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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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*Ex parte* THOMAS LEDERER

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Appeal 2019-004308  
Application 15/123,113  
Technology Center 2100

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Before JAMES R. HUGHES, LINZY T. McCARTNEY, and  
JOYCE CRAIG, *Administrative Patent Judges*.

HUGHES, *Administrative Patent Judge*.

DECISION ON APPEAL

STATEMENT OF THE CASE

Claims 1–12 and 14–21 are pending, stand rejected, are appealed by Appellant,<sup>1</sup> and are the subject of our decision under 35 U.S.C. § 134(a). *See* Final Act. 1–2.<sup>2</sup> We have jurisdiction under 35 U.S.C. § 6(b). An Oral Hearing was held on June 11, 2020.

We REVERSE.

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<sup>1</sup> 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 Unify GmbH & Co. *See* Appeal Br. 1.

<sup>2</sup> We refer to Appellant’s Specification (“Spec.”), filed Sept. 1, 2016 (claiming benefit of PCT/EP2014/000583 (filed Mar. 06, 2014)); Appeal Brief (“Appeal Br.”), filed Feb. 7, 2019; and Reply Brief (“Reply Br.”), filed

### CLAIMED SUBJECT MATTER

The invention “relate[s] to methods and devices for . . . display and control” (Spec. 1) and more specifically, methods (and equipment) for controlling a display device that displays an information element (e.g., a document) by generating control signals responsive to the detection of control motions that cause the display device to jump over a portion of the information element without displaying or scrolling through of the intermediate portion of the information element. *See* Spec. 3; Abstract. Claims 1 and 10 are independent. Claim 1, reproduced below, is illustrative of the claimed subject matter:

1. A method for controlling a display device that displays an information element, the information element having a first edge and a second edge opposite the first edge of the information element, the information element configured to be displayed as extending in a second direction from the first edge of the information element to the second edge of the information element, the display device having a first edge and a second edge opposite the first edge of the display device, the display device extending in the second direction from the first edge of the display device to the second edge of the display device, a first direction being a direction that is opposite the second direction, the method comprising:

generating a first control signal for sending to a control device of the display device in response to detection of a control motion moving in the first direction toward the first edge of the display device for effecting a translation of an information element displayed on the display device for displaying an undisplayed intermediate section of the information element that is between a currently displayed portion of the information element and the second edge of the information element;

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May 9, 2019. We also refer to the Examiner’s Final Office Action (“Final Act.”), mailed Nov. 2, 2018; and Answer (“Ans.”) mailed Mar. 28, 2019.

*generating a second control signal in response to detection of (i) the control motion reaching a pre-defined position adjacent to the first edge of the display device after the first control signal was generated during continuous motion of the control motion in the first direction and (ii) the control motion being at a pre-selected speed and supplying the generated second control signal to the control device when the control motion is detected as having reached the pre-defined position at the speed that is at least the pre-selected speed; and*

*the control device, after receiving the first control signal and the second control signal, causing the display device to jump a display of the information element so that the display device displays the second edge of the information element on the display device without displaying scrolling through of the intermediate portion of the information element between the currently displayed portion of the information element and the second edge of the information element.*

Appeal Br. 34–35 (Claims App.) (emphasis added).

#### REFERENCES

The prior art relied upon by the Examiner is:

<b>Name</b>	<b>Reference</b>	<b>Date</b>
Mori et al. (“Mori”)	US 2013/0222274 A1	Aug. 29, 2013
Kuehnle et al. (“Kuehnle”)	US 2013/0346915 A1	Dec. 26, 2013

#### REJECTIONS<sup>3</sup>

1. The Examiner rejects claims 1–4, 6–12, and 14–21 under 35 U.S.C. § 102(a)(1) as being anticipated by Kuehnle. *See* Final Act. 3–7.

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<sup>3</sup> The Leahy-Smith America Invents Act (“AIA”), Pub. L. No. 112–29, 125 Stat. 284 (2011), amended 35 U.S.C. §§ 102 and 103. Because the present application has an effective filing date (Mar. 06, 2014) after the AIA’s effective date, this decision refers 35 U.S.C. §§ 102(a)(1) and 103.

2. The Examiner rejects claim 5 under 35 U.S.C. § 103 as being unpatentable over Kuehnle and Mori. *See* Final Act. 7–8.

## ANALYSIS

### *Anticipation Rejection of Claims 1–4, 6–12, and 14–21*

The Examiner rejects independent claim 1 (as well as independent claim 10, and dependent claims 2–4, 6–9, 11, 12, and 14–21) as being anticipated by Kuehnle. *See* Final Act. 3–4; Ans. 3–8; *see also* Final Act. 4–7; Ans. 8–10. Appellant contends that Kuehnle does not disclose the disputed limitations of claim 1. *See* Appeal Br. 11–21; Reply Br. 1–4. Specifically, Appellant contends, *inter alia*, that

[t]he Examiner ignores the requirement that the control motion move the displayed image toward a second edge of the information element and further ignores that the triggered jump causes the displayed image to **jump** to the second edge of the information element [from] the currently displayed portion of the element. The wraparound feature is not resulting in any such jump. It is wrapping around to show an opposite first edge by over panning beyond a second edge.

Reply Br. 3; *see* Appeal Br. 11–21; Reply Br. 1–3. Appellant also contends that Kuehnle does not disclose “generating a second control signal in response to detection of the control motion reaching a pre-defined position adjacent to the first edge” and “the control motion being at a pre-selected speed.” Appeal Br. 12. Instead, Kuehnle describes sending “a jump of a display . . . that can result in a wrap-around display feature,” which is caused by “over panning beyond an edge of a graphic.” Appeal Br. 12. The wrap-around display feature “occurs automatically in response to a single control motion” when a user provides “input to over pan past an end of an information element after a ‘hard stop’ indicator has been provided to the

user.” Appeal Br. 12–13. Kuehnle’s wrap-around display feature “is not triggered by a swipe or other control motion being detected as being near an edge of a display device.” Rather, the wrap-around display feature “is triggered by the displayed information element being at an end while the control motion is being provided.” Appeal Br. 13. According to Appellant, Kuehnle does not disclose “detection of any motion moving in a particular direction and also a detection of that motion reaching a position near an end of a display device to trigger any type of jump of a display,” there “is no second control signal . . . generated as a result of a continuous motion in a first direction reaching a pre-selected position adjacent an edge of a display device at a pre-selected speed threshold” “that causes a display device to jump a display so that a second edge of an information element is displayed.” Appeal Br. 13–14. *See* Appeal Br. 11–21; Reply Br. 1–4.

We agree with Appellant that the Examiner-cited portions of Kuehnle (*see* ¶¶ 21, 23–25; Figs. 1, 3) do not explicitly or inherently describe the display functionality required by Appellant’s claim 1. Specifically, Kuehnle does not describe a control motion moving in a direction of a first edge (e.g., swiping up toward the beginning of a document) or generating a control signal (second control signal) when the control motion reaches a pre-defined position (adjacent to the first edge) and meets a threshold speed, which causes the display to “jump” (skip) to a second edge (e.g., the bottom of a document). Rather, as pointed out by Appellant (*see* Appeal Br. 13–18) Kuehnle describes displaying a viewing area 100 of content 104 on surface 102 and panning the surface in a (second) direction toward edge 2 (108) while viewing content through the viewing area. When edge 2 of the surface reaches the viewing area the panning stops. The user can then override the

stop by “over-panning” the surface, which results in a display of the content at edge 1 (the automatic wrap around feature). *See* Kuehnle ¶¶ 18, 21; Fig. 1. Kuehnle requires that an edge in the direction opposite of the panning of the surface (e.g., edge 2 after panning in the second direction) be reached (the stop occurs) before the opposite edge (e.g., edge 1) is displayed by the wrap around feature. This is, in effect, the opposite of what Appellant’s claim requires—that the edge in the direction of scrolling is detected (*see* Appeal Br. 3). *See* Kuehnle ¶¶ 18, 21; Fig. 1.

Consequently, we are constrained by the record before us to find that the Examiner erred in finding Kuehnle anticipates Appellant’s claim 1. Independent claim 10 includes limitations of commensurate scope. Claims 2–4, 6–9, 11, 12, and 14–21 depend from and stand with their respective base claims. Accordingly, Appellant’s contentions persuade us of error in the Examiner’s obviousness rejection of representative independent claim 1 and we reverse the Examiner’s rejection of claims 1–4, 6–12, and 14–21.

#### *Obviousness Rejection of 5*

The Examiner rejects claim 5 under 35 U.S.C. § 103 as being unpatentable over Kuehnle and Mori. *See* Final Act. 7–8. The Examiner does not suggest Mori cures the deficiencies of Kuehnle (*supra*). Therefore, we reverse the Examiner’s obviousness rejection of dependent claim 5 for the same reasons set forth for claim 1 (*supra*).

#### CONCLUSION

Appellant has shown that the Examiner erred in rejecting claims 1–4, 6–12, and 14–21 under 35 U.S.C. § 102(a)(1). Appellant has also shown that the Examiner erred in rejecting claim 5 under 35 U.S.C. § 103. We,

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therefore, do not sustain the Examiner's rejections of claims 1-12 and 14-21.

### DECISION SUMMARY

In summary:

<b>Claims Rejected</b>	<b>35 U.S.C. §</b>	<b>Reference(s)/ Basis</b>	<b>Affirmed</b>	<b>Reversed</b>
1-4, 6-12, 14-21	102(a)(1)	Kuehnle		1-4, 6-12, 14-21
5	103	Kuehnle, Mori		5
<b>Overall Outcome</b>				<b>1-12, 14-21</b>

REVERSED