 111(1)

Keyword:

"Amended claims - remittal to the first instance"

Decisions cited:

-

Catchword:

-



Case Number: T 0045/96 - 3.5.1

D E C I S I O N
of the Technical Board of Appeal 3.5.1
of 25 April 1996

Appellant:

MOTOROLA, INC.
1303 East Algonquin Road
Schaumburg
IL 60196 (US)

Representative:

Hudson, Peter David
Motorola
European Intellectual Property
Midpoint
Alencon Link
Basingstoke
Hampshire RG21 7PL (GB)

Decision under appeal:

**Decision of the Examining Division of the European
Patent Office posted 29 June 1995 refusing
European patent application No. 90 104 891.8
pursuant to Article 97(1) EPC.**

Composition of the Board:

Chairman: P. K. J. van den Berg
Members: R. Randes
G. Davies

Summary of Facts and Submissions

- I. The appellants contest the decision of the examining division dated 29 June 1995, refusing European patent application No. 90 104 891.8.

The reason for the refusal was that the subject-matter of independent claim 1 filed on 3 November 1994 lacked an inventive step having regard to the prior art document

D1: I. Ishikubo et al., "LSIs for multistandard TV receivers", IEEE Transactions on Consumer Electronics, vol. 33, No. 3, 1987, p. 444-449.

- II. The refused claim 1 reads (excluding the reference signs):

A television receiver for receiving multistandard television signals comprising a microprocessor and multistandard on screen display circuitry for positioning a picture on the display screen of the television receiver in dependence on the standard of the received television signal, and wherein the microprocessor and multistandard on screen display circuitry are interconnected on a single chip.

- III. The notice of appeal was filed on 4 September 1995 and the prescribed appeal fee was paid on the same day. A statement setting out the grounds of appeal was filed on 9 November 1995, together with amended claims.

- IV. Claim 1 as amended reads (excluding the reference signs):

A video apparatus for receiving multistandard video signals comprising a microprocessor and multistandard on screen display circuitry for positioning a picture on the display screen of the video apparatus in dependence on the standard of the received video signal, the microprocessor and multistandard on screen display circuitry being interconnected on a single chip, the multistandard on screen display circuitry comprising:

multisystem detection circuitry for detecting the specific standard of the video signal being received by the video apparatus, the multisystem detection circuitry comprising:

counter means coupled to receive a portion of the received video signal, the portion being indicative of horizontal lines in the received video signal, said counter means being constructed to count the number of horizontal lines between consecutive vertical flyback pulses of the received video signal and provide output signals in dependence on the count indicative of the vertical frequency of the received video signal; and

measuring means for measuring the time between two consecutive horizontal flyback pulses of the received video signal using a fixed frequency source and for providing an output signal indicative of the approximate horizontal scan frequency of the received video signal,

wherein the output signals from the counter means and measuring means provide an indication of the specific standard of the received video signal.

- V. The appellants request that the examining division's decision be cancelled in its entirety and that a patent be granted on the basis of the following documents:

Claims:

Claims 1 to 5 filed on 9 November 1995

Description:

Pages 1, 3 to 14 as originally filed

Pages 2 and 2a filed on 9 November 1995

Drawings:

Sheets 1/5 to 5/5 filed on 31 May 1990

- VI. The appellants request oral proceedings in case the Board should not agree with their request. Moreover, "as a precaution" the appellants have filed (on 9 November 1995) claims 1 to 4 and description pages 2, 2a forming the basis of an auxiliary request.

Reasons for the Decision

1. The appeal is admissible.
2. The examining division identified only one difference between the subject-matter of the then main claim and the disclosure of D1, namely the feature that the microprocessor and multistandard on-screen display circuitry were interconnected on a single chip. This difference was regarded as obvious, and the Board sees no reason for departing from this view.

The present claim 1, however, incorporates several features taken in particular from the previous dependent claims 5 and 6. Although it is stated in the contested decision that the subject-matter of the dependent claims does not involve an inventive step, no explicit reasons are given. It follows that the new claims overcome the objections on which the decision to refuse is based.

The Board has noted that specific reasons for the examining division's dismissal of the then claim 5 are set out in the first official communication. However, not only is the present claim 1 more limited than that claim, but it contains further modifications - said to be based on the description - which will require examination also in respect of Article 123(2) EPC. Such fresh investigations should normally be performed by the examining division.

In these circumstances it is proper to remit the case to the examining division for further prosecution in accordance with Article 111(1) EPC. A decision in favour of the appellants on the basis of the main request satisfies their request to cancel the decision. Their auxiliary request does not need to be considered.

3. Since the appellants' (main) request is not refused, there is no need to hold oral proceedings.

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 for further prosecution.

The Registrar:

The Chairman:

M. Kiehl

P. K. J. van den Berg