



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|--------------------------|------------------|
| 14/142,640 | 12/27/2013 | Imran A. Chaudhri | P5702USC1/77770000132201 | 1004 |
| 150004 | 7590 | 10/07/2019 | EXAMINER | |
| DENTONS US LLP - Apple 4655 Executive Dr Suite 700 San Diego, CA 92121 | | | BRAY, STEPHEN A | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2621 | |
| | | | NOTIFICATION DATE | DELIVERY MODE |
| | | | 10/07/2019 | ELECTRONIC |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

dentons_PAIR@firsttofile.com
patents.us@dentons.com

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte IMRAN A. CHAUDHRI, BAS ORDING, and STEVEN JOBS

Appeal 2018-001095
Application 14/142,640
Technology Center 2600

Before MAHSHID D. SAADAT, CARL L. SILVERMAN, and
LILAN REN, *Administrative Patent Judges*.

PER CURIAM.

DECISION ON APPEAL¹

¹ The record on appeal includes the Specification of December 27, 2013 (“Spec.”), the Examiner’s Final Action of March 8, 2016 (“Final Act.”), Appeal Brief of April 10, 2017 (“Appeal Br.”), the Examiner’s Answer of September 8, 2017 (“Ans.”), and Reply Brief of November 8, 2017 (“Reply Br.”).

STATEMENT OF THE CASE

Pursuant to 35 U.S.C. § 134(a), Appellant,² Apple Inc., appeals from the Examiner's decision to reject claims 22–56. Final Act. 1. We have jurisdiction under 35 U.S.C. § 6(b).

We REVERSE.

CLAIMED SUBJECT MATTER

Claim 22, reproduced below, is illustrative of the claimed subject matter:

22. A portable electronic device comprising:
 - a touch-sensitive display;
 - one or more processors;
 - memory; and
 - one or more programs, wherein the one or more programs are stored in the memory and configured to be executed by the one or more processors, the one or more programs including instructions for:
 - displaying a first icon in a first position of the touch-sensitive display;
 - displaying a second icon in a second position of the touch-sensitive display, the second position distinct from the first position;
 - detecting a touch input on the first icon corresponding to the first position of the touch-sensitive display;
 - determining whether the touch input on the first icon corresponding to the first position of the touch-sensitive display remains in contact with the display for more than a predetermined time period;
 - in accordance with a determination that the touch input on the first icon corresponding to the first position of the touch-sensitive display does not remain in contact with the display for

² We use the word “Appellant” to refer to “Applicant” as defined in 37 C.F.R. § 1.42(a). Appellant identifies the real party in interest as “Apple Inc. of Cupertino, California.” Appeal Br. 4.

more than the predetermined time period, activating an application associated with the first icon; and

in accordance with a determination that the touch input on the first icon corresponding to the first position of the touch-sensitive display remains in contact with the display for more than the predetermined time period:

modifying a visual appearance of the first icon;

detecting movement of the touch input from the first position to a position proximate to the second position on the touch-sensitive display, wherein the detected movement of the touch input causes the first icon to be moved from the first position to the position proximate to the second position on the touch-sensitive display; and

in response to detecting movement of the touch input from the first position to the position proximate to the second position on the touch-sensitive display, moving the second icon from the second position to a different position on the touch-sensitive display.

Claims Appendix (Appeal Br. 50–51).

REFERENCES

The prior art references relied upon by the Examiner are:

| | | |
|-----------|--------------------|---------------|
| Ludolph | US 5,745,096 | Apr. 28, 1998 |
| Alimpich | US 5,774,119 | June 30, 1998 |
| Hoshino | US 2004/0021643 A1 | Feb. 5, 2004 |
| Yoshihara | US 2004/0056839 A1 | Mar. 25, 2004 |
| Hawkins | US 6,781,575 B1 | Aug. 24, 2004 |
| Ewing | US 6,915,490 B1 | July 5, 2005 |
| Sato | US 2006/0007182 A1 | Jan. 12, 2006 |
| Keely | US 2006/0033751 A1 | Feb. 16, 2006 |
| Niles | US 2006/0055700 A1 | Mar. 16, 2006 |
| Carroll | US 7,017,118 B1 | Mar. 21, 2006 |
| Ito | US 7,587,683 B2 | Sept. 8, 2009 |
| Lin | US 8,365,084 B1 | Jan. 29, 2013 |
| Chiang | US 8,601,370 B2 | Dec. 3, 2013 |

REJECTIONS

Claims 22, 34, and 42 are rejected under pre-AIA 35 U.S.C. § 103(a) as being unpatentable over Hawkins in view of Keely and Hoshino. Final Act. 3.

Claims 23, 35, and 43 are rejected under pre-AIA 35 U.S.C. § 103(a) as being unpatentable over Hawkins, Keely, Hoshino, and further in view of Ito. Final Act. 13.

Claims 24, 36, and 44 are rejected under pre-AIA 35 U.S.C. § 103(a) as being unpatentable over Hawkins, Keely, Hoshino, and further in view of Alimpich. Final Act. 14.

Claims 25, 26, 37, and 45 are rejected under pre-AIA 35 U.S.C. § 103(a) as being unpatentable over Hawkins, Keely, Hoshino, and further in view of Niles. Final Act. 15.

Claims 27 and 38 are rejected under pre-AIA 35 U.S.C. § 103(a) as being unpatentable over Hawkins, Keely, Hoshino, and further in view of Yoshihara. Final Act. 17.

Claims 28 and 39 are rejected under pre-AIA 35 U.S.C. § 103(a) as being unpatentable over Hawkins, Keely, Hoshino, Yoshihara, and further in view of Chiang. Final Act. 19.

Claims 29, 31, 40, 47, 49, and 50 are rejected under pre-AIA 35 U.S.C. § 103(a) as being unpatentable over Hawkins, Keely, Hoshino, and further in view of Carroll. Final Act. 20.

Claims 30, 41, and 48 are rejected under pre-AIA 35 U.S.C. § 103(a) as being unpatentable over Hawkins, Keely, Hoshino, and further in view of Sato. Final Act. 23.

Claims 32 and 33 are rejected under pre-AIA 35 U.S.C. § 103(a) as being unpatentable over Hawkins, Keely, Hoshino, and further in view of Ewing. Final Act. 25.

Claim 46 are rejected under pre-AIA 35 U.S.C. § 103(a) as being unpatentable over Hawkins, Keely, Hoshino, and further in view of Chiang. Final Act. 27.

Claims 51, 53, and 55 are rejected under pre-AIA 35 U.S.C. § 103(a) as being unpatentable over Hawkins, Keely, Hoshino, and further in view of Ludolph. Final Act. 28.

Claims 52, 54, and 56 are rejected under pre-AIA 35 U.S.C. § 103(a) as being unpatentable over Hawkins, Keely, Hoshino, Ludolph, and further in view of Lin. Final Act. 30.

OPINION

The Examiner rejects claim 22 finding, among others, that Keely teaches or suggests “activating an application associated with the first icon” upon meeting a particular recited condition. Final Act. 6. Specifically, the Examiner finds that step 307 in Figure 3, as well as Figure 5A and paragraph 35 of Keely collectively teaches this limitation. *Id.* Paragraph 30 of Keely, describing step 307 states:

If the first threshold has been exceeded, then the system proceeds to step 304 where the user’s input is classified as a stroke and the system steps to point A 305. If the first threshold has not been exceeded, the system determines if the stylus was still in contact with the digitizer when a time threshold had expired in step 306. If no (meaning that the stylus was still in contact with the digitizer surface), the system classifies the input as a tap in step 307 and proceeds to point B 308.

In the Examiner’s Answer, the Examiner provides that step 307 (in conjunction with step 308) determines “whether a double left-click event (i.e.,] an icon launch command) or other input type was intended to be made by the user” and “the tap input (Step 307, 501) is being checked in step 507 to determine if this is a double-tap input (i.e.,] a double-left-click operation used in the Windows environment to activate an application associated with an icon).” Ans. 5–6. The Examiner further finds the limitation is also taught by Hawkins’ teaching that “[t]he speed dial record tag or label (or a portion thereof) is displayed on the screen button, and activating (‘tapping’) the button causes the Phone App to control the handheld computer and telephone peripheral to dial the telephone number of the corresponding speed dial record.” Hawkins 7:26–31 (cited in Ans. 3).

Appellant argues, on the other hand, that the Examiner reversibly erred because activating an application as recited is distinct from the post-activation usage of an application. *See* Appeal Br. 29 (arguing that the actions in Keely upon step 307 “are all editing features and are completely unrelated to activating an application”); *see also* Reply Br. 4 (stating that “when a user taps on one of the speed dial numbers, the system performs a function (e.g., calling) of the previously activated phone application, but will not activate an application” in Hawkins) (emphasis omitted).

We are cognizant of the fact that Keely states a general objective to “permit[] a user to perform all operations of a mouse-type device using a stylus” (Keely ¶ 5; *see* Ans. 4–6). However, based on Appellant’s distinction of “activating an application” from the post-activation usage of an application and based on Keely’s teaching that “the system classifies the input as a tap in step 307” (Keely ¶ 30), the record before us does not adequately show that the limitation “activating an application associated with the first icon” is taught by paragraph 35 of Keely cited in the Final Rejection or the cited portion of Hawkins in the Answer. We accordingly reverse the rejection of claim 22. The rejection of claims 34 and 42 based on the same references is reversed. The rejections of all dependent claims are reversed based on their dependency from claims 22, 34, and 42.

CONCLUSION

The Examiner’s rejections are reversed.

| Claims Rejected | Basis | Affirmed | Reversed |
|------------------------|---------------------------------|-----------------|-----------------|
| 22–56 | 35 U.S.C. § 103(a) (pre-AIA) | | 22–56 |

Appeal 2018-001095
Application 14/142,640

| Claims Rejected | Basis | Affirmed | Reversed |
|----------------------------|--------------|-----------------|-----------------|
| Overall Outcome | | | 22-56 |

REVERSED