



PATENTS ACT 1977

APPLICANT Michael Oluwaseun Bamidele

ISSUE Whether patent application GB1001168.2 complies
 with sections 1(1)(a), 1(1)(b) and 14(5)(b)

HEARING OFFICER Mrs S E Chalmers

DECISION

Introduction

- 1 Patent application GB 1001168.2 entitled "Wireless portable device audio visual display transmission system" was filed on 26 January 2010 and published as GB 2477151 A on 27 July 2011.
- 2 The examiner has maintained throughout that the invention claimed in this application lacks clarity, is not new and/or lacks an inventive step. Despite several rounds of correspondence the applicant and the examiner have been unable to agree. At the request of the applicant, the matter has come to me for a decision on the papers.
- 3 Mr Bamidele is an unrepresented applicant, and although I appreciate that he has attempted to address the examiner's objections fully, there is, nevertheless, a communication gap, which has hampered the examination of his application. I have taken these factors into account in my decision.

The invention

- 4 The invention is concerned with a system for the wireless transmission of audio visual signals from a portable device (such as a smart phone or personal computer) to a television or video projector. The system comprises a transmitter adaptor for encoding and transmitting the signals from the portable device and a receiver adaptor for receiving and decoding the signals. The transmitter receiver may be built into the portable device or connected to the USB port of the portable device. Likewise, the receiver adaptor may be built-in or connected to the transmission port of the television or video projector.
- 5 I have made my decision on the basis of the claims as filed which are attached at Annex A.

The law and its interpretation

- 6 Section 14(5)(b) of the Patents Act states that the claims must be clear and define the invention you wish to protect as precisely as possible. In the case where an invention relates to equipment, this means that the claims must set out the technical features of the invention ie its physical construction in terms of its individual parts or components and how they relate to each other.
- 7 Section 1(1)(a) of the Patents Act states that a patent may be granted only for an invention that is new. “New” means your invention must never have been made public in any way, anywhere in the world, before the date on which your patent application was filed.
- 8 Section 1(1)(b) of the Patents Act states that a patent may be granted only for an invention that involves an inventive step. “Involve an inventive step” means that your invention, when compared with what is already known, would not be obvious to someone with a good knowledge and experience of the subject. For example, an invention would be obvious if the only difference between it and what was known was the result of applying common general knowledge or adding a feature which was well known.
- 9 To get a patent, a patent application – and specifically the invention as claimed – must meet all the requirements of UK patent law. The purpose of this decision is to decide whether Mr Bamidele’s application does or does not do that.

Arguments and analysis

Clarity

- 10 The examiner maintains that the claims are not clear because they are not in an appropriate format and do not clearly define the scope of the invention. He has directed the applicant to other patent documents to provide examples of what is required. Mr Bamidele has responded that he has been advised that the current claims are not in the appropriate format but that this does not prevent patentability. In his view the current claims conform to the requirements of the Code of Practice for Applicants and Agents¹, and the fact that the Office searched the invention proves that they are clear and concise. His letter dated 19 August 2014 states that no claim amendments are necessary and that he is “not willing to put the current claims in the appropriate format since this does not prevent patentability”.
- 11 It is an essential requirement of patent law that the claims are clear to ensure that a third party can be certain what is protected by the patent. This requirement is independent of whether the invention is new and inventive which is what I understand Mr Bamidele to mean by “patentability”. The patent must include at least one main claim that defines all the technical features essential to the invention as it is these features that provide that certainty and distinguish the invention from what is already known. The examiner will do his or her best to understand the invention when carrying out the search but, just because the Office has done a search, it does not follow automatically that the claims are clear.

¹ Available at: <https://www.gov.uk/government/publications/patents-code-of-practice>

- 12 I now turn to the application. The claims comprise three aspects: claims 1-7 which are concerned with the operation of the transmitter adaptors in in-built mode; claims 8-14 which are concerned with the operation of the transmitter adaptors in plug-in mode; and claims 15-16 which are concerned with powering the two modes. Each of these aspects is prefaced by a statement that refers to “the wireless audio visual signal transmission adaptors” but none of the claims sets out precisely what these adaptors are.
- 13 The opening paragraph of the description states: “The wireless audio visual signal transmission adaptors are made up of a signal encoder and signal transmitter (for the transmitter adapter) and a signal receiver and signal decoder (for the receiver adapter). Both devices include a light emitting diode to confirm transmission is in progress or receiving status and power availability.” The description and drawings describe set-ups where the adaptors are either built-in or connected to the portable device and television or video projector.
- 14 From the description, it would therefore appear that the invention for which Mr Bamidele is seeking protection lies in the combination of a signal encoder and signal transmitter (for the transmitter adapter) and a signal receiver and signal decoder (for the receiver adapter). However, there is no claim to this combination; rather, the claims relate to the individual components of this system (eg claims 1-4), the method of transmission (eg claim 5) or the way the adaptors are powered (eg claim 16). It is not therefore not clear which features are considered essential to the invention, which features are optional, and which are for information only. Nor is it clear from the application as a whole where Mr Bamidele considers his invention to lie – is it in the technical components (either individually or in combination), is it in the way the system works or something else? This major inconsistency between the description and claims as to what the invention is renders the claims unclear.
- 15 I therefore find that the claims lack clarity. That, in itself, is a ground for refusing this application. However, for completeness, I shall now go on to consider whether the invention – insofar as it can be understood – is new and inventive.

Novelty and Inventive Step

- 16 For a patent to be granted for an invention, the claims must distinguish it clearly from previously proposed devices in a way which is both new and not obvious to someone skilled in the art of audio visual transmission. Notwithstanding the lack of clarity of the claims, the examiner is of the view that the content of the application, including all the claims, is known or is obvious. He has cited the following examples of published patent documents to support this view:

GB 2454219 A	(SYMBIAN)	<i>See Fig. 1; page 6, lines 5-13; page 8, line 30-page 9, line 20.</i>
GB 2268856 A	(HAYASHI)	<i>See whole document, especially Figure 2.</i>
EP 1244303 A2	(VICARI)	<i>See whole document, especially paragraphs 23-24, 75-77, 91, 101, Figures 8, 9 and 13.</i>

EP 1059809 A2	(NOKIA)	<i>See whole document, especially paragraph 0014 and Figure 1.</i>
WO 2008/010815 A1	(MONTAGE TECH)	<i>See whole document, especially paragraphs 0036, 0039-0042; Figures 1 and 2.</i>
WO 2005/094270 A2	(SHARP)	<i>See whole document, especially Figures.</i>
US 2009/150928 A2	(HSU)	<i>See whole document, especially Figure 1 and paragraphs 0016-0017.</i>
US 2008/0141316 A1	(IGOE)	<i>See Fig. 1 and paragraph 0024.</i>

- 17 I agree with the examiner that these documents disclose wireless transmission of audio-visual signals from a portable device to a video projector, television or other display screen, the system comprising a transmitter adaptor and a receiver adaptor.
- 18 From the correspondence, it seems that Mr Bamidele accepts that many of the features of his system are known but he disputes that a video projector with a built-in wireless receiver is known or obvious. Specifically, he says that this feature is “unique to the invention”. He asserts that projectors differ significantly from televisions in that they are designed to be a “bridge” between input devices and display screens. He says that the projector is essentially not a display device while the television is a display device and that they are differentiated by design and functionality.
- 19 The examiner disputes this. He asserts that since such built-in receivers are known to be already incorporated into televisions – see, for example, Figure 1 of WO 2005/094270 or Figure. 1 of US 2009/150928 – it would be clear to a skilled person that such receivers could also be incorporated into projectors, and would convey similar advantages. With respect to the term ‘media sinks’ in GB 2454219, he believes that a skilled person would consider this term to encompass projectors as a “display such as an LCD TV, CRT TV, plasma screen or the like” (page 6 line 9). I note that US 2008/0141316 also uses this term (referenced as feature 124) to include display devices such as HDTV or other television, monitor, or display screen or mechanism.
- 20 EP 1244303 describes a video projector which receives wireless signals from various sources. Specifically, paragraphs 75-77 and 101 of EP 1244303 state that the projector contains an access unit WLAN adapted to connect to the wireless network via a PCMCIA card. The examiner argues that such a card could potentially be considered to be built-in, and thus show the feature of a built-in receiver to lack novelty; but even if not, it would show such a feature to be clearly obvious.
- 21 Mr Bamidele disagrees with the examiner’s point of view. He argues that EP 1244303 is not an exact match because it does not disclose the specific input devices mentioned in his application and that it refers to a PCMCIA card which “potentially” can be considered to be built-in. By “not an exact match”, I understand

the applicant to be saying that he considers the feature of a video projector with a built-in wireless receiver to be new and that it is not described in EP 1244303.

- 22 I have read EP 1244303 and, in my view, the reference to Figure 9 and paragraph 75 need to be read in the wider context. Looking back to Figure 8, paragraphs 68-72 describe an arrangement wherein there are six antennas inside the right-angled walls of the body of a video projector. Paragraph 75 says that Figure 9 is a further embodiment which “permits to increase the digital video-projector functionality in a modular way and without the necessity of operating inside the projector” (emphasis added). The following paragraphs then describe the use of a removable PCMCIA card with the antennas/receiving means.
- 23 It is my opinion that, when read in the wider context, the underlined phrase must refer back to the preceding embodiment ie that described in Figure 8. I therefore conclude that Figure 8 discloses 'built-in' wireless functionality provided by the antennas. Hence, a video projector with a built-in wireless receiver is not new.
- 24 I am not convinced that the PCMCIA card can be said to be “built in” in the sense that it is internal to the video projector. However, with the exception of EP 1244303, the documents cited in paragraph 16 demonstrate that it is clearly known for display devices to include built in receivers. Paragraph 91 of EP 1244303 states that the wireless transmission system described can be used to transfer content to any monitor (LCD, CRT, digital and analogue TV) with the same method used for the video projector. It is therefore my view that video projectors can be considered as “display” devices in the context of wireless transmission systems. Hence the feature of a built in receiver for a video projector is obvious.

Conclusion

- 25 I have found that the claims as currently worded lack clarity and, in so far as they can be understood, also lack novelty and do not involve an inventive step. I have read the specification carefully but am unable to identify any saving amendment. I therefore refuse the application under section 18(3).

Appeal

- 26 Any appeal must be lodged within 28 days

MRS S E CHALMERS

Annex A

Claims:

The wireless audio visual signal transmission adapters operate in the following in built modes:

1. A transmitter adapter built into the portable device for the encoding of the audio visual signals from the portable device
2. A transmitter adapter built into the portable device for the transmission of the encoded audio visual signals from the portable device
3. A receiver adapter built into the television or video projector for the receipt of the encoded audio visual signals transmitted from the portable device
4. A receiver adapter built into the television or video projector for the decoding of the audio visual signals transmitted from the portable device
5. The audio visual signals are transmitted in the adapter's specific frequency range
6. The transmitter adapter is paired to the receiver adapter to enable a transmission session
7. The transmission session is terminated from the portable device transmitting the audio visual signals

The wireless audio visual signal transmission adapters operate in the following plug in modes:

8. A transmitter adapter connected to the USB port of the portable device for the encoding of the audio visual signals from the portable device
9. A transmitter adapter connected to the USB port of the portable device for the transmission of the encoded audio visual signals from the portable device
10. A receiver adapter connected to the transmission port of the television or video projector for the receipt of the encoded audio visual signals transmitted from the portable device
11. A receiver adapter connected to the transmission port of the television or video projector for the decoding of the audio visual signals transmitted from the portable device
12. The audio visual signals are transmitted in the adapter's specific frequency range
13. The transmitter adapter is paired to the receiver adapter to enable a transmission session
14. The transmission session is terminated from the portable device transmitting the audio visual signals

The wireless audio visual signal transmission adapters are powered by two sources:

15. Built in adapters are part of the components of the portable device or television or video projector and as such, share the distributed power system of the portable device, television or video projector
16. Connected adapters (USB or Transmission Ports) are powered by the distribution system they are connected to for the period of connectivity, they are not powered on stand alone