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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte YUTAKA SHIBA

Appeal 2015-008134
Application 13/666,451¹
Technology Center 2600

Before JUSTIN BUSCH, KAMRAN JIVANI, and
MATTHEW J. McNEILL, *Administrative Patent Judges*.

McNEILL, *Administrative Patent Judge*.

DECISION ON APPEAL

Appellant appeals under 35 U.S.C. § 134(a) from the Examiner's rejection of claims 1–10 and 12–14, which are all the claims pending in this application. We have jurisdiction under 35 U.S.C. § 6(b).

We affirm.

¹ According to Appellant, the real party in interest is Sony Corporation.
App. Br. 3.

STATEMENT OF THE CASE

Introduction

Appellant's application relates to a touch screen device where a user touches the screen, causing the first information displayed to be replaced with second information. Abstract. Claim 1 is illustrative of the subject matter on appeal and reads as follows:

1. An information processing device, comprising:
 - a position determination unit configured to, on the basis of a touch position of an input object on a display unit that displays first information, determine a touch on a display object that displays second information associated with the first information;
 - an operation input determination unit configured to determine if a predetermined operation is input to the display object; and
 - a display processing unit configured to, on the basis of determination results obtained by the position determination unit and the operation input determination unit, move a display position of the first information so that the second information is displayed at a position in which the moved first information has been displayed,wherein the display processing unit changes the second information displayed in a second display area in accordance with a movement direction of a first display area.

The Examiner's Rejections²

Claims 1–3, 5, 9, and 12–14 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Matas (US 2009/0178007 A1; July 9, 2009) and Kao (US 2009/0066701 A1; Mar. 12, 2009). Final Act. 3–6.

² In the Final Action, the Examiner rejects claim 14 under 35 U.S.C. § 101

Claim 4 stands rejected under 35 U.S.C. § 103(a) as unpatentable over Matas, Kao, and Alameh (US 2010/0271312 A1; Oct. 28, 2010). Final Act. 6–7.

Claims 6–8 and 10 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Matas, Kao, and Hofmeister (US 7,676,767 B2; Mar. 9, 2010). Final Act. 7–9.

ANALYSIS

We have reviewed the Examiner’s rejections in light of Appellant’s contentions that the Examiner has erred. We disagree with Appellant’s contentions. Except as noted below, we adopt as our own: (1) the findings and reasons set forth by the Examiner in the action from which this appeal is taken and (2) the reasons set forth by the Examiner in the Examiner’s Answer in response to Appellant’s Appeal Brief. We concur with the conclusions reached by the Examiner. We highlight the following additional points.

Appellant argues the Examiner erred in rejecting claim 1 as unpatentable over Matas and Kao. App. Br. 14–17. In particular, Appellant argues Kao does not teach or suggest “wherein the display processing unit changes the second information displayed in a second display area in accordance with a movement direction of a first display area.” App. Br. 15. Kao teaches a touch screen device that allows a user to flip between pages of a device. Kao ¶¶ 29–30. If the user touches the bottom right corner and

and claims 1, 13, and 14 under 35 U.S.C. § 112(b). Final Act. 2–3. However, these rejections were withdrawn in the Answer. Ans. 2.

swipes left, the page will flip to the next page (e.g., P9->P10 in Fig. 3). *Id.* If the user touches the bottom left corner and swipes right, the page will flip to the previous page (e.g., P9->P8 in Fig. 4). *Id.* Appellant argues the Examiner erred because P8 and P10 are static pages of a document that remain unchanged when the user touches P9. App. Br. 15. Appellant argues that once the respective images of P8 and P10 are displayed, nothing is changed based on the movement direction on the original page, P9. *Id.*

Appellant has not persuaded us of Examiner error. As a matter of claim construction, we apply the broadest reasonable interpretation of claim terms, consistent with the specification, as would be understood by one of ordinary skill in the art. *In re Am. Acad. of Sci. Tech Ctr.*, 367 F.3d 1359, 1364 (Fed. Cir. 2004) (citations omitted). Claim 1 recites “wherein the display processing unit changes the second information displayed in a second display area in accordance with a movement direction of a first display area.” Claim 1 does not require the second information to change after it is initially displayed as a result of the user’s contact with the device. Instead, claim 1 merely requires that the display processing unit “*changes the second information* displayed in a second display area *in accordance with a movement direction.*” Emphasis added.

Kao teaches changing the second information displayed in a second display area because the information displayed in the main display area changes from the content of P9 to the content of P10 when the user swipes from right to left in a first display area (i.e., the bottom of the screen). Alternatively, if the user swipes the bottom of the screen from left to right, the information displayed in the main (i.e., second) display area changes from P9 to P8. Accordingly, Kao also teaches changing the second

information displayed “in accordance with a movement direction of a first display area” because Kao displays P10 if the user swipes in one direction, but displays P8 if the user swipes in the other direction. We, therefore, agree with and adopt the Examiner’s findings that Kao teaches the disputed limitation and sustain the rejection of claim 1. Appellant argues the patentability of claims 2–10 and 12–14 for the same reasons as claim 1. *See* App. Br. 17–19. We, therefore, also sustain the rejections of claims 2–10 and 12–14.

DECISION

We affirm the decision of the Examiner rejecting claims 1–10 and 12–14.

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). *See* 37 C.F.R. § 1.136(a)(1)(iv).

AFFIRMED