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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/068,817	05/19/2011	Will John Temple		7656

7590 03/20/2020
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EXAMINER

FLORES, ROBERTO W

ART UNIT	PAPER NUMBER
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2621

MAIL DATE	DELIVERY MODE
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03/20/2020

PAPER

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte WILL JOHN TEMPLE

Appeal 2018-004757
Application 13/068,817
Technology Center 2600

Before MAHSHID D. SAADAT, ROBERT E. NAPPI, and
JASON J. CHUNG, *Administrative Patent Judges*.

SAADAT, *Administrative Patent Judge*.

DECISION ON APPEAL

Pursuant to 35 U.S.C. § 134(a), Appellant¹ appeals from the Examiner's decision to reject claims 33–78, which are all the claims pending in this application.² We have jurisdiction under 35 U.S.C. § 6(b).

We affirm.

¹ We use the word “Appellant” to refer to “applicant” as defined in 37 C.F.R. § 1.42(a). Appellant, appearing pro se, identifies the real party in interest as Will John Temple, the inventor. Appeal Br. 2.

² Claims 1–32 have been canceled.

STATEMENT OF THE CASE

Introduction

Appellant's disclosure is directed "to user interfaces of computing devices and mobile electronic devices, and more particularly, to computing devices and mobile electronic devices that interpret user presses, releases, and motions of buttons, keys, or touch screen objects to determine device commands." Spec. 1.

Claims 33 and 64 are illustrative of the invention and read as follows:

33. A computer implemented method for enabling a user to interact with an electronic device through one or more multidirectional buttons exclusive from the use of typing, the method comprising:

- a. receiving one or more signals associated with one or more user presses on a top surface of the multidirectional buttons;
- b. determining some initial positions of the user presses;
- c. determining one or more motion thresholds from the determined initial positions of the user presses, wherein the motion thresholds comprising some thresholds of displacement or thresholds of force;
- d. receiving some motion signals associated with some lateral user press motions, wherein the press motions are substantially within a plane generally coincident to the top surface of the multi directional buttons;
- e. determining whether the lateral press motions exceed the one or more motion thresholds;
- f. determining one or more directions of the lateral press motions from the determined initial positions of the user presses and the motion signals;
- g. detecting one or more release signals associated with the user releasing the user presses of the multidirectional buttons;

h. determining a command from a plurality of command choices, wherein each of the multidirectional buttons comprise a plurality of the command choices, wherein the command is determined from the detections and determinations of the method comprising the determination of whether the lateral press motions exceed the motion thresholds and/or the determination of directions of the lateral press motions, and wherein one of the plurality of command choices is a center choice, wherein the command of the center choice to be input from the multidirectional button to the device is selected by the user releasing the user press with the press motion within the motion threshold;

i. inputting the command to the device

whereby the user may quickly and reliably choose a command from the plurality of the command choices available in any one of the multidirectional buttons within and including one press and release, wherein the chosen command is input from the one or more multidirectional buttons to the device.

64. A computer implemented method for enabling a user to interact with an electronic device through a multidirectional button; the method comprising: initializing the multidirectional button by a process or an event selected from a group consisting of a preceding button press of the multidirectional button and a command to initiate the multidirectional button, wherein a preceding button press comprises pressing a touch screen with a force greater than the force needed for the detection of the press as a touch; detecting some button events of the multidirectional button, the button events comprising: the preceding button press, some substantially planar motions of the multidirectional button or a touch or a mouse exceeding some motion thresholds in a direction substantially lateral from and generally perpendicular to the direction of the pressing of the multidirectional button, and a press release of the multidirectional button; distinguishing the motions that exceed the motion thresholds with the preceding button press from the motions without the preceding button press; determining one or more commands for the device from a sequence of the button events with the preceding button press; and determining one or more commands for the device

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from a sequence of the button events without the preceding button press; whereby the user may select from some different commands with substantially the same motions depending on whether the user first pressed the multidirectional button with the preceding press to input commands into the device.

Appeal Br. A-1 (Claims App.) (emphasis added).

Prior Art and Rejections on Appeal

The following table lists the prior art relied upon by the Examiner in rejecting the claims on appeal:

Name	Reference	Date
Kushler et al. (“Kushler”)	US 2004/0140956 A1	July 22, 2004
Verhaegh	US 2005/0225538 A1	Oct. 13, 2005
Zotov et al. (“Zotov”)	US 2007/0262964 A1	Nov. 15, 2007
Steiner et al. (“Steiner”)	US 2008/0158024 A1	July 3, 2008
Kocienda et al. (“Kocienda”)	US 2008/0168366 A1	July 10, 2008
Jobs et al. (“Jobs”)	US 2008/0174570 A1	July 24, 2008
Mouilleseaux et al. (“Mouilleseaux”)	US 2009/0327964 A1	Dec. 31, 2009
Nwosu	US 2010/0020033 A1	Jan. 28, 2010

The Examiner’s Rejections

Claims 33, 45, 53, 63, 73, 74, 75 and 78 stand rejected under pre-AIA 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. Final Act. 4–5.

Claims 64 and 69 stand rejected 35 U.S.C. § 102(b) (pre-AIA) as being anticipated by Steiner. Final Act. 6–9.

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Claims 33–40, 42–46, 60, 61, 63, 65–68, 71 and 74–77 stand rejected under pre-AIA 35 U.S.C. § 103(a) as being unpatentable over Mouilleseaux and Steiner. Final Act. 10–32.

Claim 41 stands rejected under pre-AIA 35 U.S.C. § 103(a) as being unpatentable over Mouilleseaux, Steiner, and Zotov. Final Act. 33–34.

Claims 47–50 and 59 stand rejected under pre-AIA 35 U.S.C. § 103(a) as being unpatentable over Mouilleseaux, Steiner, and Verhaegh. Final Act. 34–40.

Claims 51, 54, 56, 70, and 72 stand rejected under pre-AIA 35 U.S.C. § 103(a) as being unpatentable over Mouilleseaux, Steiner, and Jobs. Final Act. 41–48.

Claim 52 stands rejected under pre-AIA 35 U.S.C. § 103(a) as being unpatentable over Mouilleseaux, Steiner, Jobs, and Kocienda. Final Act. 48–51.

Claims 55 and 62 stand rejected under pre-AIA 35 U.S.C. § 103(a) as being unpatentable over Mouilleseaux, Steiner, and Kushler. Final Act. 51–54.

Claims 57, 58, and 73 stand rejected under pre-AIA 35 U.S.C. § 103(a) as being unpatentable over Mouilleseaux, Steiner, and Nwosu. Final Act. 54–60.

Claim 53 stands rejected under pre-AIA 35 U.S.C. § 103(a) as being unpatentable over Mouilleseaux, Steiner, Zotov, and Nwosu. Final Act. 60–63.

Claim 78 stands rejected under pre-AIA 35 U.S.C. § 103(a) as being unpatentable over Steiner and Jobs. Final Act. 63–64.

Related Appeals

Appellant identifies Application 14/539,977, which is to the same inventor, as a related appeal.³

ANALYSIS

We have reviewed the Examiner's rejections in light of Appellant's arguments (Appeal Br. 5–93; Reply Br. 1–23) that the Examiner has erred, but we disagree with Appellant's conclusions. The Examiner has provided a comprehensive response, supported by sufficient evidence, to each of the contentions raised by Appellant. *See* Ans. 2–18. 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 (*id.*). With respect to the rejections under 35 U.S.C. §§ 102(b) and 103(a), we agree with the Examiner's findings and conclusion and adopt them as our own. With respect to the rejection under 35 U.S.C. § 112, first paragraph, we consider Appellant's untimely arguments in the Reply Brief waived. We highlight the following points for emphasis.

Rejection under 35 U.S.C. § 112, First Paragraph

The Examiner rejects independent claims 33, 45, 53, 63, 73–75, and 78 as failing to comply with the written description requirement because the terms “exclusive from the use of typing” in claims 33 and 63, “exclusive from navigating the multidirectional buttons” in claims 45, 63, and 75 do not have any support in the Specification. Final Act. 4. The Examiner further finds the terms “wherein a command in a left selection region of the multidirectional button” in claim 73, “wherein the directions are unrelated to

³ Application 14/539,977 is appealed under appeal number 2018-005668.

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the placement of the multidirectional buttons” in claim 45, “wherein the command . . . is an alphabetical character” in claim 53, and “the center selection region consists of one keystroke” in claim 78 have no support in the Specification. Final Act. 5.

Appellant does not respond to the Examiner’s rejection. To the extent Appellant has not advanced separate, substantive arguments for particular claims or issues, such arguments are considered waived. *See* 37 C.F.R. § 41.37(c)(1)(iv) (2016); *Ex parte Frye*, 94 USPQ2d 1072, 1075 (BP AI 2010) (precedential) (“If an appellant fails to present arguments on a particular issue — or, more broadly, on a particular rejection — the Board will not, as a general matter, unilaterally review those uncontested aspects of the rejection. *See, e.g., Hyatt v. Dudas*, 551 F.3d 1307, 1313–14 (Fed. Cir. 2008) (the Board may treat arguments appellant failed to make for a given ground of rejection as waived”). Additionally, “[i]f a ground of rejection stated by the examiner is not addressed in the appellant’s brief, appellant has waived any challenge to that ground of rejection and the Board may summarily sustain it unless the examiner subsequently withdrew the rejection in the examiner’s answer.” Manual of Patent Examining Procedure (“MPEP”) § 1205.02 (9th ed. Rev. 08.2017, Jan. 2018).

We also observe that, for the first time in the Reply Brief, Appellant presents arguments regarding this rejection. Reply Br. 1–3. These arguments are entitled to no consideration because they were not presented for the first time in the opening brief, and Appellant has not shown good cause why they should be considered, as required by our procedural rule. *See* 37 C.F.R. § 41.41(b)(2) (2012); *accord Ex parte Borden*, 93 USPQ2d 1473, 1473–74 (BPAI 2010) (informative opinion) (absent a showing of good cause, the Board is not required to address an argument newly

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presented in the reply brief that could have been presented in the principal brief on appeal).

Accordingly, we summarily sustain the Examiner's rejection of claim 33, 45, 53, 63, 73, 74, 75, and 78 under pre-AIA 35 U.S.C. § 112, first paragraph.

Rejection under 35 U.S.C. § 102

Claim 64

Appellant contends the Examiner's reliance on Figure 13 of Steiner does not support the anticipation rejection of claim 64 because "the 'multidirectional button' is initiated from a 'press of the multidirectional button' or 'a command to initiate the multidirectional button,'" which are both multidirectional buttons, "Steiner's NON-multidirectional key does NOT disclose these elements, as the Examiner incorrectly found." Appeal Br. 33. According to Appellant, Steiner's shift key is not a multidirectional button for providing multiple commands because it has one function when pressed. *Id.* Additionally, Appellant argues pressing the shift key in Steiner does not meet the claimed "depending on whether the user first pressed the multidirectional button." Appeal Br. 34.

The Examiner responds by explaining that claim 64 does not specify "how hard" the user presses to select different commands, including a "touch." Ans. 7. With respect to Steiner's "shift key" as a "preceding button press," the Examiner finds:

Claim does not recite a preceding multidirectional button. Claim recites (1) a preceding button press of the (2) multidirectional button, where the (1) and (2) are considered two buttons. The claim recite "the multidirectional button" which is the antecede basis for "a multidirectional button" and it is not the antecede basis for "a preceding button press".

Thus, the shift key presented by Steiner in figure 13, 134 disclose the preceding button press.

Ans. 8.

We agree with the Examiner that the claim does not specifically require comparing the force needed for detecting a touch and initializing the multidirectional button. First, the claim recites “initializing the multidirectional button by a process or an event selected from a group consisting of a preceding button press of the multidirectional button and a command to initiate the multidirectional button,” which presents two choices for initializing the multidirectional button. That is, pressing the shift key in Steiner meets the second choice of “a command to initiate the multidirectional button” with no regard for how hard the shift key is pressed. *See* Steiner Fig. 13, ¶ 136 (“A press on the shift key 134 or number key 136 causes the symbols to change on the buttons, so that no additional space is required.”). Second, as correctly stated by the Examiner (Ans. 8), pressing the shift key meets pressing a preceding button as one of the button events, which in turn, initializes a multidirectional button shown in Figures 4 and 17.

To the extent Appellant argues the recited “determining one or more commands for the device from a sequence of the button events with the preceding button press; and determining one or more commands for the device from a sequence of the button events without the preceding button press” indicates different command selections based on “the force of the initial press” (*see* Reply Br. 11), we remain unpersuaded that the claim requires any distinction of how hard the preceding button is pressed. As such, pressing the shift key in Steiner meets the “preceding button press”

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and provides different commands based on whether the shift key is pressed initially to initialize the multidirectional button.

Claim 69

Appellant contends Steiner does not disclose the recited “common keyboard” because Steiner’s keyboard “comprises of a ‘keyboard constructed from a limited number of keys’, which in the cited Figure 13, comprises FIVE keys” and considered as “an alternative to a common keyboard, as would anyone.” Appeal Br. 36; *see also* Reply Br. 12. According to Appellant, the keyboard depicted in Figure 13 of Steiner represents an arrangement of three keys, which is different from a “common keyboard” comprising “at least 26 common keys.” *Id.*

The Examiner responds by relying on the keys representing a QWERTY keyboard in Figure 13 of Steiner which “provides a keyboard with A-Z keys and thus it is a common keyboard.” Ans. 9. Based on the broadest reasonable interpretation of the term “common,” the Examiner finds those three multidirectional keys represent all the letters in a QWERTY keyboard meet the recited term and are similar to the common keyboard depicted in Appellant’s Figure 1. *Id.*

We agree with the Examiner’s findings and add that Appellant’s disclosure describes a “common keyboard” as a set of keys representing the characters present in a QWERTY keyboard. *See e.g.*, Figs. 7–16; Spec. pp. 28–30. The cited portions of Appellant’s disclosure refer to the “key layout” of a “common keyboard” that is adapted to be displayed on one or more multidirectional button. That is, to the extent Appellant’s disclosure refers to a common keyboard having 26 common keys generally (*see above*), Steiner discloses multidirectional buttons that present selectable keys similar

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to those on a common QWERTY keyboard having a conventional layout.
See also Steiner Figs 4, 8, 13, 14.

Conclusion

For the above-stated reasons, we are not persuaded by Appellant’s arguments that the Examiner erred in finding Steiner teaches the disputed features of claims 64 and 69. Accordingly, we sustain the 35 U.S.C. § 102(b) rejection of claims 64 and 69.

Rejections under 35 U.S.C. § 103

Claim 33

In rejecting claim 33, the Examiner finds Mouilleseaux teaches all the recited claim limitations, but not “wherein one of the plurality of command choices is a center choice, wherein the command of the center choice to be input from the multidirectional button to the device is selected by the user releasing the user press with the press motion within the motion threshold,” for which the Examiner relies on Steiner. *See* Final Act. 10–13. The Examiner finds the proposed combination would have been obvious to one of ordinary skill in the art because “inputs may be categorized into central inputs as suggested by Steiner in [0093]” and “multidirectional buttons should be arranged or shaped according in order to meet the design perspective since Mouilleseaux teaches in [0055] that GUI object can be arbitrarily shaped and arranged.” Final Act. 13.

Appellant contends the Examiner erred in rejecting claim 33 over the combination of Mouilleseaux and Steiner because “Mouilleseaux’s radial menus are simply not the ‘buttons’ element of the claim.” Appeal Br. 5. Appellant argues that the recited multidirectional buttons are distinguishable from the radial menus of Mouilleseaux because “[t]he present claims make it

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clear that its buttons are buttons by stating: “*wherein one of the plurality of command choices is a center choice exclusive from navigating the multidirectional button,*” which “distinguishes the center choice from radial menus of the prior art that may use the center of their menus to navigate through submenus, but not to enter commands into the device.” Appeal Br. 6; see also Reply Br. 3–4.

With respect to the teachings of Steiner, Appellant contends the disclosed center choice of Steiner’s keys are used for typing, whereas as “the presently claimed user interface objects that are ‘*exclusive from the use of typing*’, as claimed, which clearly differentiates the present invention from this prior art.” *Id.* Appellant refers to the date of the prior art references and the filing date of the instant application to show non-obviousness of the claimed subject matter. Appeal Br. 7. Appellant argues the cited step 605 of Mouilleseaux in Figure 6 does not teach the recited “receiving one or more signals associated with one or more user presses on a top surface of the multidirectional buttons” because “the term ‘button’ is a button on a mouse” and not a “‘top surface’ of a multidirectional buttons.” Appeal Br. 7–8. Additionally, Appellant argues the cited portions of Mouilleseaux do not disclose the remaining claim features related to determining the initial positions, the motion thresholds, the lateral user press motion, the directions the lateral press motion, and the release signal, as well as comparing the lateral motion with the threshold to select a command. *See* Appeal Br. 8–11.

Regarding the Examiner’s stated reason for the combination and reliance on Paragraph 55 of Mouilleseaux, Appellant argues a center choice is not suggested because Mouilleseaux arranges the selectable items around a center location. Appeal Br. 13. According to Appellant, “[t]he Examiner has given no reasoning why a person skilled in the art would combine an

isolated element (which isn't even the same element) with the radial menus of Mouilleseaux, which are for different uses.” Appeal Br. 15.

The Examiner responds that changing the circular shape of the soft buttons A–E depicted in Figure 4 of Mouilleseaux to a rectangular shape would have been obvious to one of ordinary skill in the art. Ans. 3. The Examiner also explains that the limitation “exclusive from navigating the multidirectional button” is recited only in claim 45 and is met by Steiner’s center choice which represents the character “S.” Ans. 3–4. We agree with the Examiner’s findings and observe that adding Steiner’s center choice to the multidirectional button of Mouilleseaux is not precluded by the radial arrangement of the disclosed items A–E, which may be arbitrary shaped and arranged around a focal point that is not necessarily required to coincide with the center choice. *See* Mouilleseaux Fig. 4. We further agree with the Examiner’s characterization of the mouse click and release in Mouilleseaux as the recited user press, which is consistent with Appellant’s own disclosure of selecting “pointer buttons” using a mouse. Ans. 4 (citing ¶ 114 of the published application US 2011/0285651 A1 which corresponds to Spec. pp. 10–11). With respect to the remaining teachings of Mouilleseaux, we also agree with the Examiner’s findings. *See* Ans. 5.

In response to Appellant’s arguments regarding Steiner, the Examiner relies on paragraph 136 of Steiner as teaching “touching the leftmost button with a stroke moving from the center upwards and leftwards may be recognized as the letter Q, etc.” and on paragraph 137 as teaching “the vector preferably detected in terms of a start point and a direction” or alternatively, as “a direction and an end point.” Ans. 5–6. Based on a review of the cited passages in Steiner, we agree with the Examiner’s findings and conclusion that “Steiner disclose motion threshold in order to

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distinguish between ‘Q’ selection, ‘S’ selection and other selections.” Ans. 6.

We also agree with the Examiner that the combination would have been obvious to one of ordinary skill in the art because the claim does not preclude having a central point in addition to a central choice. In other words, contrary to Appellant’s assertions (*see* Reply Br. 4–5), the proposed combination would suggest adding a central choice to the button arrangement of Mouilleseaux in combination with a radial menu.

Accordingly, we agree with the Examiner’s finding that the combination of Mouilleseaux and Steiner teaches or suggests the subject matter of claim 33. *See* Appeal Br. 15, 24.

Claim 45

The Examiner rejected independent claims 45 on the same basis as claim 33. Final Act. 18–21. Appellant argues the patentability of this claim by relying on arguments that are substantially the same as those presented for claim 33. *See* Appeal Br. 15–23; Reply Br. 8–10. We also agree with the Examiner’s stated position and response and adopt them as our own. *See* Ans. 6–7. In light of our analysis above and Appellant’s arguments (*see id.*), we conclude the Examiner did not err in rejecting claim 45 over the combination of Mouilleseaux and Steiner.

Claim 63

The Examiner rejected independent claim 63 on the same basis as claim 33 (*see* Final Act. 25–28) and further found the buttons of Figure 4 of Mouilleseaux are modified in Figure 21 for functions, such as action, filter, and print, which meet the claimed “instructions for displaying and processing one or more virtual multidirectional buttons exclusive from the use of typing on one or more display screens.” Final Act. 25–26. Appellant

argues the patentability of this claim by relying on arguments that are substantially the same as those presented for claim 33, such as asserting that “Mouilleseaux teaches a radial menu, and not buttons.” *See* Appeal Br. 24–32. In light of our analysis above and Appellant’s arguments (*see id.*) and the Examiner’s stated position and reasoning in the Final Action, we conclude the Examiner did not err in rejecting claim 63 over the combination of Mouilleseaux and Steiner.

Claim 72

The Examiner found the combination of Mouilleseaux and Steiner teach or suggest all the limitation of claim 72, but not “tracking some characters of one or more words that are currently being typed by the user; wherein the commands are substantially comprised of a plurality of keystrokes,” which may be completed when the user “may quickly and accurately select one of the plurality of command choices and enter some remaining characters of the currently typed word or phrase within and including one press and release of the multidirectional button.” The Examiner further relied on Jobs as disclosing the missing limitation. Final Act. 42 (citing Jobs Fig 6B, ¶ 245). According to the Examiner, combining Jobs with Mouilleseaux and Steiner would have been obvious because of the advantageous word suggestion which would “provide a list of possible words to complete the word fragment being typed by the user as suggested by Jobs in [0245].” *Id.*

Appellant contends that the Examiner’s rejection suffers from the same deficiencies discussed for claim 33 and additionally argues “the present claim enables a user to complete word fragments through the multidirectional buttons of the claim” and “is an entirely different element from Job's ‘word suggestion area’, which is a now common suggestion bar.”

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Appeal Br. 37–39. According to Appellant, in claim 72, “[i]t is the multidirectional button themselves that provide the choice of entering ‘plurality of keystrokes’, and not a separate area.” Appeal Br. 39.

The Examiner responds by stating that “[t]he main purpose of Jobs is showing the idea of having word suggestion and/or possible words since Mouilleseaux provides multidirectional button where the multidirectional buttons themselves that provide the choice of menu and submenus in figure 10a, A-E.” Ans. 9–10. In other words, contrary to Appellant’s argument (Reply Br. 12), the rejection relies on Jobs for teaching or suggesting the function of word suggestion to complete the word or phrases entered by the user, and not on the entire interface disclosed by the reference. We agree with the Examiner findings and reasoning for combinability because all of the features of the secondary reference need not be bodily incorporated into the primary reference. *See In re Keller*, 642 F.2d 413, 425 (CCPA 1981); *In re Merck & Co., Inc.*, 800 F.2d 1091, 1097 (Fed. Cir. 1986). Furthermore, the artisan is not compelled to blindly follow the teaching of one prior art reference over the other without the exercise of independent judgment. *See Lear Siegler, Inc. v. Aeroquip Corp.*, 733 F.2d 881, 889 (Fed. Cir. 1984). Appellant did not rebut the Examiner’s findings in a Reply Brief.

Accordingly, we conclude the Examiner did not err in rejecting claim 72 over the combination of Mouilleseaux, Steiner, and Jobs.

Claim 76

The Examiner rejected independent claim 76 on the same basis as claim 33 (*see* Final Act. 30–32) and further found the direction and amount of mouse movement shown in Figure 6 of Mouilleseaux explain how far the mouse has to move to select a specific area on the multidirectional button. Final Act. 30 (citing Mouilleseaux ¶¶ 73–76). Appellant argues the

patentability of this claim by relying on arguments that are substantially the same as those presented for claim 33 (*see* Appeal Br. 39–47), and further asserts “the term ‘motion threshold’ in the present claim is not a ‘range of angles’ and it is not used to determine a ‘wedge’ through which a cursor passes.” Appeal Br. 39, Reply Br. 12. We are unpersuaded that the disclosure of Mouilleseaux with respect to “the direction and speed of the mouse” in paragraphs 73–76 is different from the recited “motion threshold.” That is, the broadest reasonable interpretation of the disputed claim term, consistent with Appellant’s disclosure, encompasses measuring the threshold as the mouse moves in any direction or in any angle as long as the motion is detectable, measurable, and compared to the threshold value. *See* Spec. p. 10 (defining “motion threshold” as the distance between the first press and the release locations); Figs. 2B, 6D.

In view of our analysis above regarding claim 33 and Appellant’s arguments (Appeal Br. 39–47) and the Examiner’s stated position and reasoning in the Final Action, we conclude the Examiner did not err in rejecting claim 76 over the combination of Mouilleseaux and Steiner.

Claim 78

The Examiner found Steiner teaches or suggests all the limitation of claim 78, but not “one or more of the command choices corresponding to the other selection regions each comprise a plurality of keystrokes, wherein the plurality of keystrokes comprise some remaining characters of a word,” for which the Examiner relies on Jobs. Final Act. 63–64 (citing Jobs Fig 6B, ¶ 245). Appellant contends “Steiner’s keyboard is for typing one keystroke at a time, and does not enable a user to select from ‘a plurality of keystrokes’ within ‘one press and release of the multidirectional key.’” Appeal Br. 47. Appellant further argues “the present claim does not include the step of

‘tracking some characters’” and “the ‘word suggestion area’ of Jobs in not an element in the present claim.” *Id.*

In response to Appellant’s contentions, the Examiner explains the rejection is based on the combination of Steiner and Jobs where “Steiner teaches a multidirectional button 132 above in figure 13” and “the main purpose of Jobs is show the idea of having word suggestion and/or possible words since Steiner provides multidirectional buttons 132 in figure 13.”

Ans. 11. In other words, the rejection relies on Jobs for teaching or suggesting the function of word suggestion and on Steiner as disclosing the keystrokes from different locations of a multidirectional key or button.

We agree with the Examiner’s findings and adopt them as our own. Contrary to Appellant’s argument (Reply Br. 13), the Examiner’s proposed rejection relies on the relevant portions of Steiner in combination with the command choices that correspond to other selection regions that relate to the remaining characters of a word. Final Act. 64. We also agree with the Examiner findings for combinability of Jobs with Steiner, as discussed above regarding claim 72. Accordingly, we conclude the Examiner did not err in rejecting claim 78 over the combination of Steiner and Jobs.

Remaining Dependent Claims

Appellant contends the proposed combination of references does not teach or suggest the limitations of dependent claims based on substantially similar reasoning presented for independent claims. Appeal Br. 49–93, Reply Br. 14–23. The Examiner has identified the relevant teachings in the applied references as they correspond to the disputed features. *See* Final Act. 13–18, 21–25, 28–30, 32–45, 48–63. Additionally, the Examiner has provided a detailed response, supported by sufficient evidence based on the teachings of the cited prior art, to each of the contentions raised by

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Appellant. Ans. 11–18. Based on our review of the reference teachings and the analysis outlined above, Appellant’s arguments do not persuade us that the Examiner erred in finding the disclosures of the applied references teach or suggest the disputed features of dependent claims.

Conclusion

For the above-stated reasons and our findings that the combination of Mouilleseaux and Steiner, or Steiner, alone or in combination with other applied prior art, teaches or suggests the disputed features of claims 33–63, 65–68, and 70–78, we sustain the Examiner’s 35 U.S.C. § 103(a) rejections.

DECISION SUMMARY

In summary:

Claims Rejected	35 U.S.C §	Reference(s)/Basis	Affirmed	Reversed
33, 45, 53, 63, 73, 74, 75, 78	112	Written Description	33, 45, 53, 63, 73, 74, 75, 78	
64, 69	102(b)	Steiner	64, 69	
33–40, 42–46, 60, 61, 63, 65–68, 71, 74–77	103(a)	Mouilleseaux, Steiner	33–40, 42–46, 60, 61, 63, 65–68, 71, 74–77	
41	103(a)	Mouilleseaux, Steiner, Zotov	41	
47–50, 59	103(a)	Mouilleseaux, Steiner, Verhaegh	47–50, 59	
51, 54, 56, 70, 72	103(a)	Mouilleseaux, Steiner, Jobs	51, 54, 56, 70, 72	
52	103(a)	Mouilleseaux, Steiner, Jobs, Kocienda	52	
55, 62	103(a)	Mouilleseaux, Steiner, Kushler	55, 62	

Claims Rejected	35 U.S.C §	Reference(s)/Basis	Affirmed	Reversed
57, 58, 73	103(a)	Mouilleseaux, Steiner, Nwosu	57, 58, 73	
53	103(a)	Mouilleseaux, Steiner, Zotov, Nwosu	53	
78	103(a)	Steiner, Jobs	78	
Overall Outcome			33–78	

TIME PERIOD FOR RESPONSE

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. § 1.136(a)(1)(iv).

AFFIRMED