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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte SHERRYL LEE LORRAINE SCOTT

Appeal 2010-010289
Application 11/554,213
Technology Center 2100

Before CARL W. WHITEHEAD, JR, ERIC S. FRAHM, and
ANDREW J. DILLON, *Administrative Patent Judges*.

DILLON, *Administrative Patent Judge*.

DECISION ON APPEAL

Appellant appeals under 35 U.S.C. § 134(a) from the Examiner's rejection of claims 1, 3, 4, 6, 10, and 12-22. Claims 2, 5, 7-9, and 11 have been cancelled. We have jurisdiction under 35 U.S.C. § 6(b).

We affirm.

STATEMENT OF THE CASE

Appellant's invention is directed to a method and apparatus for facilitating the use of handheld electronic devices by enlarging various

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visual objects in response to a determination of visual focus. *See Spec. 15,*
Abstract of the Disclosure.

Claim 1 is illustrative, with key disputed limitations emphasized:

1. A method of outputting a number of visual objects on a display of a handheld electronic device, the method comprising:

depicting as a first output on the display:

a first visual object at an initial size disposed at a first location on the display,

a second visual object at an initial size disposed at a second location on the display, and

a space disposed between the first and second visual objects;

making a determination that a focus of the handheld electronic device is on a predetermined visual object; and

responsive to said determination, depicting as a second output on the display:

an enlarged version of at least a portion of the first visual object disposed at the first location and occupying at least a portion of the space, and

at least a portion of the second visual object at the initial size disposed at the second location,

wherein at least a portion of the first output includes a quantity of text, the first visual object includes a first passage in the quantity of text, and the second visual object includes a second passage in the quantity of text.

The Examiner relies on the following as evidence of unpatentability:

Ito	US 2006/0143574 A1	Jun. 29, 2006
Smith	US 7,062,723 B2	Jun. 13, 2006
Nakano	US 2004/0100479 A1	May 27, 2004
Huang	US 5,933,804	Aug. 3, 1999

THE REJECTIONS

1. The Examiner rejected claims 1, 3, 4, 6, 10, 14, 16, 19-21 and 22 under 35 U.S.C. § 103(a) as unpatentable over Ito and Smith. Ans. 6-11.¹
2. The Examiner rejected claims 12, 13, and 15 under 35 U.S.C. § 103(a) as unpatentable over Ito, Smith and Nakano. Ans. 11-13.
3. The Examiner rejected claims 17 and 18 under 35 U.S.C. § 103(a) as unpatentable over Ito, Smith and Huang. Ans. 13-15.

ISSUE

Based upon our review of the record, the arguments proffered by Appellant and the findings of the Examiner, we find the following issue to be dispositive of the claims on appeal:

Under § 103, has the Examiner erred in rejecting independent claims 1, 20, and 21 by finding that Ito and Smith show or suggest a first visual object at a first location and a second visual object at a second location wherein, upon determining that a focus is on a predetermined visual object, an enlarged version of the first visual device is disposed at the first location and at least a portion of the second visual object is disposed at the second

¹ Throughout this opinion, we refer to the Appeal Brief filed January 8, 2010; the Examiner's Answer mailed April 14, 2010; and the Reply Brief filed May 17, 2010.

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location, wherein both the first and second visual objects include a quantity of text?

ANALYSIS

Appellant argues that the Examiner erred by finding that Ito and Smith show or suggest a first visual object at a first location and a second visual object at a second location wherein, upon determining that a focus is on a predetermined visual object, an enlarged version of the first visual device is disposed at the first location and at least a portion of the second visual object is disposed at the second location, wherein both the first and second visual objects include a quantity of text, because Ito only depicts the display of a list of elements, such as icons, and the enlarged text depicted in Smith is displayed in a separate location, and not at the original (first) location. Appellant urges that a combination of Ito and Smith would yield a system in which a list of textual items in which selected textual items were reproduced in a magnified form at a separate location from the original, non-magnified version. App. Br. 9-10.

Appellant also argues that the Examiner has failed to provide any motivation that one skilled in the art would look to make the combination of Ito and Smith since Ito is directed to lists of items and Smith is directed to passages of text. *Id.* at 10.

The Examiner finds that Ito discloses first and second visual objects displayed at a first and second location, wherein one object is displayed in an enlarged manner at its original location in response to a selection of that object. The Examiner notes that Smith is cited only for the premise that a passage of text may also be enlarged. Ans. 15-16.

We agree with the Examiner's findings regarding Ito and Smith, *supra*. Further, as both Ito and Smith are directed to the technology of

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selectively enlarging portions of a display, we find nothing untoward about the Examiner's proposed combination of these two references. We agree with the Examiner (Ans. 3-4, 6-7, and 15-18) that the combination of Ito and Smith teaches or suggests the limitations of claims 1, 20, and 21, including a first visual object at a first location and a second visual object at a second location wherein, upon determining that a focus is on a predetermined visual object, an enlarged version of the first visual device is disposed at the first location and at least a portion of the second visual object is disposed at the second location, wherein both the first and second visual objects include a quantity of text.

Consequently, we find the Examiner did not err in rejecting independent claims 1, 20, and 21 as unpatentable under § 103 over Ito and Smith. Similarly, we find the Examiner did not err in rejecting claims 3, 4, 6, 10, 12-19, and 22, which were not argued separately by Appellant.

CONCLUSION

The Examiner did not err in rejecting claims 1, 3, 4, 6, 10, and 12-22 under § 103.

ORDER

The Examiner's decision rejecting claims 1, 3, 4, 6, 10, and 12-22 is affirmed.

No time period for taking any subsequent action in connection with this appeal may be extended under 37 C.F.R. § 1.136(a)(1)(iv).

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AFFIRMED

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