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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
14/803,937	07/20/2015	Kumiko OGINO	5174-0134PUS2	7791
2292	7590	03/23/2020	EXAMINER	
BIRCH STEWART KOLASCH & BIRCH, LLP			STORK, KYLE R	
8110 Gatehouse Road			ART UNIT	
Suite 100 East			PAPER NUMBER	
Falls Church, VA 22042-1248			2144	
			NOTIFICATION DATE	
			DELIVERY MODE	
			03/23/2020	
			ELECTRONIC	

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte KUMIKO OGINO and SHINSAKU TOHKI

Appeal 2019-000644
Application 14/803,937
Technology Center 2100

Before JON M. JURGOVAN, KARA L. SZPONDOWSKI, and
MICHAEL M. BARRY, *Administrative Patent Judges*.

SZPONDOWSKI, *Administrative Patent Judge*.

DECISION ON APPEAL

Pursuant to 35 U.S.C. § 134(a), Appellant¹ appeals from the Examiner's decision to reject claims 1, 3–16, and 18–22, constituting all claims pending in the application. 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. Appellant identifies the real party in interest as Sharp Kabushiki Kaisha. Appeal Br. 1.

STATEMENT OF THE CASE

Appellant's invention generally relates to an imaging editing apparatus that improves visibility and operability of the user interface. Spec.

¶ 2. Claim 1, reproduced below, is representative of the claimed subject matter:

1. An apparatus, comprising:

a display device having a display screen;

a processor and a storage device storing instructions that are operable, when executed by the processor, to cause the processor to perform operations including:

displaying a preview image of image data stored in the storage device on said display screen, displaying a user interface (UI) component other than said preview image;

allowing a user operation to scroll the preview image displayed on said display screen;

controlling display of the display device such that said image data displayed on said display screen is scrolled in response to an operation of said UI component;

changing a manner of display of said UI component displayed on said display screen, in response to an operation of said preview image;

displaying said UI component other than said preview image to occupy a first display area of said display screen; and

changing a first manner of display of said UI component other than said preview image to a second manner of display occupying a second display area larger than said first display area of said display screen.

REJECTIONS²

Claims 1 and 16 stand rejected under pre-AIA 35 U.S.C. § 103(a) as unpatentable over the combination of Bachman et al. (US 2012/0050788 A1; published March 1, 2012) (“Bachman”), McCommons et al. (US 2010/0095239 A1; published April 15, 2010) (“McCommons”), and Zuverink et al. (US 2013/0326398 A1; published December 5, 2013) (“Zuverink”).

Claims 3, 9, and 18 stand rejected under pre-AIA 35 U.S.C. § 103(a) as unpatentable over the combination of Bachman, McCommons, Zuverink, and Schroeder et al. (US 2010/0010647 A1; published Jan. 14, 2010) (“Schroeder”).

Claims 4–7 stand rejected under pre-AIA 35 U.S.C. § 103(a) as unpatentable over the combination of Bachman, McCommons, Zuverink, Schroeder, and Kim (US 2008/0178116 A1; published July 24, 2008).

Claim 8 stands rejected under 35 U.S.C. § 103(a) as unpatentable over the combination of Bachman, McCommons, Zuverink, Schroeder, Kim, and Waltman et al. (US 2010/0073692 A1; published Mar. 25, 2010) (“Waltman”).

Claims 10–14, 19, and 20 stand rejected under pre-AIA 35 U.S.C. § 103(a) as unpatentable over the combination of Bachman, McCommons, Zuverink, and Kim.

Claims 15, 21, and 22 stand rejected under pre-AIA 35 U.S.C. § 103(a) as unpatentable over the combination of Bachman, McCommons, Zuverink, and Waltman.

² The Examiner withdrew 35 U.S.C. § 101 rejections of claims 1, 3–16, and 18–22 in the Answer. Ans. 4.

ANALYSIS

Appellant argues the references do not teach or suggest “changing a first manner of display of said UI component other than said preview image to a second manner of display occupying a second display area larger than said first area of said display screen,” as recited in claim 1 and commensurately recited in independent claim 16. Appeal Br. 8.

The Examiner finds Zuverink teaches or suggests the disputed limitation. Final Act. 6–7 (citing Zuverink Fig. 4, ¶ 48). The Examiner relies on Zuverink’s scroll manager application, finding “the UI component, scroll control arrows, are changed from a first manner of display, hidden, to a second manner of display, displayed in the vertical display axis, occupying a second display area larger than the first area. Specifically, when the arrows are displayed in the second manner, the size of the vertical display axis is larger than the size of the vertical display axis before scrolling.” Ans. 5 (citing Fig. 1, items 133, 135, 137-1, 137-2, ¶¶ 27, 28).

Appellant argues that “Zuverink does not appear to even disclose a user interface (UI) component other than said preview image displayed on the display.” Appeal Br. 8. According to Appellant, “a screen with an arrow 133 does not disclose a user interface, instead indicating to the user only that it is receiving a scroll input from the preview screen itself.” *Id.*; *see also* Appeal Br. 9 (arguing the arrow is “merely an icon”). Appellant continues “[t]his arrow 133 is shown only to indicate the state of the computing device . . . [and] may or may not be displayed on the screen and it is certainly not a scroll input interface or scrollbar or UI component other than the preview image.” *Id.* at 8. Appellant further argues “any display is within the preview image area, is not a user interface outside the preview

area and any display area that can be considered a user interface area outside the preview is not changed in size as recited by the claim.” *Id.* at 8–9.

Appellant argues that Zuverink merely “chang[es] the degree of magnification of the preview image in a given area . . . [but] does not disclose or teach that the area for the user interface increases based on the document preview.” *Id.* at 9.

We are not persuaded by Appellant’s arguments and agree with the Examiner’s findings and conclusions. *See* Final Act. 3–14; Ans. 4–7. Zuverink generally relates to navigation on graphical user interfaces, and more specifically to a “scroll manager that provides a mechanism for scrolling that includes automatic zooming or resizing during a scrolling operation.” Zuverink Abstract. When “receiving a scroll input, the scroll manager automatically reduces a graphical display size of electronic content to a second graphical display size while simultaneously moving the electronic content across a display area in a given direction.” *Id.*

Figure 1 of Zuverink is depicted below.

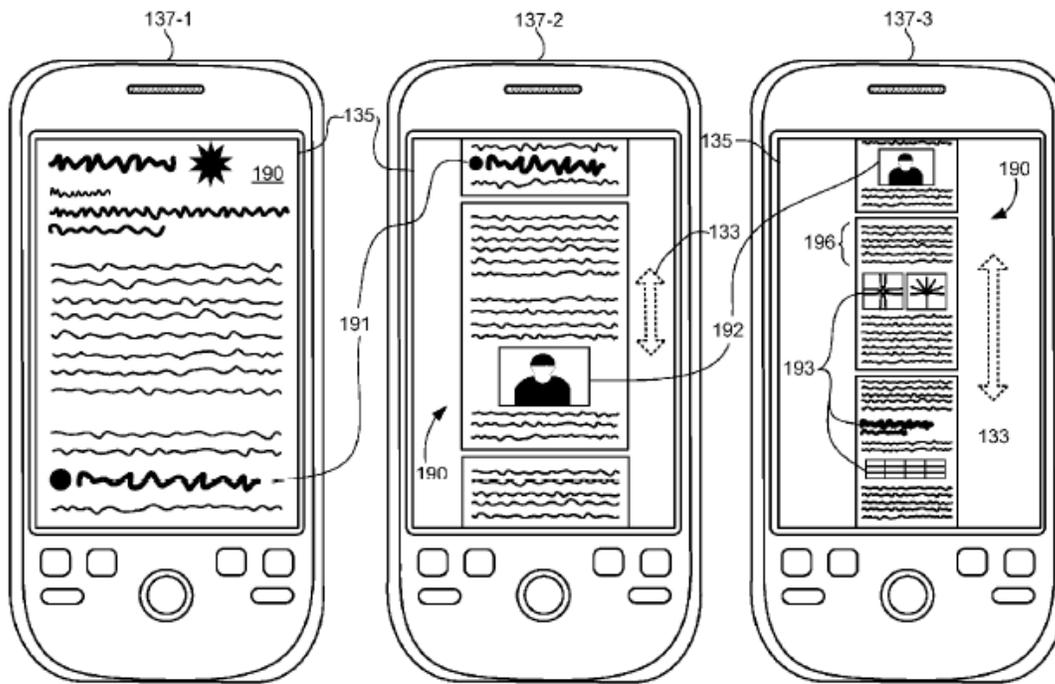


Figure 1 of Zuverink shows three views of scroll navigation on mobile computing device 137, each illustrating a different graphical display within display area 135. Zuverink ¶ 25. Specifically, on first mobile computing device 137-1, Figure 1 shows a view of electronic content within a single page of a multi-page document 190. *Id.* ¶ 27. As shown on second mobile computing device 137-2, when a scroll operation is initiated by receiving a scroll input, scroll manager 140 displays document 190 at a zoomed out view, meaning that the graphical display shows pages of document 190 at a reduced size relative to display area 135. *Id.* Third mobile computing device 137-3 shows continued reduction in display size and movement of document 190 relative to display area 135. *Id.* ¶ 29. Both mobile computing devices 137-2 and 137-3 show arrow 133 to the right of document 190, that “may or may not be displayed, but is shown here to indicate that computing device 137-2 is currently receiving a scrolling input.” *Id.* ¶ 28.

We are not persuaded by Appellant’s argument that Zuverink does not teach “a user interface (UI) component other than said preview image.”

Appeal Br. 8. Zuverink teaches:

Scroll manager 140 can provide a user interface which can overlap or be overlaid on a given display of electronic content as a mechanism for providing and activating a scroll-bar or scrolling functionality. Scroll manager 140 can receive input via a peripheral device, fixed button, touch screen interface, or any other scroll input mechanism. Scroll manager 140 can optionally display a scrolling interface (such as a scroll bar), or can execute without any graphical display to indicate available navigation functionality.

Zuverink ¶ 26; *see* Ans. 5–6. Appellant focuses its argument on arrow 133, depicted in Figure 1, but as described in paragraph 26, Zuverink teaches several different user interface components that may be provided, including a scroll bar. We find this sufficiently teaches the claimed UI component. Additionally, with regard to the arrow, Appellant has not persuasively rebutted the Examiner’s findings that the arrow teaches the claimed UI component. *See* Ans. 5–6. We note that Zuverink teaches that arrow 133 may be displayed. Zuverink ¶ 28.

We are also not persuaded by Appellant’s argument that the manner of display of the UI component is not changed to a second manner of display occupying a second display area larger than the first display area. Zuverink teaches that the display size of document 190 is reduced within display area 135. *E.g., Id.* ¶¶ 28, 29. Zuverink describes that the display area 135 typically maintains the same area, while the electronic content appearing within the display 135 changes in size. *Id.* ¶ 31. As the electronic content changes in size, the display area of the user interface component likewise changes in size, becoming larger or smaller. *See id.* ¶¶ 26, 28, 29, Fig. 1;

Ans. 5; Final Act. 14. We note that the claim does not require that the UI component itself becomes larger, only that it occupies a second display area larger than the first display area of the display screen. As can be seen in Zuverinck's Figure 1, the display area occupied by scroll arrow 133 is larger in 137-3 as compared to 137-2.

Appellant further argues the Examiner has not established a sufficient reason to combine Bachman, McCommons, and Zuverink. Appeal Br. 11. Appellant argues the "Bachman and McCommons references do little more than disclose the scrolling of a preview image," and the "Zuverink reference does not appear to disclose any user interface component provided on the display outside the preview image." *Id.* Appellant further argues "it is not [sic] all apparent how one would be motivated to modify the teachings of Bachman and McCommons based on the alleged teachings of Zuverink." *Id.*

Appellant's arguments are not persuasive because Appellant argues the references individually and then repeats its argument that Zuverink does not teach the limitation discussed above. Moreover, Appellant has not addressed the Examiner's reasoning for combining the references. *See* Final Act. 6-7; Ans. 6-7. We find that the Examiner has articulated how the claimed features are met by the proposed combination of the reference teachings with some rational underpinning, consistent with the guidelines stated in *KSR Int'l Co. v. Teleflex Inc.*, 550 U.S. 398, 415 (2007). *Id.*

Accordingly, we are not persuaded the Examiner erred in rejecting independent claims 1 and 16 under 35 U.S.C. § 103(a), and, therefore, sustain those rejections. Appellant does not provide additional arguments for dependent claims 3-15 and 18-22. We, therefore, sustain the Examiner's rejections of those claims for the same reasons.

CONCLUSION

In summary:

Claims Rejected	35 U.S.C. §	Reference(s)/Basis	Affirmed	Reversed
1, 16	103(a)	Bachman, McCommons, Zuverink	1, 16	
3, 9, 18	103(a)	Bachman, McCommons, Zuverink, Schroeder	3, 9, 18	
4–7	103(a)	Bachman, McCommons, Zuverink, Schroeder, Kim	4–7	
8	103(a)	Bachman, McCommons, Zuverink, Schroeder, Kim, Waltman	8	
10–14, 19–20	103(a)	Bachman, McCommons, Zuverink, Kim,	10–14, 19–20	
15, 21–22	103(a)	Bachman, McCommons, Zuverink, Waltman	15, 21–22	
Overall Outcome			1, 3–16, 18–22	

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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