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EXAMINER

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte JUHO PAASONEN, HENRI MELAAINVUO,
ROOPE RAINISTO, PETRI TOLPPANEN,
HANNU PIRSKANEN, KALLE SAARINEN,
MATTI VAISANEN, VIRPI ROTO, PANU JOHANSSON,
EERO TAMMINEN, SIMO SADE, and JUSSI-PEKKA KEKKI

Appeal 2015-007813
Application 11/135,624
Technology Center 2100

Before ELENI MANTIS MERCADER, CARL W. WHITEHEAD JR., and
ADAM J. PYONIN, *Administrative Patent Judges*.

MANTIS MERCADER, *Administrative Patent Judge*.

DECISION ON APPEAL

STATEMENT OF THE CASE

Appellants appeal under 35 U.S.C. § 134(a) from the Examiner's Final Rejection of claims 1, 2, 4–6, 35–38, 46–49, and 58–66, which constitute all the claims pending in this application. We have jurisdiction under 35 U.S.C. § 6(b).

We affirm-in-part.

THE INVENTION

Appellants' claimed invention is directed to a "pocket computer . . . having an apparatus housing and a user interface with a touch-sensitive display" (Abstract).

CLAIMED SUBJECT MATTER

Independent claims 1, 35, and 46, reproduced below, are representative of the subject matter on appeal:

1. A method of operating a user interface of a pocket computer, the method comprising:

providing, on a display of said pocket computer, a plurality of use-aspect interface elements, wherein each of the plurality of use-aspect interface elements represents a general functionality of the pocket computer, wherein each use-aspect interface element is associated with a plurality of task-oriented-option elements associated with multiple different software applications, each task-oriented-option element being associated with a specific function of a specific said software application;

in response to detecting a selection of a particular use-aspect interface element, presenting on said display the plurality of associated task oriented option elements; and

in response to detecting a selection by said user of a particular task-oriented-option element, invoking the specific function of the specific application associated with the particular task-oriented-option element.

35. A method to temporarily hide a window, comprising a head area, displayed in a location on a touch sensitive display of a pocket computer, said method comprising:

detecting a stationary tap of a pointing tool in a position corresponding to said head area of said window;

hiding contents of said window during a period when the detected stationary tap indicates that the pointing tool is pressed down, thereby exposing any content previously covered by said window,

detecting a lift of said pointing tool, and

in response to detecting the lift of the pointing tool, re-drawing the content of said window in said location.

46. A method for scrolling content in a window displayed on a touch sensitive display of a pocket computer, comprising:

enabling displaying of a scrollbar comprising a scroll thumb movable in a trough on said display,

enabling detecting of a stationary tap of a pointing tool in a stationary tapping position in said trough,

enabling scrolling of said content during a period when said pointing tool is detected to be pressed down in the stationary tapping position, such that during said scrolling:

the position of said scroll thumb is updated in said trough accordingly by moving said scroll thumb in said trough; and

scrolling is allowed to continue, during the detected stationary tap, such that said position of said scroll thumb moves past said stationary tapping position in said trough, enabling detecting of a lift of said pointing tool, and once lift of said pointing tool is detected, enabling stopping said scrolling of content.

REFERENCES and REJECTIONS ON APPEAL

Claims 1, 2, 4–6, 60, and 61 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Cadiz (US 2002/0186257 A1; Dec. 12, 2002). Final Act. 2.¹

Claims 1, 2, 4–6, 35–38, 46–49, and 58–65 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Hotelling (US 2006/0026535 A1; Feb. 2, 2006). Final Act. 6.

ISSUES

The issues are whether the Examiner erred in finding that:

1. Cadiz discloses “each use-aspect interface element is associated with a plurality of task-oriented-option elements associated with multiple different software applications,” as recited in claim 1;
2. Hotelling discloses “each use-aspect interface element is associated with a plurality of task-oriented-option elements associated with multiple different software applications,” as recited in claim 1;
3. Hotelling discloses “hiding contents of said window during a period when the detected stationary tap indicates that the pointing tool is pressed down, thereby exposing any content previously covered by said window,” as recited in claim 35; and
4. Hotelling discloses:

enabling scrolling of said content during a period when said pointing tool is detected to be pressed down in the stationary tapping position, such that during said scrolling:

¹ The Final Action incorrectly refers to claims 1, 2–6, 60, and 61 as anticipated by Cadiz, although claim 3 has been canceled (*see* App. Br. 15); we consider this error harmless.

the position of said scroll thumb is updated in said trough accordingly by moving said scroll thumb in said trough; and

scrolling is allowed to continue, during the detected stationary tap, such that said position of said scroll thumb moves past said stationary tapping position in said trough,

as recited in claim 46.

ANALYSIS

Claims 1, 60, and 61

Appellants argue the Examiner erred in finding that Cadiz anticipates the limitation of “each use-aspect interface element is associated with a plurality of task-oriented-option elements associated with multiple different software applications,” as recited in claim 1 (App. Br. 9–10). Appellants contend that “there does not appear to be a hierarchy wherein one can access groups of ‘*task oriented options user interface elements*’ associated with a function of different applications by selecting a more general ‘*use-aspect interface element*’ from multiple use-aspect interface elements” (App. Br. 10).

We do not agree with Appellants’ argument. The Examiner finds, and we agree, that Cadiz teaches “the user is able to activate one of many tickets (tickets function as interactive icons) wherein each ticket describes functions of interactive actions” (Answer 5, citing ¶¶ 200–204). Cadiz further teaches “person items 810, 815, and 820” which when selected, open an “enhanced tooltip” window that provides “availability via any of five individual communications channels 840” (Cadiz ¶ 201; *see also* Figs. 8A–8B). Here, the person items are tantamount to the claimed “use-aspect interface

element” and the availability via communications channels are tantamount to the claimed “task-oriented option element.” Appellants’ arguments are not persuasive as they paraphrase the claim language but are not commensurate in scope with the claims.²

Appellants also argue the Examiner erred in finding that Hotelling anticipates the limitation of “each use-aspect interface element is associated with a plurality of task-oriented-option elements associated with multiple different software applications,” as recited in claim 1 (App. Br. 10–11). Appellants reiterate their argument made with respect to Cadiz, now applied to Hotelling (*see* App. Br. 10), and further contend that “Hotelling teaches a single level selection process” (App. Br. 11).

We do not agree with Appellants’ argument. The Examiner finds, and we agree, that Hotelling teaches the “multiple applications either running on the device or being stored on the device” (Ans. 4, citing Hotelling ¶ 145) in which a GUI displays an image that:

may include windows, fields, dialog boxes, menus, icons, buttons, cursors, scroll bars, etc. In some cases, the user can select and activate the image (or features embedded therein) in order to initiate functions and tasks. . . . The image may also be one or more icons that launch a particular program or files that open when selected.

(Ans. 4, quoting Hotelling ¶ 118). Here, the functions are mapped to the claimed “use-aspect interface element” and the tasks are mapped to the claimed “task-oriented option element.” Appellants’ arguments regarding

² Appellants’ arguments also refer to a “hierarchy” among the elements (*see* App. Br. 10 and Reply Br. 2–4), which is not commensurate in scope of the claims; further, there is no showing that the figures appearing in the Reply (*see* Reply Br. 3) regarding the hierarchy have support in Appellants’ Specification.

Hotelling are also unpersuasive for the reasons described above with respect to Cadiz.

Accordingly, we sustain the Examiner's anticipation rejections of independent claim 1 under each of Cadiz and Hotelling, as well as independent claims 60 and 61, and dependent claims 2, 4–6, and 66 not separately argued.

Claims 35, 62, and 63

Appellants argue the Examiner erred in finding that Hotelling anticipates the limitation of “hiding contents of said window during a period when the detected stationary tap indicates that the pointing tool is pressed down, thereby exposing any content previously covered by said window,” as recited in claim 35 (App. Br. 11–12). Appellants contend that Hotelling's “floating controls in a GUI” generate an image that “is configured to obscure the underlying graphics whilst the user is interacting with the screen” (App. Br. 11–12, citing Hotelling ¶ 118) in contrast to claim 35, which exposes “any content previously covered by said window during a period when the detected stationary tap indicates that the pointing tool is pressed down” (App. Br. 12).

We do not agree with Appellants' argument. The Examiner finds, and we agree, that Hotelling discloses the “interaction between the interface and the user allows for hiding of content for the purpose of finding/viewing other content on a limited display screen” (Ans. 8, citing Hotelling ¶ 67 and Fig. 17C). As illustrated in Figure 17C and described in paragraph 120 (cited at Final Act. 8), upon thumb activation on touch screen 520, control box 522 is displayed, in which one of buttons 524 is pressed to minimize contents of

screen 520, because buttons 524 are “one or more buttons that open, close, minimize, or maximize a window”; *see* Hotelling ¶ 118 describing Figs. 17A–E.

The resulting image (which is the image previously covered by the contents of screen 520) “is displayed as long as the object is detected,” (Hotelling ¶ 118), and upon removal of the thumb (or object), the object is no longer detected, and the contents of screen 520 are redisplayed. Thus, we find Hotelling discloses “hiding content” within the meaning of the claim. .

Accordingly, we sustain the Examiner’s anticipation rejection of independent claim 35 under Hotelling, as well as independent claims 62 and 63, and dependent claims 36–38 and 58 not separately argued.

Claims 46, 64, and 65

Appellants argue the Examiner erred in finding that Hotelling anticipates the limitations of

enabling scrolling of said content during a period when said pointing tool is detected to be pressed down in the stationary tapping position, such that during said scrolling:

the position of said scroll thumb is updated in said trough accordingly by moving said scroll thumb in said trough;
and

scrolling is allowed to continue, during the detected stationary tap, such that said position of said scroll thumb moves past said stationary tapping position in said trough,

as recited in claim 46 (App. Br. 12–13). Appellants contend that unlike Hotelling, claim 46 relates “to allowing a user to scroll by providing a stationary input to a scroll trough such that the scroll thumb moves towards and then beyond the stationary position” (App. Br. 12). The Examiner finds

Hotelling teaches the scrollbar “comprising a scroll thumb moveable in a trough” (Final Act. 9, citing the steps of Hotelling ¶ 120). We do not agree with this finding because the cited portion of Hotelling teaches “a floating control sequence” unrelated to scrolling, and Figures 17A–E described in the cited portion of Hotelling do not depict a scroll thumb moveable in a trough. We also agree with Appellants that Hotelling’s scroll wheel does not contain a “scroll thumb,” as claimed. *See* Reply Br. 8; Hotelling Figs. 36A–38J. Accordingly, we reverse the Examiner’s anticipation rejection of independent claim 46, as well as independent claims 64 and 65 commensurate in scope, and dependent claims 47–49 and 59.

CONCLUSION

The Examiner did not err in finding that:

1. Cadiz discloses or suggests “each use-aspect interface element is associated with a plurality of task-oriented-option elements associated with multiple different software applications,” as recited in claim 1;
2. Hotelling discloses or suggests “each use-aspect interface element is associated with a plurality of task-oriented-option elements associated with multiple different software applications,” as recited in claim 1;
and
3. Hotelling discloses or suggests “hiding contents of said window during a period when the detected stationary tap indicates that the

pointing tool is pressed down, thereby exposing any content previously covered by said window,” as recited in claim 35.

The Examiner erred in finding that Hotelling discloses or suggests:

enabling scrolling of said content during a period when said pointing tool is detected to be pressed down in the stationary tapping position, such that during said scrolling:

the position of said scroll thumb is updated in said trough accordingly by moving said scroll thumb in said trough;
and

scrolling is allowed to continue, during the detected stationary tap, such that said position of said scroll thumb moves past said stationary tapping position in said trough,
as recited in claim 46.

DECISION

The Examiner’s decision rejecting claims 1, 2, 4–6, 35–38, 58, 60–63, and 66 is affirmed.

The Examiner’s decision rejecting claims 46–49, 59, 64, and 65 is reversed.

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-IN-PART