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DECISION
of 21 June 2001

Case Number: T 0258/99 - 3.5.1
Application Number: 89106255.6
Publication Number: 0337336
IPC: H04N 7/087

Language of the proceedings: EN

Title of invention:
Applications for information transmitted in the vertical retrace interval of a television signal

Patentee:
RCA Thomson Licensing Corporation

Opponent:
Interessengemeinschaft für Rundfunkschutzrechte GmbH
Schutzrechtsverwertung & Co. KG

Headword: -

Relevant legal provisions:
EPC Art. 56, 100(a)

Keyword: "Inventive step (no)"

Decisions cited: -

Catchword: -
Case Number: T 0258/99 - 3.5.1

DECISION
of the Technical Board of Appeal 3.5.1
of 21 June 2001

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Decision under appeal: Decision of the Opposition Division of the European Patent Office posted 20 January 1999 rejecting the opposition filed against European patent No. 0 337 336 pursuant to Article 102(2) EPC.

Composition of the Board:
Chairman: A. S. Clelland
Members: R. S. Wibergh
H. Preglau
Summary of Facts and Submissions

I. This appeal is against the decision of the Opposition Division to reject an opposition against European patent No. 337 336. The opposition proceedings were primarily directed to the issue of inventive step as regards claims 1 and 9, independent apparatus and method claims respectively. The opponent had cited the following two documents:

D2: DE-C-3 527 939.

II. The Opposition Division held that the subject-matter of each of claims 1 and 9 involved an inventive step. Consequently, the opposition was rejected and the patent maintained. The appellant (opponent) lodged an appeal against this decision and paid the prescribed fee; it was requested that the decision under appeal be set aside and the patent revoked. An auxiliary request was made for oral proceedings. A statement of grounds of appeal was subsequently filed, maintaining the objection of lack of inventive step on the basis of the documents considered by the Opposition Division. The respondent (patentee) argued that no new issues had been raised. He subsequently requested that the appeal be dismissed and the patent maintained as granted.

III. Oral proceedings were appointed for 21 June 2001. Prior to the oral proceedings and following a communication from the Board the respondent filed revised claims of a first auxiliary request. Further claims of a second auxiliary request were filed in the course of the oral proceedings themselves.
IV. Claim 1 of the main request reads as follows:

"A television signal processing apparatus wherein the received television signals include image-representative information and a plurality of accompanying segments of supplementary information including program identification information, and a listing of program title information associated with program source identification information, the supplementary information being encoded during vertical blanking intervals of the broadcast signal, said television signal processing apparatus comprising:

- tuning means for selectively receiving television signals transmitted by individual program sources, the received signals including image-representative information, and accompanying segments of supplementary information,

- first signal decoder means for decoding said listing including program title information and associated program source identification information,

- memory means for storing and retrieving at least said program title information and associated program source identification information decoded by said first signal decoder means,

- second signal decoder means for decoding said program identification information accompanying related image-representative information

- a first controller means coupled to said tuning means, said first and second signal decoder means and said memory means for selectively transferring said segments of supplementary information from said first signal decoder means to said memory means, said first controller means also retrieving said segments from said memory means; characterized in that, in order to automatically display information identifying a
currently running television program,
said first controller means further comprises:
means to enable said second signal decoder means
to decode said program identification information
accompanying related image-representative information,
upon initial reception of signals from an individual
program source by said tuning means,
means to enable said first signal decoder means to
identify a program source identification information
within said listing identical with said decoded program
identification information,
means to store at least the associated program
title information of said listing in said memory means
corresponding to said currently running television
program, and
means to transfer said program title information from
said memory means for automatic display thereof along
with the related image-representative information."

Claim 9 of the main request reads as follows:

"A method of processing received television signals
wherein said television signals include image-
representative information and a plurality of segments
of accompanying supplementary information including
program identification information having a program-
identifying time code and a listing including program
title information associated with program source
identification information, the supplementary
information being encoded during vertical blanking
intervals of the television signal, the method
comprising:
tuning a television signal processor for
selectively receiving signals transmitted by an
individual program source, the received signals
including said image-representative information and accompanying segments of supplementary information, decoding said listing and said included program title information and associated program source identification information, storing said decoded listing and included program source identification information for subsequent retrieval, decoding said program identification information accompanying related image-representative information, comparing said last-named program identification information with said included program source identification information to identify matching information, and characterized by automatically displaying at least program title information associated with said included program source identification information upon identifying matching program identification information, along with related image-representative information."

V. The claims of the first auxiliary request differ from those of the main request only in respect of claim 9, which includes at the end of the claim the additional wording "in order to identify a currently running television program".

VI. Claim 1 of the second auxiliary request includes all the features of claim 1 of the main request and is additionally limited by being directed to a television signal processing apparatus "in a TV receiver" and by the additional feature at the end of the claim, "wherein said program identification information is VPS program identification code and wherein said program source identification information includes VPV identification information". Claim 9 of this request is directed to a method of processing "in a TV receiver"
received television signals, and includes at the end of
the claim the wording "in order to identify a currently
running television program, wherein said program
identification information is VPS program
identification code and wherein said program source
identification information includes VPV identification
information".

Reasons for the Decision

1. Background to the invention

1.1 In many countries broadcast television signals are
multiplexed with digital alphanumeric information which
can be displayed in place of the video signal. This
information, generally referred to as teletext or in
some countries videotext, is contained within the
vertical blanking interval. A development of teletext
is the VPS system in which the vertical blanking
interval additionally includes information
unambiguously identifying a specific program, to
provide a signal for video recorders identifying the
start and end of a program for recording purposes even
if these times do not correspond to the advertised
times. Thus, a video recorder in VPS mode will record a
program correctly even if the previous program runs
late. A further simplification of video recorder
programming is given by the VPV system, which relies on
a property of the teletext system, namely the ability
to conceal information on a page. It is for example
possible to display program information on a teletext
page including the VPS information in concealed form
(special VPS start and end times which may not coincide
with the scheduled start and end times). The viewer
highlights the desired program and the concealed VPS information is passed automatically to the video recorder, obviating the need to program manually the start and stop times.

1.2 The patent is concerned with a development of the teletext system. It would be desirable whenever changing channels to display content information on the program being viewed; both the prior art documents discussed in the present proceedings relate to teletext-based systems in which this problem arises. D1 is primarily concerned with programming a video recorder by making use of an inbuilt teletext decoder to derive VPS and VPV information; the information is arranged to be displayed in such a manner that if there is a plurality of recordings these can be displayed simultaneously and any overlapping recordings indicated. In a further embodiment, not explained in detail, the teletext decoder is used to derive from a previously recorded video signal teletext data indicative of the recording time and subject. D1 does not disclose how this is done; the Board observes that it would not normally be possible to record teletext data on a video recorder since the data is contained in the vertical blanking interval and this signal is generated by the recorder itself on playback. D1 does not disclose the display of program data derived from a teletext signal in real time.

1.3 Document D2 is explicitly concerned with the problem of displaying teletext-derived program data on a receiver. The solution is to derive the required data at the transmitting end and display this data on a special teletext page which can be accessed rapidly by a suitably equipped receiver.
1.4 In the patent, on the other hand, the TV receiver extracts the VPS data and correlates it with those teletext pages likely to contain program data, these pages having the VPS data hidden in them for VPV recording. Thus, the right page can be found and by making some assumptions about the spatial relationship between the hidden VPS data and the program information, the program information and for example channel information can be derived for separate display on the TV screen.

2. Inventive step

2.1 The sole issue in the present appeal is that of inventive step. Since the independent claims of the second auxiliary request include all the features of the corresponding claims of the main request and first auxiliary request, the Board's conclusions on the second auxiliary request apply equally to the main request and first auxiliary request.

2.2 In the course of the oral proceedings the debate concentrated on the disclosure of D2. The respondent's argument on D2 was, in essence, that it disclosed a system in a TV transmitter which generated a special teletext page containing the desired data; the invention, on the other hand, made use of unmodified teletext signals and carried out the information retrieval at the receiver end of the chain. It could therefore be used with all television stations which provided teletext signals whereas the D2 system would only work with those stations which provided the special, correctly formatted teletext page. The opposition division in essence agreed with this analysis and held that the skilled person would not
modify the transmitter-based solution of D2 to apply it to a receiver-based decoder since there was no motivation to do so and D2 gave no teaching as to how such a solution could be implemented.

2.3 The Board, whilst accepting that D2 is concerned with modifying the transmitter rather than the receiver, notes that the actual problem solved in D2 is similar to that solved in the patent. D2 is concerned with a teletext system for providing program information at the receiver such as transmitter ID, date, time and program name, as well as receiver or video recorder control information (column 2, lines 26 to 39). More specifically D2 has as its object the display of program title information on the screen either permanently or on demand (column 3, lines 18 to 24). The solution can be seen in Figure 1. Although this is at the transmitter end of the chain the individual integers are those specified in the claims of the patent.

2.4 Using the terminology of claim 9 of the patent Figure 1 of D2 shows a method of processing television signals which include image-representative information and supplementary information including a VPS signal, i.e. a program-identifying time code, and a teletext signal i.e. a listing including program title information associated with program source identification information. As noted at paragraph 1 above, such information is encoded during vertical blanking intervals of the television signal. Figure 1 of D2 shows the use of a decoder 102 to decode the teletext information i.e. a listing which includes program title information and associated program source identification information, a memory 106 in which this
information is stored for subsequent retrieval, a VPS decoder 103 for decoding program identification information and a comparator (106) which compares the VPS data with the teletext data to identify matching information. This information is reconverted to teletext and sent as the special teletext page.

2.5 As regards the final feature of the claim, it has already been noted that the program identification information used in D2 is the VPS signal. D2 moreover refers at column 3, lines 4 to 11 to the provision of hidden programme-identifying information, implying that a VPS signal, i.e. program source identification information, is hidden in the teletext page in accordance with the VPV system.

2.6 The above analysis makes clear that D2 derives the same information in the same manner as in claim 9 of the patent; the differences are that in D2 the transmitted signal is processed in the studio whereas in the patent the received signal is processed in a TV receiver, and that the derived information is formatted as part of a special teletext page rather than displayed automatically on the screen in place of a portion of a picture.

2.7 The Board however considers that the skilled person, faced with the problem of deriving and displaying the desired program information, would find the solution in D2. As indicated above, the document gives the skilled person the information that by comparing the VPS signal with the content of teletext pages it is possible to derive program information. Once the skilled person has this appreciation, he has derived the core of the invention; whether this is used in the context of a
receiver or a transmitter, and whether the derived information is supplied automatically to the screen or to a teletext page, does not appear to the Board to involve the exercise of inventive skill.

2.8 The Board accordingly concludes that the subject-matter of claim 9 of the second auxiliary request lacks an inventive step. This being the case, it follows that claim 9 of the main request and of the first auxiliary request are open to the same objection.

3. There being no allowable request, it follows that the patent must be revoked.

Order

For these reasons it is decided that:

1. The decision under appeal is set aside.

2. The patent is revoked.

The Registrar: The Chairman:

M. Kiehl A. S. Clelland