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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/438,808	04/03/2012	Elliott Harris	106842124800 (P10875US1)	3186
69753	7590	11/09/2016	EXAMINER	
APPLE c/o MORRISON & FOERSTER LLP LA 707 Wilshire Boulevard Los Angeles, CA 90017			LAU, JOHNY	
			ART UNIT	PAPER NUMBER
			2692	
			NOTIFICATION DATE	DELIVERY MODE
			11/09/2016	ELECTRONIC

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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*Ex parte* ELLIOTT HARRIS and ROBERT MICHAEL CHIN

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Appeal 2015-007980  
Application 13/438,808  
Technology Center 2600

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Before, ROBERT E. NAPPI, JOHNNY A. KUMAR, and  
JOHN D. HAMANN *Administrative Patent Judges*.

NAPPI, *Administrative Patent Judge*.

STATEMENT OF THE CASE

This is a decision on appeal under 35 U.S.C. § 134(a) of the Examiner's Final Rejection of claims 1 through 8, 10 through 17, 19, and 21 through 28, which constitute all the claims pending in this application. We have jurisdiction under 35 U.S.C. § 6(b).

We affirm.

INVENTION

The disclosed and claimed inventions are directed to a method for use with a touch screen device which makes use of data from sensors other than the touch screen. The data is used to adjust an input processing algorithm.

*See* Abstract.

### CLAIMED SUBJECT MATTER

Claim 1 is illustrative of the invention and reproduced below:

1. A method of processing user input, the method comprising:

receiving, via a touch screen of a computing device, input from a user;

fetching data associated with the input from an accelerometer and a first sensor, wherein the first sensor is selected from the group consisting of a gyroscope, a microphone, a Hall Effect sensor, a compass, an ambient light sensor, a proximity sensor, a camera, and a positioning system;

adjusting an input processing algorithm based on the input and the data to yield an adjusted input processing algorithm; and

processing the input according to the adjusted input processing algorithm.

### REFERENCES AND REJECTION AT ISSUE

The Examiner rejected claims 1 through 8, 10 through 17, 19, and 21 through 28 under 35 U.S.C. § 103(a) as being unpatentable over Geaghan (US 2006/0279548 A1; pub. Dec. 14, 2006) and Braun (US 8,194,036 B1; iss. June 5, 2012). Office Act. 7–21.<sup>1</sup>

### ANALYSIS

We have reviewed Appellants' arguments in the Briefs, the Examiner's rejections and the Examiner's response to Appellants'

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<sup>1</sup> Throughout this Opinion we refer to the Appeal Brief dated January 21, 2015, Reply Brief dated August 31, 2015, Final Rejection dated May 22, 2014, and the Examiner's Answer mailed on July 1, 2015.

arguments. Appellants' arguments have not persuaded us of error in the Examiner's rejections of claims 1 through 8, 10 through 17, 19, and 21 through 28 under 35 U.S.C. § 103(a).

Appellants argue the Examiner's rejection of independent claims 1, 8, 16 and 23 is in error as Geaghan and Braun do not teach adjusting an input processing algorithm. App. Br. 6–9. Appellants argue that Geaghan teaches using algorithms to detect different conditions, but does not describe any adjustments to the algorithms themselves based upon touch screen input data and data from other sensors. App. Br. 6. Further, Appellants argue that Braun teaches a trackpad input conversion factor which can be adjusted based upon movement of the trackpad itself and not based upon the touch input as claimed. App. Br. 8–9.

The Examiner has provided a comprehensive response to Appellants' arguments on pages 4 through 6 of the Answer. We have reviewed the Examiner's Answer and the evidence cited and we concur with the Examiner. The Examiner finds that Geaghan's teaching of an algorithm to process inputs which makes use of a coarse input algorithm (pre-touch) that is adjusted with fine input algorithm, which are iteratively performed, meets the claimed adjusting an input algorithm. Answer 4–5. We concur with the Examiner. We note that representative claim 1 does not recite what constitutes an input algorithm and what constitutes an adjusted algorithm, and neither Appellants' Specification nor arguments provide a definition of an adjusted algorithm. We consider the Examiner's application of the art which interprets the algorithms collectively used for processing the input, to be the claimed adjusted algorithm (i.e. algorithm applied to process the input is adjusted by the performance of the individual coarse and fine input

algorithms) to be reasonable. Further, we note that Appellants' Specification, in paragraph 9, provides an example of one embodiment in which an algorithm that can filter out invalid inputs based upon touch input and other data, is consistent with the Examiner's application of Geaghan. We also note that Geaghan teaches an embodiment similar to that discussed in paragraph 9 of Appellants' Specification, in which the touch input data and an error signal (data from an accelerometer which measures the movement of the touch panel associated with the sensed touch) are used together to determine the touch location. Thus, Appellants' arguments have not persuaded us of error in the Examiner's rejection of representative claim 1 and we sustain the Examiner's rejection of claims 1 through 8, 10 through 17, 19, and 21 through 28 under 35 U.S.C. § 103(a).

#### DECISION

We sustain the Examiner's rejection of claims 1 through 8, 10 through 17, 19, and 21 through 28 under 35 U.S.C. § 103(a).

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