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UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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*Ex parte* CHRISTOPHER PATE, CORMAC O CONAIRE, MARTEN  
HELWIG, and JAMES LYNCH

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Appeal 2018-002044  
Application 13/916,422<sup>1</sup>  
Technology Center 2600

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Before ST. JOHN COURTENAY III, LARRY J. HUME, and  
JOYCE CRAIG, *Administrative Patent Judges*.

CRAIG, *Administrative Patent Judge*.

DECISION ON APPEAL

Appellants appeal under 35 U.S.C. § 134(a) from the Examiner's final rejection of claims 20–25 and 27–34, which are all of the claims pending in this application. Claims 1–19, 26, and 35–39 have been cancelled. We have jurisdiction under 35 U.S.C. § 6(b).

We reverse.

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<sup>1</sup> According to Appellants, the real party in interest is Logitech Europe S.A. App. Br. 3.

## INVENTION

Appellants' application relates to an input device configured with a plurality of input members grouped into contoured-shaped bowls on a portion of the input devices. Abstract. Claim 28 is illustrative of the appealed subject matter and reads as follows:

28. A computer mouse comprising:  
a housing including:  
a top portion;  
a bottom portion to move along a work surface; and  
a side portion;  
a first plurality of buttons disposed on the side portion,  
wherein each of the first plurality of buttons has a different  
shape; and  
a second plurality of buttons disposed on the side portion,  
wherein each of the second plurality of buttons has a different  
shape,  
wherein each button of the first plurality of buttons and  
each button of the second plurality of buttons includes a top  
surface,  
wherein the top surface of each of the first plurality of  
buttons is contoured such that the first plurality of buttons forms  
a bowl shape having a common center, and  
wherein the top surface of each of the second plurality of  
buttons is contoured such that the second plurality of buttons  
forms a bowl shape having a common center.

## REJECTIONS

Claims 20–23, 25, 27–31, 33, and 34 stand rejected under 35 U.S.C. § 103(a) as unpatentable over the combination of Tang et al. (US 2011/0028194 A1; published Feb. 3, 2011) (“Tang”) and Chaumont et al. (US 2008/010840 A1; May 1, 2008) (“Chaumont”). Final Act. 4–16.

Claims 24 and 32 stand rejected under 35 U.S.C. § 103(a) as unpatentable over the combination of Tang, Chaumont, and Gruhl et al. (US 6,717,569 B1; April 6, 2004) (“Gruhl”). Final Act. 17–19.

#### ANALYSIS

##### *Rejection of Claims 20–23, 25, 27–31, 33, and 34 under 35 U.S.C. § 103(a)*

Appellants contend the Examiner erred because neither Chaumont nor Tang teaches or suggests the limitations “wherein each of the first plurality of buttons has a different shape” and “the first plurality of buttons forms a bowl shape having a common center,” recited in claim 28. App. Br. 6–8; Final Act. 6. Appellants argue none of Chaumont’s arrangements teaches keys of a different shape compared to those adjacent or nearby. App. Br. 7. Appellants further argue keys along a contour of a housing, as taught in Tang, do not necessarily have different shapes. Reply Br. 3 (citing Ans. 5).

Appellants further contend neither Tang’s nor Chaumont’s group of keys forms a bowl shape with a common center, as recited in claims 20 and 28. App. Br. 8; Reply Br. 4. Appellants argue the opposing keys in Chaumont’s trough (Chaumont, Fig. 6) would feel identical (*id.*) and none of the other Chaumont shapes cited by the Examiner teaches or suggests a “bowl shape” with a “common center,” as the claims require (Reply Br. 5).

The Examiner concluded it would have been obvious to one of ordinary skill in the art to use the input device technique as taught by Tang with the grouped shaped buttons as taught by Chaumont. Final Act. 7. The Examiner further concluded it would have been obvious to change the surface shape of a button into a bowl shape. *Id.* at 7–8. The Examiner found Figure 1c of Tang teaches buttons that follow the shape of a housing, meaning each button has a different shape. Ans. 5. The Examiner also

found Chaumont's teaching of numerous possibilities for the shape and design of a group of keys would have suggested to one of ordinary skill in the art the disputed limitations "bowl shape" with a "common center," as recited in the independent claims 20 and 28. Ans. 7–8.

Appellants have persuaded us that the Examiner erred. The Examiner has not shown clearly that keys on a contoured housing, as in Figure 1c of Tang, are each of a different shape. *See* Reply Br. 3. Nor does Figure 6 of Chaumont teach a "bowl shape" with a "common center," as those terms are described in Appellants' Specification. The Specification describes a bowl-shape of buttons, where the individual buttons have different shapes. Spec. ¶¶ 8, 9, 28. The Specification also describes a "bowl shape" with a "common center," as used in certain embodiments. Spec. ¶¶ 9, 28, 41, Fig. 3B. In all cases, the Specification describes that a group of buttons is contoured both left/right and top/bottom in a concave shape, forming a bowl. *See id.* Appellants present dictionary definitions of "center" and "trough." Reply Br. 4. We agree with Appellants that Figure 6 of Chaumont teaches a trough and does not have a center.

For these reasons, we are persuaded the Examiner erred in finding the combination of Tang and Chaumont teaches or suggests the disputed limitations of claims 20 and 28.

Accordingly, we do not sustain the Examiner's § 103 rejection of independent claims 20 and 28. Nor do we sustain the Examiner's rejection of dependent claims 21–23, 25, 27, 29–31, 33 and 34, which stand with the independent claims from which they depend. We also reverse the rejection of dependent claims 24 and 32, which stand with the independent claims from which they depend, because the Examiner has not shown how the

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additionally cited Gruhl reference overcomes the aforementioned deficiencies of the combination of Tang and Chaumont.

DECISION

We reverse the Examiner's decision rejecting claims 20–25 and 27–34.

REVERSED