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EXAMINER
SHAPIRO, LEONID

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte QI-ZHEN HE, FENG-JUN GUO, WEI LIN, and DUAN-DUAN YANG

Appeal 2014-008581
Application 13/184,802
Technology Center 2600

Before JEAN R. HOMERE, BETH Z. SHAW, and JOHN KENNY, *Administrative Patent Judges*.

SHAW, *Administrative Patent Judge*.

DECISION ON APPEAL

Appellants seek our review under 35 U.S.C. § 134(a) of the Examiner's final rejection of claims 1–20, which represent all of the claims pending in this application. We have jurisdiction under 35 U.S.C. § 6(b).

We affirm.

INVENTION

Appellants' invention is directed to an electronic device with a handwriting recognition application. *See* Spec. ¶ 3.

Claim 1 is representative and is reproduced below:

1. An electronic device, comprising:

a processor configured to execute a handwriting recognition (HWR) application;

a memory configured to store the HWR application; and

a display configured to receive a finger gesture,

the HWR application determining a setting data and an input data to be entered based on the finger gesture received on the display, wherein the HWR application determines the setting data as a function of (a) a number of fingers used in a first contact of the finger gesture and (b) a first position of the first contact on the display relative to a second position of the first contact on the display within a predetermined time period and the input data to be entered as a function of the determined setting data and at least one of (i) a movement of the finger gesture and (ii) a second contact of the finger gesture on the display.

REJECTIONS

The Examiner rejected claims 19 and 20 under 35 U.S.C. § 101 as directed to non-statutory subject matter. Final Act. 2.[1]

The Examiner rejected claims 1, 2, 11, 12, 19, and 20 under 35 U.S.C. § 103(a) as being unpatentable over Warren (US 2007/0176906 A1, published Aug. 2, 2007) and Sip (2009/0284488 A1, published Nov. 19, 2009). Final Act. 2–3.

The Examiner rejected claims 3 and 13 under 35 U.S.C. § 103(a) as being unpatentable over Warren, Sip, and Tang (US 2007/0040812 A1, published Feb. 22, 2007). Final Act 3–4.

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[1] Because Appellants do not argue this rejection, Appellants have failed to show error in the Examiner's rejection of claims 19 and 20. Therefore, we summarily sustain the rejection.

The Examiner rejected claims 4 and 14 under 35 U.S.C. § 103(a) as being unpatentable over Warren, Sip, and Tan (US 2002/0306772 A1, published Dec. 6, 2012). Final Act. 4–5.

The Examiner rejected claims 5 and 15 under 35 U.S.C. § 103(a) as being unpatentable over Warren, Sip, and Westerman (US 2012/0011462 A1, published Jan. 12, 2012). Final Act. 5.

The Examiner rejected claims 8 and 17 under 35 U.S.C. § 103(a) as being unpatentable over Warren, Sip, and Khamharn (US 2012/0231738 A1). Final Act. 5–6.

The Examiner rejected claims 6, 7, and 16 under 35 U.S.C. § 103(a) as being unpatentable over Warren, Sip, and Jiang (US 2011/0071818 A1). Final Act. 6–7.

The Examiner rejected claims 8, 10, and 18 under 35 U.S.C. § 103(a) as being unpatentable over Warren, Sip, and Pryor (2011/0037725 A1). Final Act. 7.

ISSUE

The dispositive issue presented by Appellants' contentions is:

Did the Examiner err in finding one skilled in the art would have recognized the combination of Warren and Sip teaches or suggests the disputed limitation of:

> the HWR application determining a setting data and an input data to be entered based on the finger gesture received on the display, wherein the HWR application determines the setting data as a function of (a) a number of fingers used in a first contact of the finger gesture and (b) a first position of the first

contact on the display relative to a second position of the first contact on the display within a predetermined time period and the input data to be entered as a function of the determined setting data and at least one of (i) a movement of the finger gesture and (ii) a second contact of the finger gesture on the display

as recited in claim 1?

ANALYSIS

We conclude the Examiner did not err in finding one skilled in the art would have recognized the combination of references teaches or suggests the disputed limitations of claims 1–20. We refer to, rely on, and adopt the Examiner's findings and conclusions set forth in the Final Rejection and Answer (Ans. 3–6). Our discussions here will be limited to the following points of emphasis.

Claim 1

Appellants acknowledge that Warren describes determining setting data and that Warren describes input data being determined based on detected motion. App. Br. 10–11. Appellants argue that Warren, however, fails to disclose input data being determined as a function of the detected motion along with the determined setting data. *Id.* We are not persuaded by this argument. We agree with the Examiner's finding that paragraph 27 of Warren teaches the claimed "determining setting data as a function of (a) a number of fingers used in a first contact of the finger gesture and (b) a first position of the first contact on the display relative to a second position of the

first contact on the display within a predetermined time period." Final Act. 3. Warren explains that "the processor 119 can also determine when certain types or combinations of object motions occur proximate the sensor." Warren ¶ 27. Moreover, Warren distinguishes between motion of a first object combination such as one finger and a second object combination such as two adjacent fingers. *Id.* Warren "can generate the appropriate indication in response to that motion." *Id.*

We agree with the Examiner's conclusion that one of ordinary skill in the art would understand that this description in Warren (e.g. ¶ 27) and Sip teach or suggest determining "(a) a number of fingers used in a first contact of the finger gesture and (b) a first position of the first contact on the display relative to a second position of the first contact on the display within a predetermined time period" as claimed. Moreover, we agree that one of ordinary skill in the art would understand that if Warren teaches determining the setting data (as acknowledged by Appellants) and determining that one or more finger movements are detected (Warren ¶¶ 27 ("object motions"), 43), one of skill in the art would understand that Warren also teaches or suggests "the input data to be entered as a function of the determined setting data and at least one of (i) a movement of the finger gesture and (ii) a second contact of the finger gesture on the display."

Appellants also argue that Sip uses two separate inputs to determine the setting data and the input data. App Br. 13. We are not persuaded by this argument, because we agree with the Examiner's finding that Warren teaches setting data and that one of skill in the art would understand the

combination of Warren and Sip to teach or suggest the disputed limitations of claim 1, as discussed above.

Accordingly, we sustain the rejection of claim 1. Because Appellants have not presented separate patentability arguments or have reiterated substantially the same arguments as those previously discussed for patentability of claim 1 above, claims 2–20 fall therewith. *See* 37 C.F.R. § 41.37(c)(1)(iv).

DECISION

We affirm the rejections of claims 1–20.

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).

AFFIRMED