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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte H. KEITH NISHIHARA, SHI-PING HSU,
ADRIAN KAEHLER, ERIC GRADMAN, and
KJERSTIN WILLIAMS

Appeal 2015-007539
Application 12/183,786
Technology Center 2600

Before HUNG H. BUI, IRVIN E. BRANCH, and ADAM J. PYONIN,
Administrative Patent Judges.

PYONIN, *Administrative Patent Judge.*

DECISION ON APPEAL

This is a decision on appeal under 35 U.S.C. § 134(a) from a final rejection of claims 1–8, 11–16, 18, 19, and 21.¹ We have jurisdiction under 35 U.S.C. § 6(b).

We AFFIRM.

¹ The Examiner found claim 10 contains allowable subject matter, and claims 9, 17, 20, and 22 have been canceled. *See* App. Br. 5.

STATEMENT OF THE CASE

Introduction

The Application is directed to “an image magnification system for a computer interface.” Spec. ¶ 19. Claims 1, 14, and 18 are independent. Claim 1 is reproduced below for reference:

1. A computer interface system comprising:
 - a user interface screen configured to display visual content;
 - an input system configured to detect a presence of an input object within a non-zero threshold distance along a normal axis of the user interface screen;
 - a visual content display engine configured to magnify the portion of the visual content by superimposing a portion of a scaled copy of the visual content onto the visual content, the scaled copy of the visual content being magnified by a scale factor greater than one relative to the visual content; and
 - a graphical controller configured to:
 - magnify a portion of the visual content in accordance with the scale factor that is centered at an approximate location of a base of the normal axis on the user interface screen; and
 - set a fixed position on the visual content at an intersection of the normal axis and the visual content, and a corresponding fixed position on the scaled copy of the visual content at an intersection of the normal axis and a respective superimposed portion of the scaled copy of the visual content in response to the input object being moved to within the threshold distance, such that the superimposed portion of the scaled copy of the visual content is moved a first distance from the corresponding fixed position along the scaled copy of the visual content in response to movement of the input object a second distance from the fixed position along the user interface screen within the threshold distance, the first distance and the second distance being approximately equal.

References and Rejections

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

Lee	US 2003/0234799 A1	Dec. 25, 2003
Jetha	US 2004/0125138 A1	July 1, 2004
Ouchi	US 2005/0068342 A1	Mar. 31, 2005
Kolmykov-Zotov	US 2006/0132460 A1	June 22, 2006
Kobayashi	US 2006/0202973 A1	Sept. 14, 2006
Lii	US 2006/0290678 A1	Dec. 28, 2006
Hill	US 2008/0297471 A1	Dec. 4, 2008

Claims 1–4, 6, 11, 14–16, 18, and 19 stand rejected under 35 U.S.C. § 103(a) as obvious over Kolmykov-Zotov and Hill. Final Act. 7.

Claim 5 stands rejected under 35 U.S.C. § 103(a) as obvious over Kolmykov-Zotov, Hill, and Kobayashi. Final Act. 17.

Claims 7 and 21 stand rejected under 35 U.S.C. § 103(a) as obvious over Kolmykov-Zotov, Hill, and Jetha. Final Act. 18.

Claim 8 stands rejected under 35 U.S.C. § 103(a) as obvious over Kolmykov-Zotov, Hill, and Ouchi. Final Act. 19.

Claim 12 stands rejected under 35 U.S.C. § 103(a) as obvious over Kolmykov-Zotov, Hill, and Lii. Final Act. 20.

Claim 13 stands rejected under 35 U.S.C. § 103(a) as obvious over Kolmykov-Zotov, Hill, Kobayashi, and Lee. Final Act. 21.

ANALYSIS

We have reviewed the Examiner’s rejections in light of Appellants’ arguments. We are not persuaded of error. We adopt the Examiner’s findings and conclusions in the Final Action and Examiner’s Answer as our

own, to the extent they are consistent with our analysis below. We add the following primarily for emphasis.

A. Independent Claims

Appellants argue the Examiner erred in rejecting independent claim 1, because the cited references “fail[] to teach or suggest to one of ordinary skill in the art how to implement the superimposed portion of the scaled copy is moved a distance along the scaled copy equal to the movement of the input object along the user interface screen, as recited in claim 1.” App. Br. 16. Particularly, Appellants assert the claims require “the absolute distance traveled in each of the scaled copy and the visual copy along the user interface screen as measured from the fixed position is equal, despite the relative magnification due to the scale factor” (*id.* at 14), whereas, “as the user’s finger moves across the display of Kolmykov-Zotov, due to the relative magnification factor, the distance traveled in the magnifying region 1402 will be greater than that of the user’s finger” (*Id.* at 15).

Claim 1 recites “the scaled copy of the visual content is moved a first distance from the corresponding fixed position along the scaled copy of the visual content,” the first distance being approximately equal to “movement of the input object a second distance.” We agree with the Examiner that the recited “approximately equal” distances encompass Kolmykov-Zotov’s teaching of moving a magnified portion a distance based on movement of an input object a distance. *See* Final Act. 8–9; Kolmykov-Zotov Figs 14, 15.

Appellants’ contention implies that Kolmykov-Zotov will move a scaled portion a different length from the input movement distance, because the scaled portion is magnified. *See* Reply Br. 2; App. Br. 15 (arguing that

distance traveled is greater “due to the relative magnification factor”). Appellants’ argument is unpersuasive, as claim 1 does not preclude a relative magnification factor; to the contrary, both the claim and the disclosure of Kolmykov-Zotov recite displays with scaled portions being magnified.² See Kolmykov-Zotov ¶ 37 (“The cursor handle [] also has a magnifying region [] that magnifies whatever is underneath the magnifying region.”). We find the movement of the input and the movement of the magnified portion in Kolmykov-Zotov do not necessitate different distances. Furthermore, we agree with the Examiner that Kolmykov-Zotov teaches both the input and the scaled copy move the same distance, because Kolmykov-Zotov discloses “if the contact area 203 moves right X pixels and down Y pixels, for example, then the cursor handle 1501 and the cursor 302 would also move right X pixels and down Y pixels, simultaneously with the contact area 203.” Kolmykov-Zotov ¶ 33; *see also* Final Act. 9. Appellants argue that these measurements are “based on the pixel count of the touchscreen,” but do not provide evidence or persuasive argument to show the claim precludes such measurement. App. Br. 15

Accordingly, we are not persuaded the Examiner erred in finding the cited references teach or suggest the limitations of claim 1. Appellants present similar arguments with respect to independent claims 14 and 18 (*see* App. Br. 20–22); thus, for the reasons as discussed above, we sustain the Examiner’s rejection of independent claims 1, 14, and 18.

² We note that neither claim 1, nor Appellants’ Specification, disclose particular structural features that would result in a magnified display portion moving the same distance as the input, as opposed to a different distance. *See, e.g.*, Spec. ¶ 66 (“In other words, in the example of FIG. 11, the motion of the portion 226 across the scaled visual content 222 is not scaled.”).

B. Dependent Claim 12

Appellants argue the Examiner erred in rejecting dependent claim 12, because “claim 12 provides for the input object to be moved to within a threshold distance” to move the scaled copy, whereas, “[b]y contrast, Lii explains that introducing the finger to the scroll region merely ‘triggers’ the scroll function (Lii, para. 15).” Reply Br. 5; *see also* App. Br. 27–28. Particularly, Appellants argue that, as taught by Lii, “it is clear that simply moving a finger within a threshold is insufficient to move the window on the display.” Reply Br. 6.

Appellants’ arguments are not commensurate with the scope of claim 12. Claim 12 depends from claim 1, and recites moving the scaled copy of the visual content “in a direction that is opposite an edge of the user interface screen in response to movement of the input object to within a threshold of the edge of the user interface screen.” We agree with the Examiner that “the claim limitation does not [only] encompass the scope of moving the scaled copy when [the] input object is not moving.”³ Ans. 5–6. Accordingly, we are not persuaded the Examiner erred in finding the claim encompasses Lii’s teaching of a user contacting edge regions of a touchpad and moving an input, resulting in “scrolling the content horizontally” and away from the edge. Ans. 6 (citing Lii Fig. 2, ¶ 15). Accordingly, we sustain the Examiner’s rejection of dependent claim 12.

³ Claim 12 is open-ended and does not preclude additional steps, because parent claim 1 recites the term “comprising,” which “is a term of art used in claim language which means that the named elements are essential, but other elements may be added and still form a construct within the scope of the claim.” *Genentech, Inc. v. Chiron Corp.*, 112 F.3d 495, 501 (Fed. Cir. 1997).

CONCLUSION

We sustain the Examiner's rejections of claims 1, 12, 14, and 18. Appellants advance no further substantive argument on the remaining dependent claims. *See* App. Br. 19, 21, 22–24, and 29. Accordingly, we sustain the Examiner's rejections of claims 2–8, 11, 13, 15, 16, 19, and 21 for the same reasons discussed above.

DECISION

The Examiner's rejections of claims 1–8, 11–16, 18, 19, and 21 are 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