



# 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.
14/830,693	08/19/2015	Chanaka G. KARUNAMUNI	P22147US1/77770000348101	8087
150004	7590	09/15/2020	EXAMINER	
DENTONS US LLP - Apple 4655 Executive Dr Suite 700 San Diego, CA 92121			JANSEN II, MICHAEL J	
			ART UNIT	PAPER NUMBER
			2626	
			NOTIFICATION DATE	DELIVERY MODE
			09/15/2020	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):

dentons\_PAIR@firsttofile.com  
patent.docket@dentons.com  
patents.us@dentons.com

UNITED STATES PATENT AND TRADEMARK OFFICE

---

BEFORE THE PATENT TRIAL AND APPEAL BOARD

---

*Ex parte* CHANAKA G. KARUNAMUNI, GARY IAN BUTCHER,  
IMRAN CHAUDHRI, DUNCAN ROBERT KERR, KEVIN LYNCH,  
and CURTIS A. ROTHERT, MONICA JENKINS

---

Appeal 2019-002364  
Application 14/830,693  
Technology Center 2600

---

Before MAHSHID D. SAADAT, MARC S. HOFF,  
and IRVIN E. BRANCH, *Administrative Patent Judges*.

SAADAT, *Administrative Patent Judge*.

DECISION ON APPEAL<sup>1</sup>

Appellant<sup>2</sup> appeals under 35 U.S.C. § 134(a) from the Examiner's non-final rejection of claims 1, 3–24, 26, 27, 29, and 30, which constitute all the claims pending in this application.<sup>3</sup> We have jurisdiction under 35 U.S.C. § 6(b).

We REVERSE.

---

<sup>1</sup> An oral hearing was held for this appeal on August 11, 2020.

<sup>2</sup> 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 Apple Inc. Appeal Br. 3.

<sup>3</sup> Claims 2, 25, and 28 have been canceled.

## STATEMENT OF THE CASE

### *Introduction*

According to the Specification, the invention relates to a sensor probe and system for time domain reflectometry (Spec. ¶ 2). Claim 1 is illustrative of the invention and reads as follows:

1. A non-transitory computer readable storage medium storing one or more programs, the one or more programs comprising instructions, which when executed by one or more processors of an electronic device comprising a touch-sensitive display, cause the device to:

receive data representing a user input;

determine, based on the data representing the user input, whether the user input is a cover gesture over the touch-sensitive display,

wherein determining whether the user input is a cover gesture includes determining, based on the data representing the user input, whether a touch has been detected at a threshold amount of the touch-sensitive display; and

in accordance with a determination that the user input is the cover gesture over the touch-sensitive display, cause the device to:

enter a do not disturb (DND) mode; and

disable the display of the touch-sensitive display, wherein the touch-sensitive display comprises a touch-sensitive component and a display.

*See* Appeal Br. 47 (Claims App.).

### *The Examiner's Rejections*

Claims 1, 3–5, and 29–30 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Chaudhri (US 2013/0332721 A1; pub. Dec. 12, 2013), Miyazaki (US 2012/0092283 A1; pub. Apr. 19, 2012), and Ok (US 2014/0035853 A1; pub. Feb. 6, 2014). Final Act. 3–20.

Claims 6–24 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Chaudhri, Miyazaki, Ok, and Pavan (*Setup do not Disturb Blocking Mode on Android with Calendars Sync & Silent Timer*, pub. Feb. 4, 2014, <http://androidadvices.com/setup-donot-disturb-blocking-mode/>). Final Act. 20–35.

Claims 26 and 27 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Chaudhri, Miyazaki, Ok, and Favre (*Get blocking mode functions on your Android thanks to Do Not Disturb*, pub. Feb. 3, 2014, <http://androidadvices.com/setup-donot-disturb-blocking-mode/>). Final Act. 35–39.

#### ANALYSIS

We have reviewed the rejection in light of Appellant’s arguments that the Examiner erred. For the reasons explained below, we concur with Appellant’s arguments concerning unpatentability under § 103. We add the following to address and emphasize specific findings and arguments.

In rejecting claim 1, the Examiner relies on Chaudhri as disclosing the recited receiving in a touch sensitive display user input data, determining the gesture based on the input data, entering a do not disturb (DND) mode, and disabling the display. Final Act. 3–5 (citing Chaudhri Figs. 1A, 1B, ¶¶ 17–20, 62). The Examiner further relies on Miyazaki as disclosing using a cover gesture as a user input and on Ok as disclosing a multi touch finger gesture that causes the device to perform functions such as disabling the display. Final Act. 5–8 (citing Miyazaki ¶¶ 124, 131; Ok ¶¶ 10, 13, 31, 36, 76, 85, 89, 93, 101). The Examiner concludes that it would have been obvious to one of ordinary skill in the art to use user inputs, such as a covering gesture,

disclosed in Miyazaki to enter a DND mode in Chaudhri with additional functionalities, such as disabling the display in Ok, on the basis that the produced “results would have been predictable to one of ordinary skill in the art. *See KSR*, 550 U.S. at 417.” Final Act. 7.

Appellant contends the Examiner erred by modifying Chaudhri with Ok because the combination does not teach or suggest claim 1 feature that “*the same* user input cover gesture causes the device to both enter a do not disturb mode *and* disable a display.” Appeal Br. 19–20. Appellant asserts that “the Examiner relies on Chaudhri’s selection of graphical element 102 as a gesture that causes the device to enter a do not disturb mode, and relies on Ok’s multi touch finger gesture (e.g., which must be moved) as ‘a gesture to disable the display.’” Appeal Br. 20. According to Appellant, “the cited art does *not* teach or suggest a single user input cover gesture that causes a device to perform the two functions in the above-recited limitations of claim 1.” *Id.*<sup>4</sup>

The Examiner responds by explaining that:

As noted above in previous sections, Appellants’ claim asserts *two options* in response to a cover gesture and does not provide that both functions are actually related and *both of the can be considered mutually exclusive operations that can be performed in response to a “cover gesture”*. Arguably, *Chaudhri also implicitly teaches the selection of element 102 also can “disable” the display of the device as mentioned above*. It would appear here again based upon these arguments Appellant is asserting and arguing against claim language Appellant believes suggests a much narrower limitation than is actually provided by the claim or supported by the written disclosure. In response to Appellants argument that the references fail to

---

<sup>4</sup> We do not address Appellant’s other arguments because this issue is dispositive of the appeal.

show certain features of Appellants invention, it is noted that the features upon which Appellants relies are not recited in the rejected claim(s).

Ans. 20–21 (emphases added).

Chaudhri discloses a graphical user interface (GUI) that includes selection element 102 for the user to manually initiate quiet hours during which notifications, such as sound, movement, or illumination, are suppressed. Chaudhri ¶ 20 (describing GUI 100 for customizing quiet hours, as shown in Chaudhri’s FIG. 1A, reproduced below).

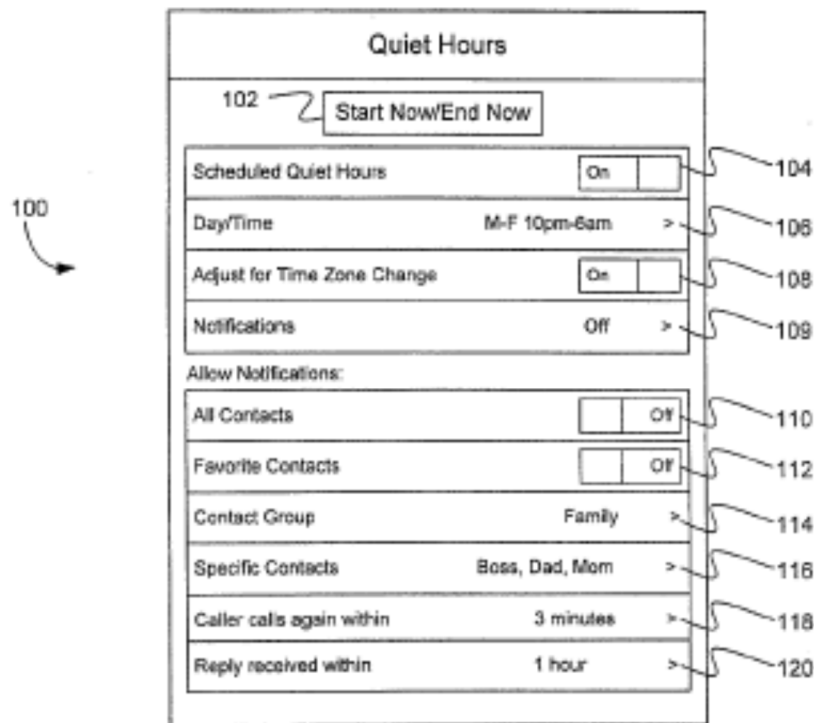


FIG. 1A

*Fig. 1A of Chaudhri*

The Examiner’s assertion that the recited “options” in response to a cover gesture are mutually exclusive (Ans. 20–21) is not supported by evidence. As stated by Appellant, claim 1 requires a cover gesture that

causes the device perform two functions: (1) enter a do not disturb (DND) mode and (2) disable the display. Appeal Br. 20. The Examiner has not identified any teachings in Chaudhri, or other applied references, to support the assertion that Chaudhri “implicitly teaches the selection of element 102 also can ‘disable’ the display of the device,” nor do we find any teachings to that effect in the cited portions of the reference. *See* Ans. 16. That is, even if Chaudhri is modified with Miyazaki and Ok to use a cover gesture as an input, the Examiner has not explained how the modification would make selecting element 102 also disable the display. Therefore, as further asserted by Appellant, “Chaudhri, at ¶ [0020], does not teach or suggest any disabling of the display in accordance with the selection of graphical element 102” and instead, “merely teaches that the system will not perform certain actions (*i.e.*, the actions that are suppressed) upon receipt of potential, future notifications.” Reply Br. 7–8.

#### *Conclusion*

For the above reasons, we agree with Appellant that the Examiner’s proposed combination does not teach or suggest the recited features of claim 1. The Examiner has not identified any teachings in the other applied prior art references to cure the above-identified deficiency. Therefore, Appellant’s arguments have persuaded us of error in the Examiner’s position with respect to the rejections of independent claim 1, other independent claims which recite similar limitations (*see* claims 29 and 30), as well as the remaining claims dependent therefrom. *See* Appeal Br. 53–54 (Claims App.).

DECISION SUMMARY

In summary:

<b>Claims Rejected</b>	<b>35 U.S.C. §</b>	<b>Basis</b>	<b>Affirmed</b>	<b>Reversed</b>
1, 3-5, 29, 30	103	Chaudhri, Miyazaki, Ok		1, 3-5, 29, 30
6-24	103	Chaudhri, Miyazaki, Ok, Pavan		6-24
26, 27	103	Chaudhri, Miyazaki, Ok, Favre		26, 27
<b>Overall Outcome</b>				1, 3-24, 26, 27, 29, 30

REVERSED