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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte NATHAN J. PETERSON, DAVID RIVERA, and
ROD D. WALTERMANN

Appeal 2018-008826
Application 14/971,584
Technology Center 2600

Before JOSEPH L. DIXON, MARC S. HOFF, and JOHNNY A. KUMAR,
Administrative Patent Judges.

DIXON, *Administrative Patent Judge.*

DECISION ON APPEAL

STATEMENT OF THE CASE

Pursuant to 35 U.S.C. § 134(a), Appellant¹ appeals from the Examiner's decision to reject claims 1 and 3–19. (Final Act. 1.) We have jurisdiction under 35 U.S.C. § 6(b).

We REVERSE.

¹ 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 Lenovo (Singapore) Pte. Ltd. (Appeal Br. 1.)

CLAIMED SUBJECT MATTER

The claims are directed to touch input settings management. Claim 1, reproduced below, is representative of the claimed subject matter:

1. A method comprising:
 - detecting an initial input indicating a user selection disabling finger/human body part touch input for a touch input device of an information handling device;
 - providing a dialog box to a user offering an opportunity to provide an appropriate input confirming the initial input, wherein the confirming input is required to be pen input;
 - temporarily disabling, during a duration of the dialog box, finger/human body part touch input on the touch input device;
 - responsive to expiration of a predetermined time, reverting back to a default mode wherein finger/human body part touch input is enabled, unless a confirming input is received within the predetermined time; and
 - responsive to receiving a confirming input prior to the expiration of the predetermined time, selecting a pen only mode of input and disabling finger/human body part touch input on the touch input device of the information handling device.

REFERENCES

The prior art relied upon by the Examiner is:

Kennedy et al.	US 2002/0080123 A1	June 27, 2002
Day et al.	US 2009/0077487 A1	Mar. 19, 2009
Petschnigg et al.	US 2010/0182247 A1	July 22, 2010
Okada et al.	US 2011/0201301 A1	Aug. 18, 2011

REJECTION

Claims 1 and 3–19 stand rejected under pre-AIA 35 U.S.C. § 103(a) as being unpatentable over Petschnigg in view of Day, Okada, and Kennedy.

OPINION

35 U.S.C. § 103(a)

With respect to independent claims 1, 10, and 19, Appellant argues the claims together. (Appeal Br. 14.) We select independent claim 1 as the illustrative claim for the group and address Appellant’s arguments thereto. 37 C.F.R. § 41.37(c)(1)(iv).

With respect to independent claim 1, Appellant argues that the Examiner has not articulated a reason why a person skilled in the art would combine the prior art references, and the Examiner does not provide an adequate evidentiary basis and provide a satisfactory explanation for the motivation to combine. (Appeal Br. 14.) Appellant further argues that the combination of references does not teach all of the claimed limitations of claim 1. (Appeal Br. 14.)

Appellant contends that the Examiner’s reliance upon the Kennedy reference is in error because Kennedy does not teach a confirming input, especially as that term is described in the claims and the underlying Specification in paragraph 32 and Fig. 5. (Reply Br. 16.) Appellant also contends that Kennedy simply discloses identifying one of stylus input or finger input, but does not state that either of these are “confirming inputs.” (Reply Br. 18.)

The Examiner maintained that the Day reference does not teach the confirming limitation in the Final Action (Final Act. 5, 6–7), and the Examiner does not restate the grounds of rejection in the Examiner’s Answer to clarify the Examiner’s rejection, but in response to Appellant’s arguments

the Examiner maintains that the Day reference teaches a confirmation in combination with the Kennedy reference teaching of a “stylus only operation mode” in Kennedy paragraph 44. (Ans. 4.) The Examiner further maintains that during the “stylus only operation mode,” the touch input is not enabled and therefore is disabled. (Ans. 5.)

We agree with the Appellant that the Examiner is “flip-flopping” when setting forth the obviousness rejection. (Reply Br. 16.) We further agree that the Examiner is changing positions which makes it difficult to determine the appropriate application of the prior art teachings to the claimed invention. Although we agree with the Examiner that the “stylus only operation mode” of the Kennedy reference suggests that the finger is disabled, the Examiner has not identified that the combination of the Day and Kennedy references teaches or suggests the claimed “responsive to expiration of a predetermined time, reverting back to a default mode wherein finger/human body part touch input is enabled, unless a confirming input is received within the predetermined time.” Therefore, Appellant has shown error in the prior art rejection based upon the combination as applied by the Examiner, and we cannot sustain the rejection of illustrative independent claim 1 and dependent claims 3–9. Independent claims 10 and 19 contain similar limitations, and we cannot sustain the Examiner’s rejection of these claims and dependent claims 11–18.

DECISION

The Examiner’s obviousness rejection is reversed.

DECISION SUMMARY

Claims Rejected	35 U.S.C. §	Reference(s)/Basis	Affirmed	Reversed
1, 3-19	103	Petschnigg, Day, Okada, Kennedy		1, 3-19

REVERSED