



Case Number: W 04/82
International Application
No. PCT/GB 82/00089

DECISION
of the Technical Board of Appeal 3.4.1
of 24 October 1982

Applicant: Independent Broadcasting Authority et al.
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United Kingdom

Representative: Mr. A.B. Crawford et al.
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Subject of this decision: Protest according to Rule 40.2(c) of the Patent Cooperation Treaty made by the applicants against the invitation (payment of additional fee) of the European Patent Office (branch at The Hague) dated 13 July 1982

Composition of the Board:

Chairman: R. Kaiser
Member: O. Huber
Member: P. Ford

I. SUMMARY OF FACTS AND SUBMISSIONS

1. On 19 March 1982 the applicants filed an international application with the UK Patent Office.
2. The European Patent Office is the International Searching Authority competent for the searching of international applications filed with the UK Patent Office.
3. On 13 July 1982 the branch at The Hague of the EPO addressed to the applicants an invitation to pay an additional fee, as it considered that the requirement of unity of invention was not satisfied. Two groups of claims were distinguished:

Claims 1 - 10: Receiving system for ("teletext" or "videotex") information with coded instructions and interpolation means for such a system;

Claims 11 - 13: Transmitter for ("teletext" or "videotex") information with coded instructions.

4. On 12 August 1982 the applicants filed by telex a protest against the additional fee charged by the European Patent Office. On 16 August 1982 a document reproducing the contents of the telex was filed and the additional fee was paid.
5. In their protest, the applicants asserted that claims 11 to 13 (a transmission system including a receiver and a transmitter) all include the subject-matter of claims 1 to 10 (receiver). This fact links the two groups of claims together in such a way that they relate to the same invention.

II. REASONS FOR THE DECISION

1. The protest complies with Rule 40.2(c) PCT and is therefore admissible.

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2. According to Rule 13.1 PCT, an international application shall relate to one invention only or to "a group of inventions so linked as to form a single general inventive concept".

3. (a) The subject-matter according to claim 11 relates to a digital data transmission system for transmitting data included in a wide band television video signal (teletext or videotex). A transmission system generally comprises a transmitter and a receiver. Claim 11 only contains features concerning the transmitter, namely processing means for generating digital signals in the form of coded instructions and means for producing said coded instructions as the set of pages of binary signals. Therefore, the wording of claim 11 does not require that the transmission system includes a receiver with the objective features according to the characterising portion of claim 1 (processing means, further storage device). Thus, the reasons given by the applicants in support of the protest are not relevant.

- (b) The subject-matter of claim 1 is a receiver system for teletext or videotex information arranged in such a way that the binary (digital) signals of a set of pages of information represent coded instructions controlling operation of the receiver in accordance with a received instruction. The operation of a receiver according to claim 1 requires necessarily a transmitter as indicated in claim 11. Indeed, the subject-matter of the present application relates to two separate but inter-related devices (receiver - transmitter) both of which are based on the same idea (binary signals of the set of pages in the form of coded instructions).
Dependent claims 2 to 10 relate to special embodiments of the receiver according to claim 1, and claims 12 and 13 are related to the transmitter according to claim 11.

4. Thus, the requirement pursuant to Rule 13.1 PCT is met.
It follows that the invitation to pay an additional fee dated
13 July 1982 was not justified.

III. ORDER

For these reasons
it is decided that

The reimbursement to the applicants of additional fee is
ordered.

The Registrar:

J. Ruckerl

The Chairman:

R. Kaiser