



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/309,042	12/01/2011	Esat Yilmaz	080900.1221	8354
12323	7590	03/24/2020	EXAMINER	
Baker Botts L.L.P./Atmel Corporation			ONYEKABA, AMY	
2001 Ross Avenue			ART UNIT	
SUITE 900			PAPER NUMBER	
Dallas, TX 75201			2628	
			NOTIFICATION DATE	
			DELIVERY MODE	
			03/24/2020	
			ELECTRONIC	

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ptomail1@bakerbotts.com
ptomail2@bakerbotts.com

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte ESAT YILMAZ and LEO MERKEN

Appeal 2019-001665
Application 13/309,042
Technology Center 2600

Before JEREMY J. CURCURI, PHILLIP A. BENNETT, and
IFTIKHAR AHMED, *Administrative Patent Judges*.

CURCURI, *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, 5–8, 12–15, 19–25, 28–30, and 32.
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 identifies the real party in interest as JPMorgan Chase Bank. Appeal Br. 2.

CLAIMED SUBJECT MATTER

The claims are directed to “touch sensors.” Spec. ¶ 1. Claim 1, reproduced below, is illustrative of the claimed subject matter:

1. A method comprising:

receiving, from a touch sensor of a device, signals corresponding to touch or proximity inputs that occur substantially simultaneously within a touch-sensitive area of the touch sensor, the touch-sensitive area having a plurality of periphery areas on a same surface of the device, the periphery areas comprising a plurality of corner areas and a plurality of edge areas;

determining respective locations of the touch or proximity inputs that occur substantially simultaneously within the touch-sensitive area of the touch sensor;

determining, based on the respective locations of the touch or proximity inputs, that a substantially complete surface touch of the touch-sensitive area of the device has occurred, wherein determining that a substantially complete surface touch of the touch sensitive area of the touch sensor of the device has occurred comprises determining that the respective locations of the touch or proximity inputs that occur substantially simultaneously within the touch-sensitive area of the touch sensor are located within more than one of the plurality of periphery areas, wherein determining that the respective locations of the touch or proximity inputs that occur substantially simultaneously within the touch-sensitive area of the touch sensor are located within more than one of the plurality of periphery areas is a proxy for detecting a substantially complete surface touch of the touch-sensitive area of the device; and

initiating, based on determining that the respective locations of the touch or proximity inputs that occur substantially simultaneously are within more than one of the plurality of periphery areas, a pre-determined function of the device, the predetermined function associated with the

substantially complete surface touch of the touch-sensitive area of the device.

REFERENCES

The prior art relied upon by the Examiner is:

Name	Reference	Date
Kerr	US 7,800,592 B2	Sept. 21, 2010
Moon	US 2010/0173679 A1	July 8, 2010
Mosby	US 8,358,277 B2	Jan. 22, 2013
Skillman	US 2012/0254631 A1	Oct. 4, 2021

REJECTIONS

Claims 1, 5, 8, 12, 15, 19, 22–25, 28, and 30 are rejected under pre-AIA 35 U.S.C. § 102(b) as anticipated by Kerr. Final Act. 4–19.

Claims 6, 13, and 21 are rejected under pre-AIA 35 U.S.C. § 103(a) as obvious over Kerr and Moon. Final Act. 20–21.

Claims 7, 14, and 20 are rejected under pre-AIA 35 U.S.C. § 103(a) as obvious over Kerr and Mosby. Final Act. 21–22.

Claims 29 and 32 are rejected under pre-AIA 35 U.S.C. § 103(a) as obvious over Kerr and Skillman. Final Act. 23–24.

OPINION

The Anticipation Rejection of Claims 1, 5, 8, 12, 15, 19, 22–25, 28, and 30 by Kerr

The Examiner finds Kerr describes all limitations of claim 1. Final Act. 4–6.

In particular, the Examiner finds Kerr describes “determining that the respective locations of the touch or proximity inputs that occur substantially simultaneously within the touch-sensitive area of the touch sensor are

located within more than one of the plurality of periphery areas” as recited in claim 1. Final Act. 5 (citing Kerr Fig. 17B); *see also* Ans. 5–6 (citing Kerr Fig. 17B, col. 14, ll. 20–30, col. 15, ll. 10–12), 7 (“**wherein plurality of periphery, edge and corner areas and/or locations touched by the user grasping the device are simultaneously sensed as shown in fig. 17b for determining handedness. Whereas in [order] to determine if the user is left or right handed, you have to determine the sensed location of the finger and palm**”), 8–9 (citing Kerr Figs. 17A–17D, col. 15, ll. 35–45).

In particular, the Examiner finds Kerr describes “determining, based on the respective locations of the touch or proximity inputs, that a substantially complete surface touch of the touch-sensitive area of the device has occurred” as recited in claim 1. Final Act. 5 (citing Kerr Fig. 17B, col. 14, ll. 20–30, col. 15, ll. 6–44); *see also* Ans. 6 (citing Kerr Fig. 17B, col. 14, ll. 20–30, col. 15, ll. 6–44).

In particular, the Examiner finds Kerr describes

determining that the respective locations of the touch or proximity inputs that occur substantially simultaneously within the touch-sensitive area of the touch sensor are located within more than one of the plurality of periphery areas is a proxy for detecting a substantially complete surface touch of the touch-sensitive area of the device as recited in claim 1.

Final Act. 5–6 (citing Kerr Fig. 17B, col. 14, ll. 20–30, col. 15, ll. 6–44); *see also* Ans. 6 (citing Kerr Fig. 17B, col. 14, ll. 20–30, col. 15, ll. 6–44).

In summary, regarding these particular findings, the Examiner explains as follows:

Thus the touch sensitive housing of Kerr senses both fingers and palm simultaneously via the touch sensitive housing which includes periphery, corner and edge areas which are simultaneously sensed within the plurality of periphery, edge

and corner areas and/or locations as shown in fig. 17b above in other to determine handedness. Therefore the simultaneous sensing of both palm and fingers which requires sensing of both corners, periphery and edge areas and/or locations of the touch sensitive corresponds to claimed complete surface).

Ans. 6.

Appellants present the following principal arguments:

i. Kerr does not describe “determining that the respective locations of the touch or proximity inputs that occur substantially simultaneously within the touch-sensitive area of the touch sensor are located within more than one of the plurality of periphery areas” as recited in claim 1. *See* Appeal Br. 19–21; *see also* Reply Br. 2–4. For example, Appellant argues “[t]he Examiner improperly equates ‘determining the respective locations of the touch,’ which allegedly is ‘located within more than one of the plurality of periphery areas,’ with the actual determination that the ‘respective locations of the touch . . . are located within more than one of the plurality of periphery areas.’” Appeal Br. 20.

ii. Kerr does not describe “determining, based on the respective locations of the touch or proximity inputs, that a substantially complete surface touch of the touch-sensitive area of the device has occurred” as recited in claim 1. *See* Appeal Br. 21–22; *see also* Reply Br. 4–5. For example, Appellant argues “[t]his argument [by the Examiner] is critically flawed because it confuses determining the existence of touches that may correspond to a substantially complete surface with the actual determination that ‘a substantially complete surface touch of the touch-sensitive area of the device has occurred.’” Appeal Br. 22.

iii. Kerr does not describe

determining that the respective locations of the touch or proximity inputs that occur substantially simultaneously within the touch-sensitive area of the touch sensor are located within more than one of the plurality of periphery areas is a proxy for detecting a substantially complete surface touch of the touch-sensitive area of the device

as recited in claim 1. *See* Appeal Br. 23–25; *see also* Reply Br. 4–5. For example, Appellant argues “*Kerr* discloses something totally different: the determination of how a user is holding the device is accomplished by grouping together all signals, not just edge and corner signals, to create a pixilated image of the hand in contact with the device.” Appeal Br. 24.

We do not see any error in the contested Examiner’s findings.

Regarding Appellant’s argument i, the broad claim language does not preclude a finding that *Kerr* describes the argued limitation. *Kerr* discloses “the device 150 knows where and when all the fingers and palm are touching the device 150.” *Kerr* col. 14, ll. 28–29. Thus, *Kerr* describes “determining that the respective locations of the touch or proximity inputs that occur substantially simultaneously within the touch-sensitive area of the touch sensor are located within more than one of the plurality of periphery areas” as recited in claim 1 because *Kerr* determines when and where the device 150 is touched, including the device 150 being touched within more than one of a plurality of periphery areas. *See* *Kerr* col. 14, ll. 28–29; *see also* *Kerr* Fig. 17B (depicting touch inputs located in more than one periphery area).

Regarding Appellant’s argument ii, again, the broad claim language does not preclude a finding that *Kerr* describes the argued limitation. *Kerr* discloses “the device 150 knows where and when all the fingers and palm are touching the device 150.” *Kerr* col. 14, ll. 28–29. *Kerr* further discloses “[t]he signals generated at the sensing points 162 may be used to determine

how the user is holding the device.” Kerr col. 15, ll. 35–36. Thus, Kerr describes “determining, based on the respective locations of the touch or proximity inputs, that a substantially complete surface touch of the touch-sensitive area of the device has occurred” as recited in claim 1 because Kerr determines when and where the device 150 is touched, including the device 150 being held such that a substantially complete surface touch has occurred. *See* Kerr col. 14, ll. 28–29, col. 15, ll. 25–36; *see also* Kerr Figs. 17A–D.

Regarding Appellant’s argument iii, again, the broad claim language does not preclude a finding that Kerr describes the argued limitation. Kerr describes

determining that the respective locations of the touch or proximity inputs that occur substantially simultaneously within the touch-sensitive area of the touch sensor are located within more than one of the plurality of periphery areas is a proxy for detecting a substantially complete surface touch of the touch-sensitive area of the device

as recited in claim 1 because Kerr determines when and where the device 150 is touched, including the device 150 being held such that a substantially complete surface touch has occurred. *See* Kerr col. 14, ll. 28–29, col. 15, ll. 25–36; *see also* Kerr Figs. 17A–D.

In reaching our decision, we emphasize that it is uncontested that Kerr describes the claimed “receiving” step and the claimed “initiating” step. *See* Appeal Br. 18–25; *see also* Reply Br. 2–5. In essence, this appeal turns on whether Kerr describes using touches in more than one periphery area as a proxy for detecting a substantially complete surface touch. The broad claim language does not define the periphery areas beyond the periphery areas comprising corner areas and edge areas. Kerr describes touch sensors as

Appeal 2019-001665
Application 13/309,042

claimed. *See* Kerr Figs. 16, 17A–D. Kerr further describes “[t]he signals generated at the sensing points 162” (touches in more than one periphery area) “may be used to determine” (as a proxy for) “how the user is holding the device” (a substantially complete surface touch). Kerr col. 15, ll. 35–36. We do not see a distinction between Kerr and the claims as currently presented.

We, therefore, sustain the Examiner’s rejection of claim 1. We also sustain the Examiner’s rejection of claims 5, 8, 12, 15, 19, 22–25, 28, and 30, which are not separately argued with particularity.

The Obviousness Rejection of Claims 6, 13, and 21 over Kerr and Moon

Appellant does not present any separate arguments for this ground of rejection. *See* Appeal Br. 18–25; *see also* Reply Br. 2–5.

We, therefore, sustain the Examiner’s rejection of claims 6, 13, and 21.

The Obviousness Rejection of Claims 7, 14, and 20 over Kerr and Mosby

Appellant does not present any separate arguments for this ground of rejection. *See* Appeal Br. 18–25; *see also* Reply Br. 2–5.

We, therefore, sustain the Examiner’s rejection of claims 7, 14, and 20.

The Obviousness Rejection of Claims 29 and 32 over Kerr and Skillman

Appellant does not present any separate arguments for this ground of rejection. *See* Appeal Br. 18–25; *see also* Reply Br. 2–5.

We, therefore, sustain the Examiner’s rejection of claims 29 and 32.

CONCLUSION

The Examiner's rejections are affirmed.

DECISION SUMMARY

In summary:

Claims Rejected	35 U.S.C. §	Reference(s)/Basis	Affirmed	Reversed
1, 5, 8, 12, 15, 19, 22–25, 28, 30	102	Kerr	1, 5, 8, 12, 15, 19, 22–25, 28, 30	
6, 13, 21	103(a)	Kerr, Moon	6, 13, 21	
7, 14, 20	103(a)	Kerr, Mosby	7, 14, 20	
29, 32	103(a)	Kerr, Skillman	29, 32	
Overall Outcome			1, 5–8, 12–15, 19–25, 28–30, 32	

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