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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte HYUN-SU HONG

Appeal 2018-002184
Application 13/782,551¹
Technology Center 2100

Before CAROLYN D. THOMAS, IRVIN E. BRANCH, and
MICHAEL J. ENGLE, *Administrative Patent Judges*.

ENGLE, *Administrative Patent Judge*.

DECISION ON APPEAL

Appellant appeals under 35 U.S.C. § 134(a) from a final rejection of claims 1, 3, 4, 6–8, 10, 11, and 13–15, which are all of the claims pending in the application. We have jurisdiction under 35 U.S.C. § 6(b).

We AFFIRM.

Technology

The application relates to “enlarging or reducing a screen according to a motion in a mobile terminal.” Spec. 1:16–17.

¹ According to Appellant, the real party in interest is Samsung Electronics Co., Ltd. App. Br. 1.

Representative Claim

Claim 1 is representative and reproduced below with certain limitations at issue emphasized:

1. A mobile terminal for a motion based screen control, the mobile terminal comprising:

a touch screen configured to display an image according to *a double tap* input for enabling a function of enlarging or reducing the image;

a sensor configured to detect a motion corresponding to at least one of pulling the mobile terminal toward a user and pushing the mobile terminal away from the user; and

a processor configured to *enlarge or reduce the image displayed on the touch screen corresponding to a predetermined amount when the double tap input is received and is completed, and after enlarging or reducing the image displayed on the touch screen in response to receiving the double tap input, gradually enlarge or reduce the enlarged or reduced image displayed on the touch screen corresponding to the motion detected through the sensor while a last tap input of the double tap input is maintained.*

Rejection

Claims 1, 3, 4, 6–8, 10, 11, and 13–15 stand rejected under 35 U.S.C. § 103(a) as obvious over the combination of Park et al. (US 2010/0134312 A1; June 3, 2010), Horodezky et al. (US 2010/0136957 A1; June 3, 2010), and Kim (US 2010/0302281 A1; Dec. 2, 2010). Final Act. 2.

ISSUE

Did the Examiner err in finding the combination of Park and Kim teaches or suggests to “enlarge or reduce the image displayed on the touch screen corresponding to a predetermined amount when the double tap input is received and is completed” and “after enlarging or reducing the image

displayed on the touch screen in response to receiving the double tap input, gradually enlarge or reduce the enlarged or reduced image displayed on the touch screen corresponding to the motion detected through the sensor while a last tap input of the double tap input is maintained,” as recited in claim 1?

ANALYSIS

The Examiner summarizes claim 1 as follows:

First, the user makes a double tap input on the screen (and holds the last tap), which causes an enlargement or reduction in the image size by a predetermined amount. Then, while holding the tap, the image can further be enlarged or reduced based on a pushing or pulling motion input to the device.

Ans. 3.

The Examiner finds that “Park teaches holding a [single] tap on the screen, then zooming in or out based on a tilting motion of the device while the tap is maintained.” Ans. 3 (citing Park ¶¶ 37, 40, 45, Fig. 4). The Examiner relies on Horodezky for “zooming in or out based on a pushing or pulling motion on the device” rather than Park’s tilting forward or back. *Id.* (citing Horodezky ¶¶ 55–56, Figs. 6, 7, 9). The Examiner relies on Kim for teaching “zooming in or out of an image by a predetermined amount in response to a double tap.” *Id.* (citing Kim ¶ 64, Fig. 2b).

According to Appellant, Park’s “tilting” is what “performs the zoom-in/zoom out operation” whereas “the touch of Park et al. is used for setting the reference point,” not zooming. App. Br. 7 (emphasis omitted). Thus, Appellant argues, “the touch input of Park et al. fails to read on the double tap input for enabling a function of enlarging or reducing the image.” *Id.* (emphasis omitted).

We are not persuaded by this argument. As discussed above, the Examiner relies upon Kim, not Park, for teaching zooming in or out upon a double tap. Ans. 3 (citing Kim ¶ 64, Fig. 2b); *see also* Kim Fig. 6, ¶¶ 89–92.

Appellant further argues that “Kim either alone or combined with Park et al. and Horodezky et al., fails to teach that the displayed image is gradually enlarged or reduced according to an additional input received by the mobile terminal while the double tap is maintained.” App. Br. 7.

We agree with the Examiner, however, that “Appellant’s arguments rely on a piecemeal analysis of the cited art.” Ans. 4. In the Examiner’s combination, Park’s single tap is replaced by Kim’s double tap and zoom. *Id.* at 3. Appellant does not dispute that “Park et al. teaches that if a user makes a single tap . . . and does not release the tap . . . , then the movement of the device can cause gradually zooming,” nor that Kim teaches a “double tap” to activate or deactivate a “zoom mode.” App. Br. 6–7. Appellant fails to explain how the combination would not teach or suggest gradually zooming according to an additional input received (as in Park) while the double tap (as in Kim) is maintained (as in Park). To the extent Appellant argues that Park’s tap must set a reference point, Appellant has not explained how setting a reference point is mutually exclusive with also zooming a predetermined amount as in Kim (e.g., zooming a predetermined amount on the tapped reference point). Even if the reference point required adjustment after the predetermined zoom, Appellant has not explained how that would be materially different than Park adjusting the reference point while zooming in or out. *See* Park Fig. 4 (depicting a circle of detecting the touch (step 403) and setting the reference point (step 405) so long as the touch is

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not released (step 413)). Thus, Appellant has not persuaded us that the Examiner erred.

Accordingly, we sustain the Examiner's rejection of claim 1, and claims 3, 4, 6–8, 10, 11, and 13–15, which Appellant argues are patentable for similar reasons. *See* App. Br. 9; 37 C.F.R. § 41.37(c)(1)(iv).

DECISION

For the reasons above, we affirm the Examiner's decision rejecting claims 1, 3, 4, 6–8, 10, 11, and 13–15.

No time period for taking any subsequent action in connection with this appeal may be extended under 37 C.F.R. § 1.136(a). *See* 37 C.F.R. § 41.50(f).

AFFIRMED