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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte TAE YEONG KWAK, DONG WOOK KIM, and
YOON SHICK LEE

Appeal 2018-007603
Application 14/225,719
Technology Center 2100

Before JEAN R. HOMERE, MICHAEL J. STRAUSS, and
NABEEL U. KHAN, *Administrative Patent Judges*.

HOMERE, *Administrative Patent Judge*.

DECISION ON APPEAL

I. STATEMENT OF THE CASE¹

Pursuant to 35 U.S.C. § 134(a), Appellant appeals from the Examiner’s decision to reject claims 1–20, which constitute all the claims pending in this application.² Claims App. We have jurisdiction under 35 U.S.C. § 6(b).

¹ We refer to the Specification, filed Mar. 26, 2014 (“Spec.”); the Non-Final Office Action, mailed Aug. 28, 2017 (“Final Act.”); the Appeal Brief, filed Jan. 29, 2018 (“Appeal Br.”); the Examiner’s Answer, mailed May 15, 2018 (“Ans.”); and the Reply Brief, filed July 16, 2018 (“Reply Br.”).

² We use the word “Appellant” to refer to “[A]pplicant” as defined in 37 C.F.R. § 1.42(a). Appellant identifies Naver Corp. as the real party-in-interest. Appeal Br. 2.

We reverse.

II. CLAIMED SUBJECT MATTER

According to Appellant, the claimed subject matter relates to a method and system for scrolling to a desired position in a document displayed on the touchscreen of a terminal, based on the direction, speed, distance, and trajectory of a touch gesture performed on the touchscreen by a user to scroll through the document. Spec. ¶¶ 2, Figs. 2, 3.

Claims 1, 15, and 20 are independent. Claim 1, reproduced below with disputed limitation emphasized in *italics*, is illustrative of the claimed subject matter:

1. A method of controlling a jump/scroll event on a terminal, the terminal including a touch screen, the method comprising:

receiving, by the terminal, a touch signal, the touch signal indicating at least one gesture performed on the touch screen;

analyzing, by the terminal, a document to calculate at least one jump/ scroll position at which to orient the touch screen;

determining, by the terminal, that a jump/scroll event has occurred when the performed gesture corresponds to at least one candidate gesture from among a plurality of potential gestures, the determining including calculating the direction and speed of the received touch signal and generating results based on the calculated direction and speed and a desired threshold direction and speed; and

orienting, by the terminal, the document to the at least one jump/scroll position based on the results of the determining and the analyzing.

III. REFERENCES

The Examiner relies upon the following references.³

| Name | Number | Filed | Publ'd/Issued |
|----------------|--------------------|---------------|---------------|
| Hinckley | US 2004/0150630 A1 | Feb. 2, 2004 | Aug. 5, 2004 |
| Milic-Frayling | US 2010/0223257 A1 | Apr. 30, 2010 | Sept. 2, 2010 |
| Homma | US 2010/0225604 A1 | Mar. 2, 2010 | Sept. 9, 2010 |

IV. REJECTIONS

The Examiner rejects the claims as follows:

1. Claims 1, 2, and 6–20 are rejected under 35 U.S.C. § 103(a) as being unpatentable over the combination of Homma and Hinckley. Final Act. 3–26.
2. Claims 3–5 are rejected under 35 U.S.C. § 103 as unpatentable over the combined teachings of Homma, Hinckley, Milic-Frayling. *Id.* at 26–28.

V. ANALYSIS

1. Claims 1, 2, and 6–20

Appellant argues that the Examiner erred in finding that the combination of Homma and Hinckley teaches or suggests “analyzing by the terminal, a document to calculate at least one jump/scroll position at which to orient the touch screen,” as recited in independent claim 1. Appeal Br. 17. In particular, Appellant argues that Homma discloses determining the scroll speed of a document based solely on the amount of pressure that the user applied to the capacitive touchscreen, as opposed to analyzing the

³ All reference citations are to the first named inventor only.

document in order to calculate the jump/scroll position of the touchscreen display. *Id.* at 18 (citing Homma ¶ 65). According to Appellant, Homma’s scrolling operation is only dependent on the amount of force applied on the touchscreen irrespective of the document. *Id.* at 18–19.

Appellant further argues that the Examiner has not articulated a proper motivation to combine Homma with Hinckley. *Id.* at 20. According to Appellant, Hinckley’s disclosure of a physical trackpad for tracking the amount of distance a user’s finger travels while touching the trackpad when performing a flicking gesture cannot be modified for use on Homma’s touchscreen, let alone curing the noted deficiencies of Homma. *Id.* (citing Hinckley ¶¶ 3–8, 24). Appellant submits that the proposed combination of Homma and Hinckley would at best result in a virtual keyboard for use in a touchscreen that allows a user to perform a flicking gesture to control a document scrolling operation on the touchscreen while keeping a virtual keyboard on the screen. *Id.* at 21. Furthermore, Appellant argues that Hinckley teaches away from Homma by rejecting the use of pressure/speed threshold preferred in Homma, but opts instead for using a “continuous variable gain” based on the distance traveled by the user’s finger on the trackpad to determine scrolling operation. *Id.* (citing Hinckley ¶¶ 43–56, Homma ¶¶ 4–7).

Appellant’s arguments are persuasive of reversible Examiner error. As an initial matter, we note it is undisputed that Homma teaches determining the speed and position of a scroll (i.e., jump scroll) within a document by evaluating the amount of pressure a user’s finger applied on the touchscreen. Homma ¶ 60. Homma also discloses that upon

determining that a pressure operation has been performed, the control section of the terminal scrolls the line of images Pi upward and downward within the document to change the scroll speed according to the pressing force, and location of the touchscreen where the input touch was applied. *Id.* ¶¶ 37, 53, 54, 60, 65, and 66. We do not agree with the Examiner that Homma's scrolling of line of images upward and downward teaches analyzing the document to determine a jump/scroll position at which to orient the document. Ans. 10–11 (citing Homma ¶ 60). The upward/downward scrolling of the line of images is merely a result of the assessment of the applied pressure on the touchscreen, and does not constitute any particular analysis of content rendered on the touchscreen. We agree with Appellant that Homma's jump/scroll position determination or upward/downward scrolling of line of images on the screen is determined solely based on the evaluated applied pressure, and irrespective of the content displayed on the touchscreen. Reply Br. 4–6.

We further agree with Appellant that Hinckley's disclosure of a physical trackpad for tracking the amount of distance a user's finger travels while touching the trackpad when performing a flicking gesture does not cure the noted deficiencies of Homma. Appeal Br. 20. Because Appellant has shown at least one reversible error in the Examiner's obviousness rejection of claim 1, we do not reach Appellant's remaining arguments.

Accordingly, we do not sustain the Examiner's obviousness rejection of independent claims 1, 15, and 20, each of which includes the argued limitation. Likewise, we do not sustain the rejections of claims 2, 6–14, and 16–20, which also recite the disputed limitation.

2. *Claims 3–5*

Regarding dependent claims 3–5, Appellant argues that Milic-Frayling’s disclosure of a search engine application generating a thumbnail image of search results in response to receiving a search term does not cure the noted deficiencies in the Homma–Hinckley combination. Appeal Br. 23. We agree with Appellant. Consequently, we are persuaded of reversible error in the Examiner’s obviousness rejection of claims 3–5.

VI. CONCLUSION

We reverse the Examiner’s obviousness rejections of claims 1–20 under 35 U.S.C. § 103.

DECISION SUMMARY

In summary:

| Claims Rejected | 35 U.S.C. § | Reference(s)/Basis | Affirmed | Reversed |
|------------------------|--------------------|------------------------------------|-----------------|-----------------|
| 1, 2, 6–20 | 103 | Homma, Hinckley | | 1, 2, 6–20 |
| 3–5 | 103 | Homma, Hinckley, Milic-Frayling | | 3–5 |
| Overall Outcome | | | | 1–20 |

REVERSED