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Application No. 05 703 078.5 - 1522	Ref. 01110EP STG	Date 15.11.2011
Applicant TVNGO Ltd.		

Communication pursuant to Article 94(3) EPC

The examination of the above-identified application has revealed that it does not meet the requirements of the European Patent Convention for the reasons enclosed herewith. If the deficiencies indicated are not rectified the application may be refused pursuant to Article 97(2) EPC.

You are invited to file your observations and insofar as the deficiencies are such as to be rectifiable, to correct the indicated deficiencies within a period

of 4 months

from the notification of this communication, this period being computed in accordance with Rules 126(2) and 131(2) and (4) EPC. One set of amendments to the description, claims and drawings is to be filed within the said period on separate sheets (R. 50(1) EPC).

If filing amendments, you must identify them and indicate the basis for them in the application as filed. Failure to meet either requirement may lead to a communication from the Examining Division requesting that you correct this deficiency (R. 137(4) EPC).

Failure to comply with this invitation in due time will result in the application being deemed to be withdrawn (Art. 94(4) EPC).

The notification of this communication starts the 24-month period according to Rule 36(1)(a) EPC for filing a voluntary divisional application divided from this application or from any sequential application. For further information see Guidelines for Examination, A-IV, 1.1.1.2 and 1.1.1.4.



Blais, Denis
Primary Examiner
For the Examining Division

Enclosure(s): 5 page/s reasons (Form 2906)
US 2001/003212; US 2002/056129; XP002945609

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

Description, Pages

1-12 as originally filed

Claims, Numbers

1-18 as annexed to the Int. Prel. Examination Report

Drawings, Sheets

1/7-7/7 as originally filed

1 Citation of documents

The following documents are referred to in this communication; the numbering will be adhered to in the rest of the procedure:

D1 WO 02/19689 A (SONY ELECTRONICS INC) 7 March 2002 (2002-03-07)

The following documents were found in a further search (see Guidelines C-VI, 8.3). A copy of the documents is annexed to the communication and the numbering will be adhered to in the rest of the procedure:

D2 US 2001/003212 A1 (MARLER JERILYN L [US] ET AL) 7 June 2001 (2001-06-07)

D3 US 2002/056129 A1 (BLACKKETTER DEAN J [US] ET AL) 9 May 2002 (2002-05-09)

D4 "ADVANCED TELEVISION ENHANCEMENT FORUM SPECIFICAION (ATVEF)",
INTERNET CITATION, 2 February 1999 (1999-02-02), XP002945609,
[retrieved on 1999-03-22]

2 Patentability of claim 1

2.1 Document D2 discloses a method for facilitating first data broadcast over a TV subscriber channel to be displayed simultaneously together with second data conveyed via a digital data communications network from a web server to a combiner unit coupled to the TV subscriber channel (see D2, paragraphs 13 to 16), the method comprising:

receiving said first data (see D2, paragraph 14) and said second data (see D2, paragraph 16; see also paragraph 20 and paragraph 23, last sentence), the second data including data that is representative of:

- a web link indicating a website where an IP content relating to the second data is stored (see D2, paragraphs 20 to 23 and claim 12, web links indicating a website are also part of the ATVEF specification, see D4, paragraph 1.1.5);
- a program details image to be displayed indicative of the IP content (see D2, paragraphs 34 to 37);
- timing information indicating when the program details image is to be displayed (see D2, paragraph 38, two last sentences and claim 7); and
- one or more TV subscriber channels on which said program details image is to be displayed (see D2, paragraphs 22 and 23, enhancement data are associated with TV channels; and paragraph 30, "The SA process 136 is capable of associating enhancement data received over the secondary link 20 to the currently tuned A/V channel");

combining said first data and said second data to form a combined video signal for displaying a first image corresponding to the first data together with a second image corresponding to the second data (see D2, paragraph 13, last sentence and paragraph 30, "The SA process 136 is capable of associating enhancement data received over the secondary link 20 to the currently tuned A/V channel. The SA process 136 may then combine the associated enhancement data with the A/V content of the currently-tuned TV channel for presentation.");

storing the second data for off-line processing (see D2, paragraph 37, icons are stored; and paragraph 22, enhancement data can be retrieved at the receiver from local storage for viewing);

combining said first data and with data representative of said program details image only if the TV set is tuned to one of said TV subscriber channels (see again D2, paragraph 30; it is a general principle of ATVEF specification, e.g. Appendix A) during a time that conforms to the timing information embedded in the second data (see D2, paragraph 41, three last sentences), and conveying said combined video signal to a video input of a TV set in a user premises for displaying a first image corresponding to the first data and having the program details image overlaid thereon within an area occupied by the first image (see D2, e.g. paragraphs 31 and 32, claims 5 and 6), said program details image being configured to allow a user at said user premises to

interact therewith for redirecting to the digital data communications network and displaying a program said IP content broadcast thereby in at least a portion of the TV set (see D2, paragraph 32).

2.2 Since all features of the claim are known from the document D1, the subject matter of **the claim is not new** in the sense of Art. 54(1) and (2) EPC and the requirements of Art. 52(1) EPC are not satisfied in respect of novelty for this claim.

2.3 Document D3 discloses a similar method for facilitating first data broadcast over a TV subscriber channel to be displayed simultaneously together with second data conveyed via a digital data communications network from a web server to a combiner unit coupled to the TV subscriber channel (see D3, paragraphs 9 to 15). The method of D3 differs from the present application in that:

- the trigger, i.e. second data containing timing information, does not explicitly include data that is representative of a program details image, although it seems to be implicit since in an embodiment, execution of trigger causes an icon to be displayed (see D3, paragraph 55);
- the trigger does not explicitly include data that is representative of one or more TV subscriber channels on which said program details is to be displayed, although it seems to be implicit since in an embodiment, the enhancement is no longer displayed because the trigger is not associated with a second channel (see D3, paragraph 56); and
- the trigger is encoded onto VBI line of a channel of a NTSC broadcast signal, although the trigger can be communicated to the receiver unit via other transport mechanisms (see D3, paragraph 52) and it appears, in the context of ATVEF, that Internet would be an obvious alternative transport mechanism.

2.4 The subject matter of **the claim is therefore new** with respect to the document D3 but the additional features seem to be generally known details which the person skilled in the art would apply to the subject matter of D3 without having made an inventive step as defined in Art. 56 EPC.

3 Further Independent Claims

The subject matter of the remaining independent claim 11 corresponds to that of claim 1 of the application. The above reasoning with respect to novelty and inventive step therefore also applies to the claim 11.

4 Dependent Claims

4.1 The dependent claims 2-10 and 12-18 appear not to claim any additional features which render them either new or non obvious with respect to the available prior art.

4.2 Concerning the additional features of claim:

i) 2, 12:	- see D2, paragraph 38, "A receiver may set its own policy for allowing users to enable or disable enhanced television content and triggers may be utilized as a signal to notify users of enhanced content availability"; the choice of the user of enabling or disabling enhanced content would be stored in a user-profile and the second data would be received according to a pre-stored user-profile;
ii) 3, 13:	- common features, see e.g. D1, page 18, lines 1 to 5;
iii) 4, 14:	- see D3, paragraphs 44 to 46;
iv) 5:	- see D2, paragraphs 21 and 31;
v) 6, 15:	- see D1, page 12, line 9 to page 13, line 17;
vi) 7:	- enhancement data of ATVEF specification is supplementary or complementary of A/V data;
vii) 8, 16:	- see D2, paragraphs 31 and 32;
viii) 9, 17:	- common features on TV set for browsing using a teletext compatible remote control with 4 coloured buttons;
ix) 10, 18:	- common features on TV set for browsing using a remote control.

5 Final remarks

5.1 When drafting a new set of claims the prior art documents cited in the present communication should be taken into consideration with the view of producing claims the subject-matter of which is both novel (Article 54 EPC) and inventive (Article 56 EPC). Thereby D1 to D4 seem to be particularly relevant.

5.2 The features of the claims should be provided with reference signs placed in parentheses to increase the intelligibility of the claims (Rule 43(7) EPC). This applies to both the preamble and characterising portion (see Guidelines C - III, 4.19).

- 5.3 To meet the requirements of Rule 42(1)(b) EPC, the documents D1 to D4 should be identified in the description and the relevant background art disclosed therein should be briefly discussed.
- 5.4 When filing amended claims the applicant should at the same time bring the description into conformity with the amended claims. Care should be taken during revision, especially of the introductory portion and any statements of problem or advantage, not to add subject-matter which extends beyond the content of the application as originally filed (Article 123(2) EPC).
- 5.5 In order to facilitate the examination of the conformity of the amended application with the requirements of Article 123(2) EPC, the applicant is requested to clearly identify the amendments carried out, irrespective of whether they concern amendments by addition, replacement or deletion, and to indicate the passages of the application as filed on which these amendments are based.
If the applicant regards it as appropriate these indications could be submitted in handwritten form on a copy of the relevant parts of the application as filed.

Blais, D.