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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte KWANG WON LEE

Appeal 2015-000283
Application 12/220,875
Technology Center 2600

Before CARLA M. KRIVAK, CARL W. WHITEHEAD JR., and
AMBER L. HAGY, *Administrative Patent Judges*.

KRIVAK, *Administrative Patent Judge*.

DECISION ON APPEAL

Appellant appeals under 35 U.S.C. § 134(a) from the Examiner's Final Rejection of claims 23, 25, 30, 31, 33, 38, 39, 41, 46, 58, 59, 61–64, 66–68, and 70–82, which constitute all the claims pending in this application. We have jurisdiction under 35 U.S.C. § 6(b).

We affirm.

STATEMENT OF THE CASE

Appellant's invention is directed "to a mobile communication terminal having a touch screen that can interrupt or activate touch functions of the touch screen as key patterns are input" and "for locking and unlocking the mobile communication terminal" (Spec. ¶ 2).

Independent claim 23, reproduced below, is exemplary of the subject matter on appeal.

23. An unlocking method of a mobile communication terminal having a touch screen, the method comprising:

displaying a key pattern input screen for inputting patterns used for an unlocking key pattern;

receiving a user-defined shape that is inputted on the key pattern input screen by a user, the user-defined shape defined by the user's dragging motion on the key pattern input screen;

registering the received user-defined shape as the unlocking key pattern that allows the mobile communication terminal to enter an unlocked mode; and

while the mobile communication terminal is in a locked mode, in response to a user's dragging motion on the key pattern input screen of the touch screen, entering the unlocked mode when an input pattern inputted through the key pattern input screen of the touch screen is the registered unlocking key pattern and performing at least one of a plurality of functions according to the input pattern when the input pattern is not registered as the unlocking key pattern.

REFERENCES and REJECTIONS

The Examiner rejected claims 23, 31, 39, 58, 62, and 67 under 35 U.S.C. § 112(a) or 35 U.S.C. § 112 (pre-AIA), first paragraph, as failing to comply with the written description requirement.

The Examiner rejected claims 23, 25, 31, 33, 39, 41, 58, 62, 63, 64, 67, 68, and 77–82 under 35 U.S.C. § 103(a) based upon the teachings of Chrysochoos (US 2005/0003851 A1; Jan. 6, 2005), Touch Pad Authentication (“Touch Pad”), Linjama (US 2008/0229255 A1; Sept. 18, 2008), and Chaudhri (US 2007/0150842 A1; June 28, 2007).¹

The Examiner rejected claims 30, 38, 46, 61, 66, and 70 under 35 U.S.C. § 103(a) based upon the teachings of Chrysochoos, Touch Pad, Linjama, Chaudhri, and Ho (US 2006/0294377 A1; Dec. 28, 2006).

The Examiner rejected claims 71–76 under 35 U.S.C. § 103(a) based upon the teachings of Chrysochoos, Touch Pad, Linjama, Chaudhri, Ho, and Beeck (US 2008/0178126 A1; July 24, 2008).

ANALYSIS

Rejection under 35 U.S.C. § 112, first paragraph

The Examiner finds the limitation “performing at least one of a plurality of functions according to the input pattern when the input pattern is not registered as the unlocking key pattern,” recited in claim 23, and similarly in claims 31, 39, 58, 62, and 67, is not supported by Appellant’s Specification.

Appellant contends paragraphs 30 and 43 and Figure 4, all support this limitation (App. Br.16–18). Particularly, paragraph 43 recites ‘the corresponding function when the mobile communication terminal 10 enters an unlocking mode means a case where patterns other than a locking key

¹ The Examiner did not recite Linjama in the heading of the rejection, but did rely on Linjama in rejecting the claims (Final Act. 6–8). We consider this oversight harmless error.

pattern are input through the touch screen 13, i.e., *functions* according to input patterns are performed” (emphasis added). The Examiner finds paragraph 43 “vaguely describes performing a corresponding function” and fails to explain “a plurality of functions” as claimed (Final Act. 4; Ans. 3). We do not agree.

We agree with Appellant in that once an unlocking mode is entered functions are entered according to the input patterns entered. Therefore, we do not sustain the Examiner’s rejection of claims 23, 31, 39, 58, 62, and 67 under 35 U.S.C. §112, as failing to comply with the written description requirement.

Rejection under 35 U.S.C. § 103

The Examiner finds Chrysochoos discloses all the limitations of the independent claims except for explicitly disclosing a user-defined shape input by a user and performing a plurality of functions according to a gesture when the gesture inputted is not an unlocking gesture (Ans. 4–5). The Examiner relies on Touch Pad, Linjama, and Chaudhri for disclosing these limitations (Ans. 5–6).

Appellant contends the Examiner is picking and choosing “from any one reference only so much of it as will support a given position, to the exclusion of other parts necessary to the full appreciation of what such reference fairly suggest . . .” (App. Br. 37.) However, Appellant fails to address the embodiment disclosed in paragraph 54 of Linjama relied on by the Examiner as teaching performing predefined gestures while an input device is in a locked state, the functions corresponding to the predefined gestures performed without unlocking (Final Act. 6–7; Ans. 5–6). Appellant further contends Chrysochoos does not mention performing this limitation

(App. Br. 37) and asserts none of the references disclose the claimed limitations. Appellant, however, has merely recited the claim limitations without providing evidence or argument as to why they are not present in the cited references and why the combination is improper (App. Br. 37–38). Appellant is improperly arguing the references separately and not the combination of references.

We agree with and adopt the Examiner’s findings as our own (Ans. 9–12). The Examiner has made reasonable findings, which Appellant has not persuasively rebutted. Therefore, we find the Examiner did not err in rejecting claims 23, 25, 31, 33, 39, 41, 58, 62, 63, 64, 67, 68, and 77–82 as obvious over of Chrysochoos, Touch Pad, Linjama, and Chaudhri, and claims 30, 38, 46, 61, 66, and 70 dependent from independent claims 23, 31, 39, 58, 62, and 67 and argued therewith (App. Br. 38).

Appellant separately argues claims 71–76, contending Beeck does not disclose a window showing a plurality of exemplary patterns for unlocking a key pattern on a touch screen when a key pattern registering mode is selected, as claimed (App. Br. 39).

The Examiner relies on Beeck for the limitation “showing a plurality of exemplary patterns which may be used” and relies on Chrysochoos, Touch Pad, and Linjama for disclosing “a user defined input gesture,” as set forth *supra* (Ans. 12–13).

Beeck discloses a tutorial presented to the user for “teaching or educating the user on numerous types of gestures. As such, a visual representation of a gesture example may be presented to the user,” thus providing exemplary patterns that may be used for unlocking the touch screen (Beeck Abstract; ¶¶ 6, 7; Ans. 12–13).

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Therefore, we agree with the Examiner's findings and sustain the rejection of claims 71–76 as obvious over the cited references.

DECISION

The Examiner's decision rejecting claims 23, 31, 39, 58, 62, and 67 under 35 U.S.C. § 112 is reversed.

The Examiner's decision rejecting claims 23, 25, 30, 31, 33, 38, 39, 41, 46, 58, 59, 61–64, 66–68, and 70–82 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).

AFFIRMED