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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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*Ex parte* SANG-GI OH and JAE-SER LEE

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Appeal 2011-004741  
Application 11/368,427  
Technology Center 2600

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Before JOSEPH L. DIXON, ST. JOHN COURTENAY III, and  
CARLA M. KRIVAK, *Administrative Patent Judges*.

DIXON, *Administrative Patent Judge*.

DECISION ON APPEAL

### STATEMENT OF THE CASE

Appellants appeal under 35 U.S.C. § 134(a) from a rejection of claims 1, 2, 7, 8, 13, and 14. We have jurisdiction under 35 U.S.C. § 6(b).

We affirm.

### INVENTION

The claims are directed to controlling the display of an image on a mobile terminal. Claim 1, reproduced below, is representative of the claimed subject matter:

1. A method for controlling the display of an image according to the movement of a mobile terminal, which comprises the steps of:

detecting a movement of the mobile terminal during display of an image;

determining whether a predetermined period of time expires after detection of the movement;

searching images stored in the mobile terminal according to the direction of movement of the mobile terminal, if another movement is detected before the predetermined period of time expires; and

displaying a portion of the image moved according to the direction of movement of the mobile terminal, if another movement is not detected before the predetermined period of time expires.

## REFERENCES

The prior art relied upon by the Examiner in rejecting the claims on appeal is:

Lands	US 6,201,554 B1	Mar. 13, 2001
Nobukiyo	US 6,738,042 B1	May 18, 2004
Tsunoda	US 2005/0001815 A1	Jan. 6, 2005

## REJECTION

Claims 1, 2, 7, 8, 13, and 14 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Tsunoda, Nobukiyo, and Lands.

## ANALYSIS

Appellants contend that Lands fails to disclose “searching images stored in the mobile terminal according to the direction of movement of the mobile terminal,” as recited in claim 1 (App. Br. 6-8). Appellants also contend that there is no reason to combine Nobukiyo with Tsunoda and Lands because Nobukiyo is unrelated to the other references (App. Br. 8-9). Further, Appellants contend that there is no reasonable combination of the cited references that would result in the claimed invention (App. Br. 9-11).

While we understand Appellants’ argument that Lands’ device performs image searching based on a resulting angle of the device with respect to a reference plane, as opposed to the direction the device was moved to achieve that angle (*see* App. Br. 6-8; Reply Br. 4-6), we note that Appellants have not addressed the collective teachings of the cited references with respect to the “searching images . . . according to the direction of movement” limitation. The Examiner relies on Nobukiyo for

disclosing the technique of moving a device once or twice in a particular direction to implement either of two particular commands (Ans. 5, 14-15). Although Nobukiyo's device is rotated about a central axis to perform commands (*see* Nobukiyo, col. 10, ll. 5-10; Fig. 12), we conclude that the claim 1 language "direction of movement" is broad enough to encompass angular or rotational movement. Further, Nobukiyo's commands are performed "*according* to the direction of movement" as recited in claim 1—not "irrespective of the direction of an angular movement," as Appellants argue regarding Lands (App. Br. 8)—because Nobukiyo's device performs either of two different commands if the device is moved once or twice in the opposite direction (*see* Nobukiyo, Fig. 12). In other words, Nobukiyo's commands are tied to the direction of movement and the number of movements in that same direction. Thus, considering the combination of Tsunoda and Nobukiyo in view of Lands' disclosure of image searching (Appellants also admit that "image-searching" is "well-known in the prior art" (*see* Reply Br. 11)), we find that the collective teachings of the cited references would have taught or suggested performing an image searching command in response to moving a device a specified number of times (once or twice) in a specific direction, which meets the claim 1 limitation "searching images stored in the mobile terminal according to the direction of movement of the mobile terminal."

Further, we are not persuaded that Nobukiyo is unrelated to Tsunoda and Lands as Appellants argue (App. Br. 8-9). Specifically, Appellants argue that "Nobyukiyo [sic] is primarily directed to a character conversion scheme, which has no relevance to either image-searching or image-

scrolling. Hence, Nobuyukiyo [sic] is unrelated to either Lands or Tsunoda” (App. Br. 8-9). However, we conclude the claim 1 term “image” is broad enough to include a set of characters displayed on a screen. In fact, Appellants have acknowledged the breadth of the term “image” by recognizing that Tsunoda’s magnified display of a set of Japanese characters, where a user can view different portions of the characters by moving the device in a particular direction (*see* Tsunoda, Figs. 3A, 3B, 14), constitutes “image-scrolling” (*see* App. Br. 9). Nobukiyo discloses searching candidate Japanese characters to which a displayed set of another type of Japanese characters can be converted, specifically, by moving the device in a particular direction (Nobukiyo, col. 6, ll. 26-37; col. 10, ll. 1-13; Fig. 12). Thus, we find Nobukiyo also relates to “images” as claimed, particularly, image searching.

Further, although the example in Nobukiyo’s Figure 12 shows that a single movement in a particular direction causes searching through candidate characters, we find that one of ordinary skill in the art would have recognized that Nobukiyo’s searching function could also have been implemented with two movements in the same direction, in view of Nobukiyo’s general disclosure that “the character conversion apparatus can execute different commands depending upon whether the body is tilted once or is successively tilted twice within a predetermined interval of time” (Nobukiyo, col. 10, ll. 10-13). Moreover, even though Appellants argue that Nobukiyo’s device is primarily concerned with character conversion (App. Br. 8), we find an ordinarily skilled artisan would have recognized the usefulness of Nobukiyo’s Japanese character conversion technique in a

device capable of displaying and scrolling through Japanese characters, such as Tsunoda's device. *See KSR Int'l Co. v. Teleflex Inc.*, 550 U.S. 398, 420 (2007) ("Common sense teaches . . . that familiar items may have obvious uses beyond their primary purposes, and in many cases a person of ordinary skill will be able to fit the teachings of multiple patents together like pieces of a puzzle."). Accordingly, not only are Tsunoda and Nobukiyo related art, but one of ordinary skill in the art would have been motivated to assign Nobukiyo's searching for candidate characters (image searching) function—with image searching additionally disclosed in Lands—to two movements of Tsunoda's device in the same direction, in addition to Tsunoda's image scrolling function based on a single movement in that direction. In view of the combination as discussed above, Appellants' argument that no reasonable combination of the cited references would result in the claimed invention (App. Br. 9-11) is not persuasive.

We are therefore not persuaded that the Examiner erred in rejecting claim 1, and claims 2, 7, 8, 13, and 14 not separately argued.

#### CONCLUSION

The Examiner did not err in rejecting claims 1, 2, 7, 8, 13, and 14 under 35 U.S.C. § 103(a).

#### DECISION

For the above reasons, we affirm the rejections of claims 1, 2, 7, 8, 13, and 14.

Appeal 2011-004741  
Application 11/368,427

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). *See* 37 C.F.R. § 41.50(f).

AFFIRMED

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