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11/782,610	07/24/2007	Jung-Chul HUH	0202-0016	7879
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Jefferson IP Law 1130 Connecticut Ave., NW Suite 420 Washington, DC 20036			KARIMI, PEGEMAN	
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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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*Ex parte* JUNG-CHUL HUH

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Appeal 2010-011735  
Application 11/782,610  
Technology Center 2600

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Before ALLEN R. MacDONALD, CARL W. WHITEHEAD, JR., and  
BRADLEY W. BAUMEISTER, *Administrative Patent Judges*.

MacDONALD, *Administrative Patent Judge*.

DECISION ON APPEAL

## STATEMENT OF CASE

### *Introduction*

This application is a continuation of Application 10/951,250 which was before this panel in Appeal 2009-010076. This appeal turns on the same issue and we reach the same result.

Appellant appeals under 35 U.S.C. § 134(a) from a final rejection of claims 1, 2, 5, 6, 8, 9, 12, 13, 15, 16, 19, and 20. We have jurisdiction under 35 U.S.C. § 6(b).

### *Exemplary Claim*

Exemplary independent claim 1 under appeal reads as follows (emphasis added):

1. A method for inputting a character in a pocket-sized mobile communication device having a touch screen, comprising:
  - displaying a keyboard including a plurality of keys in a first area of the touch screen, wherein each key of the keyboard is displayed having an original touch recognizable area according to a size and location of the key;
  - detecting a touch on the displayed original touch recognizable area of a key of the keyboard;
  - displaying an enlarged character corresponding only to the key in a fixed second area of the touch screen, wherein the fixed second area is located separately and without overlapping with the first area*** and further wherein the location of the fixed second area is independent of the location of the detected touch;
  - detecting a movement of the touch from the displayed original touch recognizable area of the key to a displayed original touch recognizable area of another key wherein the another key has same size as the key;
  - removing the enlarged character corresponding to the key in the fixed second area and displaying an enlarged character corresponding only to the another key in the fixed second area if the movement of the touch from the displayed original touch recognizable area of the

key to the displayed original touch recognizable area of the another key is detected;

determining if the touch has been released from the displayed touch recognizable area of the key while displaying the enlarged character corresponding only to the key if the movement of the touch is not detected;

determining if the touch has been released from the displayed touch recognizable area of the another key while displaying the enlarged character corresponding only to the another key if the movement is detected; and

inputting the character corresponding only to the key if the movement of the touch is not detected or corresponding only to the another key if the movement of the touch is detected, if the touch has been released.

#### *Appellant's Contention*

Appellant contends that the Examiner erred in rejecting claims 1, 2, 5, 6, 8, 9, 12, 13, 15, 16, 19, and 20 under 35 U.S.C. § 103(a) as being unpatentable over the combination of Heikkinen (US 6,073,036), Staggs (WO 94/29788), and Hidekazu (JP 2002-062966) because “*Staggs* does not disclose the displaying of an enlarged character in a *fixed* second area of the touch screen.” (App. Br. 5).

#### *Issue on Appeal*

Did the Examiner err in rejecting claims 1, 2, 5, 6, 8, 9, 12, 13, 15, 16, 19, and 20 as being obvious because the references fail to teach or suggest a fixed second area of the touch screen?

## PRINCIPLES OF LAW

### *Burden on Appeal*

The allocation of burdens requires that the USPTO produce the factual basis for its rejection of an application under 35 U.S.C. §§ 102 and 103. *In re Piasecki*, 745 F.2d 1468, 1472 (Fed. Cir. 1984) (citing *In re Warner*, 379 F.2d 1011, 1016 (CCPA 1967)). The one who bears the initial burden of presenting a prima facie case of unpatentability is the Examiner. *In re Oetiker*, 977 F.2d 1443, 1445 (Fed. Cir. 1992).

## ANALYSIS

Appellant presents arguments as to why the Examiner has erred. (App. Br. 5-9). We agree with Appellant's contention above.

Therefore, Appellant has established that the Examiner erred with respect to the rejection of claims 1, 2, 5, 6, 8, 9, 12, 13, 15, 16, 19, and 20 under § 103(a).

## CONCLUSIONS

(1) The Examiner erred in rejecting claims 1, 2, 5, 6, 8, 9, 12, 13, 15, 16, 19, and 20 as being unpatentable under 35 U.S.C. § 103(a).

(2) On this record, claims 1, 2, 5, 6, 8, 9, 12, 13, 15, 16, 19, and 20 have not been shown to be unpatentable.

Appeal 2010-011735  
Application 11/782,610

DECISION

The Examiner's rejection of claims 1, 2, 5, 6, 8, 9, 12, 13, 15, 16, 19,  
and 20 is reversed.

REVERSED

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