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|            |
|------------|
| Date       |
| 19.12.2018 |

|                                    |                                                           |
|------------------------------------|-----------------------------------------------------------|
| Reference<br>01110EP STG           | Application No./Patent No.<br>05703078.5 - 1230 / 1847127 |
| Applicant/Proprietor<br>TVNGO Ltd. |                                                           |

### Summons to attend oral proceedings pursuant to Rule 115(1) EPC

You are hereby summoned to attend oral proceedings arranged in connection with the above-mentioned European patent application.

The matters to be discussed are set out in the communication accompanying this summons (EPO Form 2906).

The oral proceedings, which will not be public, will take place before the Examining Division

|                                                                                           |
|-------------------------------------------------------------------------------------------|
| on 15.05.19 at 10.00 hrs, EPO Dienststelle<br>Berlin, Gitschiner Strasse 97, 10969 Berlin |
|-------------------------------------------------------------------------------------------|

No changes to the date of the oral proceedings can be made, except on serious grounds (see OJ EPO 2009, 68). If you do not appear as summoned, the oral proceedings may continue without you (R. 115(2) EPC, see also OJ EPO 2008, 471).

Your attention is drawn to Rule 4 EPC, regarding the language of the oral proceedings, and to Special edition No. 3 OJ EPO 2007, L.1, concerning the filing of authorisations for company employees and lawyers acting as representatives before the EPO.

**The final date for making written submissions and/or amendments (R. 116 EPC) is 15.04.19.**

The actual room number as well as the waiting room numbers will be given to you by the porter in the foyer at the EPO.

Please note that the oral proceedings will always take place as scheduled unless you are otherwise informed. The EPO will generally not send a reminder or a further communication prior to the date of oral proceedings.

1st Examiner:  
Blais, Denis

2nd Examiner:  
Bertrand, Frédéric

Chairman:  
Gérard, Eric

**For the Examining Division**



**Annexes:**

Confirmation of receipt (Form 2936)  
Communication (EPO Form 2906)

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EPA/EPO/OEB Formblatt/Form/Formulaire : 2008+2906

**Empfangsbescheinigung über den Zugang des vorstehend bezeichneten Schriftstücks**  
**Acknowledgement of receipt of the document specified above**  
**Récépissé du document spécifié ci-dessus**

Unter Bezugnahme auf die Mitteilung im ABI EPA 7/2010, 377 wird gebeten, die Empfangsbescheinigung mit Empfangsdatum und Unterschrift zu versehen und **umgehend** an das EPA zurückzusenden:

With reference to the Notice in OJ EPO 7/2010, 377, you are requested to date and sign the acknowledgement of receipt and return it to the EPO **immediately**:

Conformément au communiqué paru au JO OEB 7/2010, 377, vous êtes prié d'indiquer sur le récépissé la date de réception du document, de signer le récépissé et de le renvoyer **sans délai** à l' OEB:

- **über die Online-Dienste des EPA** (als Anlage zu EPA Form 1038) / **through EPO Online Services** (as annex to EPO Form 1038) / **par les services en ligne de l'OEB** (en tant que pièce jointe au formulaire OEB 1038),
- **per Fax / by fax / par téléfax (+49 (0) 89 2399-4465 or +31 (0) 70 340-3016)**
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IPR2026-000213 - Samsung  
Ex. 1040 - Page 3

The examination is being carried out on the **following application documents**

**Description, Pages**

1-13 filed in electronic form on 24-05-2012

**Claims, Numbers**

1-18 filed in electronic form on 24-05-2012

**Drawings, Sheets**

1/7-7/7 as originally filed

**1 Summons**

- 1.1 Following the applicants' request, but also because the Examining Division considers it expedient, the applicants are summoned to attend oral proceedings as stipulated under Article 116(1) EPC.
- 1.2 During the Oral Proceedings the objections raised in the present communication will be considered. It is intended to discuss all outstanding matters so that a final conclusion can be reached and a decision taken as to whether grant a patent or refuse the application.
- 1.3 It is the provisional opinion of the Examining Division that the application should be refused under Article 97(2) EPC, for the reasons indicated below.
- 1.4 However the Examining Division also suggests some amendments in paragraph 4 of the present communication in order to overcome the remaining objections.
- 1.5 When filing further amendments, the applicants should be aware of the time limit for submissions set in the summons. They should further be aware that according to Rule 137(3) EPC any amendment requires the consent of the Examining Division.
- 1.6 In the event that the applicants decide not to attend and not to be represented at the oral proceedings, early notice is kindly requested.

**2 Article 123(2) EPC**

- 2.1 The amendments filed with the letter dated 24-05-2012 introduce subject-matter which extends beyond the content of the application as filed, contrary to Article 123(2) EPC.

2.2 The amendments concerned are the following:

2.2.1 The term "unrelated sources" used in claims 1 and 11 represents an undisclosed disclaimer. Indeed the aim of adding that technical feature is to limit the scope of the claims to systems not having related sources. However the disclaimer was not disclosed in the application as originally filed. Figure 1 referred to by the applicants as providing basis for that feature, is not sufficient to clearly exclude related sources. It should be further noted that the term "unrelated sources" is ambiguous. In the original disclosure on page 7, lines 1 and 2, the content provided by the web server 14 is an information related to the TV program being broadcast. That seems to be in contradiction of having unrelated sources.

2.2.2 The term "overlay trigger criterion" is a generalisation of the features "channel" and "time" disclosed in the originally filed application, notably in table 1 on page 11, this generalisation being not directly and unambiguously derivable from the originally filed application. The text of lines 8 to 10 on page 6 referred to by the applicants as providing basis for that feature is not actually directed to that feature since that text is directed to events monitored at the server, not to trigger criterion processed at the user's premises.

### 3 **Article 84 EPC**

3.1 The application does not meet the requirements of Article 84 EPC, because claims 1-18 are not clear.

3.2 The method of claim 1 is directed to a method for generating a video output. Whereas the term "video output" may refers to a video output signal, in the case of the present invention, the video output (24) refers clearly to a circuit since it is connected to the combiner unit (23). In order to overcome that objection, the subject matter of claim 1 may be directed to a method for generating a combined video signal.

3.3 Claims 2-18 lack clarity for the same reasons.

### 4 **Final remarks**

4.1 In order to overcome the above objections under Article 123(2) EPC and 84 EPC and keeping in mind the wording of the originally filed application in order to avoid the raise of further objections under Article 123(2) EPC, the examining division suggests to amend claim 1 as following:

4.1.1 A method for generating at a user's premises **a combined video signal a video output (24)** consisting of a TV broadcast signal constituting a first data and overlay display information constituting a second data, the method

comprising:

(a) providing a combiner unit (23) at the user's premises, wherein:

the combiner unit (23) is connected to **a first input (21) for receiving said first data,**

the combiner unit (23) is connected to ~~said a~~ video output (24) at the user's premises **for conveying the combined video signal to a TV set,** and

the combiner unit (23) is ~~also~~ connected to **a second input (22) for receiving said second data from** an Internet data source providing said overlay display information over the Internet (15), and

~~said TV broadcast signal and overlay display information originate from unrelated sources and are transmitted to the user's premises by different resources as mutually distinct and independent first and second inputs (21, 22), respectively, and~~

characterized in that:

**the combiner unit (23) is connected to a processor unit (25) which automatically access the Internet data source for downloading said second data which are then stored in a memory (26);**

said overlay display information includes at least:

a Web link indicating a website where an Internet content that is associated with said overlay display information is stored,

an icon and/or textual data indicative of the content associated with said overlay display information, and

~~a overlay trigger criterion~~ **criteria including at least a channel information and a time information defining on which channel or channels of said TV broadcast signal the associated Internet content is to be streamed and at what times;** and

**the method further comprises:**

(b) processing at the user's premises said overlay display information and generating at the user's premises a corresponding ~~overlay~~ **combined video signal only if upon detecting that said overlay trigger criteria are criterion** ~~related to overlay trigger is met, wherein generating an overlay the~~ **combined video signal** includes:

generating at the user's premises a first display ~~screen~~ **window** including at least a first portion corresponding to said TV broadcast signals and a second portion overlaid over said first portion and corresponding at least to said icon and/or textual data, and

associating the Web link with said second portion of the first display ~~screen~~ **window** thereby allowing a user to cause the combiner unit (23) to retrieve said Internet content, generate a second video display ~~screen~~ **window**

including at least a portion which corresponds to said Internet content, and providing the second video display ~~screen~~ **window within the first display window** as output.

- 4.1.2 The scope and wording of suggested claim 1 is very close to the ones of present claim 1.
- 4.1.3 The term "display window" is preferable since the term "window" is used in the application as originally filed in that context whereas the term "screen" refers to a part of the TV.
- 4.1.4 Moreover by clearly defining that the overlay trigger criteria are a channel information and a time information, the objection raised in paragraph 2.2.2 is overcome and in the same time, it is not necessary to define that the sources are unrelated since having the channel and time information makes it possible to trigger the overlay even if the sources are unrelated.
- 4.1.5 The problem to be solved by the suggested claim would be how to provide Internet content related to a TV program independently from the TV broadcaster transmitting the TV program.
- 4.1.6 It should be noted that the solution disclosed in the application as originally filed implies the storing of the channel and time information such that it is possible to check programmed events.
- 4.2 It is noted that this suggestion is only for assisting the applicant in his decision on how to proceed. It in no way precludes consideration of alternative solutions submitted by the applicant. The responsibility for determining the text of the application (Article 113(2) EPC) and in particular for defining the subject-matter for which protection is sought remains with the applicant.
- 4.3 In any case, if the applicants wish to pursue this application further they should file a new set of claims drafted to overcome the objections set out above. The examining division recommends to use as much as possible the wording and expressions already present in the application as originally filed so that objections under 123(2) EPC could be avoided.
- 4.4 Moreover the subject matter of independent claim 11 should be amended in order to correspond to the wording of a new independent claim 1. Similarly the subject matter of the dependent claims should be adapted with respect to the subject matter of the independent claims.