

**REMARKS**

This paper is filed in response to the Office Action mailed December 11, 2012 (the "Office Action").

Following the amendments above, claims 1, 2, 4- 11, 13-17, and 19-21 are pending in this application.

Claims 1-21 were rejected under 35 U.S.C. § 112(a), as allegedly failing to comply with the written description requirement.

Claims 1, 2, 5, 6, 10, 11, 14-17, 20, and 21 were rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by U.S. Patent No. 6,118,435 to Fujita et al. ("Fujita").

Claims 3, 4, 12, 13, 18, and 19 were rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Fujita in view of U.S. Patent No. 7,030,860 to Hsu et al. ("Hsu").

Claim 7 was rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Fujita in view of U.S. Patent No. 6,154,210 to Anderson ("Anderson").

Claims 8 and 9 were rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Fujita in view of U.S. Patent No. 6,730,863 to Gerpheide et al ("Gerpheide").

Applicant has amended claims 1, 4, 8, 10, 13, 16, and 19, and has cancelled claims 3, 12, and 18. No new matter is added by these amendments, and support may be found in the specification and claims as originally filed.

Applicant traverses the rejection of the claims and respectfully requests reconsideration and allowance of all claims in view of the amendments above and the remarks below.

I. § 112 ¶ 2 – Claims 1-21

Applicant has amended claim 1 to recite:

determining an interaction with a displayed object on a screen based on the contact data;

responsive to determining the interaction, determining a gesture based on the contact data comprising:

determining a pressure and a change in pressure based on the contact data,  
and

determining a press if:

the pressure is greater than a pressure threshold,

the change in pressure is greater than a change in pressure threshold, and

a first interval has elapsed; and

responsive to determining the gesture, outputting the haptic effect.

Support for these amendments may be found in the specification, such as in paragraphs 26, relating to haptic effects, and paragraphs 36-37, relating to determining a gesture.

As the Examiner acknowledges, the specification discloses outputting haptic effects based on the touch input. Similarly, one of skill in the art would understand that the specification also discloses the function of “responsive to determining the gesture, outputting the haptic effect.” In view of these amendments, Applicant respectfully requests that claim 1 satisfies the requirements of § 112 ¶ 1. Further, claims 10 and 16 have been similarly amended and thus they each satisfy § 112 ¶ 1 for at least the same reason. Finally, dependent claims 2-9, 11-15, and 17-21 were rejected based on their dependency from rejected claims 1, 10, and 16.

Applicant respectfully requests the Examiner withdraw the rejection of claims 1-21 under 35 U.S.C. § 112 ¶ 1.

II. § 102(b) – Claims 1, 2, 5, 6, 10, 11, 14-17, 20, 21 – Fujita

Applicant respectfully traverses the rejection of claims 1, 2, 5, 6, 10, 11, 14-17, 20, 21 under 35 U.S.C. § 102(b) as allegedly being anticipated by Fujita.

To anticipate a claim under 35 U.S.C. § 102(b), a reference must disclose each and every element of the claimed invention.<sup>1</sup>

Because Fujita does not disclose “determining a gesture based on the contact data comprising determining a pressure and a change in pressure based on the contact data, and determining a press if the pressure is greater than a pressure threshold, the change in pressure is greater than a change in pressure threshold, and a first interval has elapsed” as recited in claim 1, claim 1 is patentable over Fujita. As the Board of Appeals noted in the parent application of the present application, Fujita does not disclose or suggest “comparing a change in pressure to a

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<sup>1</sup> See M.P.E.P. § 2131.

change in pressure threshold.” See U.S. Patent App. No. 10/723,778, Decision on Appeal mailed December 14, 2011, p. 6 (reversing rejection based on Fujita in combination with other references for the same reasons as the independent claims). Such functionality is recited in amended claim 1, and thus claim 1 is patentable over Fujita.

Because independent claims 10 and 16 each recite such a feature, each of claims 10 and 16 is patentable over Fujita. Further, because claims 2, 5, 6, 11, 14, 15, 17, 20, and 21 depend from one of claims 1, 10, or 16, each of claims 2, 5, 6, 11, 14, 15, 17, 20, and 21 is patentable over Fujita for at least the same reasons.

Applicant respectfully requests the Examiner withdraw the rejection of claims 1, 2, 5, 6, 10, 11, 14-17, 20, 21.

III. § 103(a) – Claims 3, 4, 12, 13, 18, 19 – Fujita in view of Hsu

Applicant respectfully traverses the rejection of claims 3, 4, 12, 13, 18 and 19 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Fujita in view of Hsu.

To establish *prima facie* obviousness of a claimed invention under 35 U.S.C. § 103, the Office Action must show, either from the references themselves or in the knowledge generally available to one of ordinary skill in the art, that the cited references disclose or suggest each claimed element.<sup>2</sup>

As a preliminary matter, Applicant has cancelled claims 3, 12, and 18, rendering their rejections moot.

Because Fujita in view of Hsu does not disclose or suggest “determining a gesture based on the contact data comprising determining a pressure and a change in pressure based on the contact data, and determining a press if the pressure is greater than a pressure threshold, the change in pressure is greater than a change in pressure threshold, and a first interval has elapsed” as recited in claim 1, from which claim 3 depends, claim 3 is patentable over Fujita in view of Hsu. As discussed above, Fujita does not disclose such functionality. Hsu does not cure this deficiency because Hsu also does not disclose the use of a change in pressure threshold. Thus, claim 3 is patentable over Fujita in view of Hsu. Further because independent claims 10 and 16,

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<sup>2</sup> See M.P.E.P. § 2143.03; see also Graham v. John Deere Co., 383 U.S. 1 (1966), KSR Int’l Co. v. Teleflex Inc., 550 U.S. 398 (2007).

from which claims 12 and 18 depend, respectively, each recite such a feature, claims 12 and 18 are patentable over Fujita in view of Hsu.

Applicant respectfully requests the Examiner withdraw the rejection of claims 3, 12, and 18.

IV. § 103(a) – Claim 7 – Fujita in view of Anderson

Applicant respectfully traverses the rejection of claim 7 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Fujita in view of Anderson.

Because Fujita in view of Anderson does not disclose or suggest “determining a gesture based on the contact data comprising determining a pressure and a change in pressure based on the contact data, and determining a press if the pressure is greater than a pressure threshold, the change in pressure is greater than a change in pressure threshold, and a first interval has elapsed” as recited in claim 1, from which claim 7 depends, claim 7 is patentable over Fujita in view of Anderson. As discussed above, Fujita does not disclose such functionality. Anderson does not cure this deficiency because Anderson also does not disclose the use of a change in pressure threshold. Thus, claim 7 is patentable over Fujita in view of Anderson.

Applicant respectfully requests the Examiner withdraw the rejection of claim 7.

V. §103(a) – Claims 8 and 9 – Fujita in view of Gerpheide

Applicant respectfully traverses the rejection of claims 8 and 9 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Fujita in view of Gerpheide.

Because Fujita in view of Gerpheide does not disclose or suggest “determining a gesture based on the contact data comprising determining a pressure and a change in pressure based on the contact data, and determining a press if the pressure is greater than a pressure threshold, the change in pressure is greater than a change in pressure threshold, and a first interval has elapsed” as recited in claim 1, from which claims 8 and 9 depend, claims 8 and 9 are patentable over Fujita in view of Gerpheide. As discussed above, Fujita does not disclose such functionality. Gerpheide does not cure this deficiency because Gerpheide also does not disclose the use of a change in pressure threshold. Thus, claims 8 and 9 are patentable over Fujita in view of Gerpheide.

Applicant respectfully requests the Examiner withdraw the rejection of claims 8 and 9.

**CONCLUSION**

Applicant respectfully asserts that in view of the amendments and remarks above, all pending claims are allowable and Applicant respectfully requests the allowance of all claims.

Should the Examiner have any comments, questions, or suggestions of a nature necessary to expedite the prosecution of the application, or to place the case in condition for allowance, the Examiner is courteously requested to telephone the undersigned at the number listed below.

Applicants believe that all fees necessary for this response have been submitted herewith; however, should an additional fee be deemed necessary, the Commissioner is hereby authorized to charge any fees required by this action or any future action to Deposit Account No. 20-1430.

Date: May 12, 2013

Respectfully submitted,



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