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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
10/315,250	12/10/2002	Magnus Goertz	3682-32

CONFIRMATION NO. 1226

23117
NIXON & VANDERHYE, PC
901 NORTH GLEBE ROAD, 11TH FLOOR
ARLINGTON, VA 22203

POA ACCEPTANCE LETTER

OC000000029481481

Date Mailed: 08/05/2008

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 03/13/2008.

The Power of Attorney in this application is accepted. Correspondence in this application will be mailed to the above address as provided by 37 CFR 1.33.

/jelliott/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

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CONFIRMATION NO. 1226

23117
NIXON & VANDERHYE, PC
901 NORTH GLEBE ROAD, 11TH FLOOR
ARLINGTON, VA 22203

POWER OF ATTORNEY NOTICE

OC000000029481473

Date Mailed: 08/05/2008

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 03/13/2008.

• The Power of Attorney to you in this application has been revoked by the assignee who has intervened as provided by 37 CFR 3.71. Future correspondence will be mailed to the new address of record(37 CFR 1.33).

/jelliott/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

page 1 of 1

2008 Maj 13 12:39   HP LASERJET-FAX   si3

PTO/SB/83 (01-06)
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REVOCATION OF POWER OF ATTORNEY WITH NEW POWER OF ATTORNEY AND CHANGE OF CORRESPONDENCE ADDRESS	Application Number	10/315,250
	Filing Date	12-10-2002
	First Named Inventor	Magnus Goetz
	Art Unit	2174
	Examiner Name	DITARO, Ryan F
	Attorney Docket Number	

I hereby revoke all previous powers of attorney given in the above-identified application.

☐ A Power of Attorney is submitted herewith.

OR

☒ I hereby appoint the practitioners associated with the Customer Number: **60956**

☒ Please change the correspondence address for the above-identified application to:

☒ The address associated with Customer Number: **60956**

OR

☐ Firm or Individual Name	
Address	
City	State	Zip
Country	
Telephone	Email

I am the:

☐ Applicant/Inventor.

☒ Assignee of record of the entire interest. See 37 CFR 3.71.
Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)

SIGNATURE of Applicant or Assignee of Record

Signature	
Name	MIKAEL HAGMAN
Date	13 MAY 2008	Telephone	+46 8 586 22 810

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.

☐ *Total of _____ forms are submitted.

This collection of information is required by 37 CFR 1.36. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 3 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

3

PTO/SB/96 (01-06)
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U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE
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STATEMENT UNDER 37 CFR 3.73(b)

Applicant/Patent Owner: _Goertz, Magnus_

Application No./Patent No.: _10/315,250_   Filed/Issue Date: _12-10-2002_

Entitled: _User Interface_

_____NEONODE AB_____, a _____CORPORATION_____
(Name of Assignee)   (Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. [X] the assignee of the entire right, title, and interest; or

2. [ ] an assignee of less than the entire right, title and interest
       (The extent (by percentage) of its ownership interest is _____ %)

in the patent application/patent identified above by virtue of either:

A. [ ] An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

OR

B. [X] A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as follows:

1. From: _Goertz Magnus_   To: _Neonode Sweden AB_
   The document was recorded in the United States Patent and Trademark Office at
   Reel _018163_, Frame _0611_, or for which a copy thereof is attached.

2. From: _Neonode Sweden AB_   To: _Neonode AB_
   The document was recorded in the United States Patent and Trademark Office at
   Reel _018137_, Frame _0448_, or for which a copy thereof is attached.

3. From: _____   To: _____
   The document was recorded in the United States Patent and Trademark Office at
   Reel _____, Frame _____, or for which a copy thereof is attached.

[ ] Additional documents in the chain of title are listed on a supplemental sheet.

[X] As required by 37 CFR 3.73(b)(1)(i), the documentary evidence of the chain of title from the original owner to the assignee was, or concurrently is being, submitted for recordation pursuant to 37 CFR 3.11.

(NOTE: A separate copy (i.e., a true copy of the original assignment document(s)) must be submitted to Assignment Division in accordance with 37 CFR Part 3, to record the assignment in the records of the USPTO. See MPEP 302.08)

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

_____   _13 MAY 2008_
Signature   Date

MIKAEL HAGMAN   _+46 8 586 22 81_
Printed or Typed Name   Telephone Number

CEO
Title

This collection of information is required by 37 CFR 3.73(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

PAGE 2/2 * RCVD AT 7/24/2008 7:12:40 AM [Eastern Daylight Time] * SVR:USPTO-EFXRF-4/15 * DNIS:2738300 * CSID:+972 9 9541975 * DURATION (mm-ss):01-42

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/315,250	12/10/2002	Magnus Goertz	3682-32	1226

23117   7590   07/11/2008
NIXON & VANDERHYE, PC
901 NORTH GLEBE ROAD, 11TH FLOOR
ARLINGTON, VA 22203

EXAMINER
PITARO, RYAN F

ART UNIT	PAPER NUMBER
2174	

MAIL DATE	DELIVERY MODE
07/11/2008	PAPER

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.

	Application No.	Applicant(s)
Office Action Summary	10/315,250	GOERTZ, MAGNUS
	Examiner	Art Unit	
	RYAN F. PITARO	2174	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *3/14/2008*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-47* is/are pending in the application.

    4a) Of the above claim(s) *19-47* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☐ Claim(s) *1-18* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

Response to Amendment

This communication is responsive to the Amendment filed 3/14/2008.

Claims 1-18 are pending in this application. Claims 1, 15 and 17 are independent claims.

Election/Restrictions

Newly submitted claims 19-47 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: Claims 19-47 are directed to distinct individual instances of sweeping motions of a particular kind in order to navigate among said predetermined display screens whereas the claimed invention is more directed to a simplified touch interface.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 19-47 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1, 4-7, 12, 15 and 17 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Carlson ("Carlson", Carlson, Jeff. Visual Quickstart Guide Palm

Organizers. Peachpit Press. 2000. Berkeley, CA.) in view of Milic-Frayling et al ("Milic-

Frayling", US 2004/0100510) in view of Conrad et al ("Conrad", US 5,956,030).

1.   As per claim 1, Carlson teaches a computer readable medium storing a computer

program with computer program code, which code, when read by a mobile computer

unit allows the computer to present a user interface for a mobile handheld computer unit

(Introduction, page xiii), where said computer unit comprises a touch sensitive area

(page 26, *the screen is touch sensitive*), that is simultaneously divided into a menu area

(page 12, fig. 1.10 *silk screen graffiti area*) and a display area, the computer unit is

being adapted to run several applications simultaneously (page 47, *all of the*

applications are running concurrently), and to present an active application on top of

any other application on said display area, characterised in, that said menu area is

adapted to present a representation of a first, a second and a third predefined function,

that said first function is a general application dependent function (page 28, *the Menu*

icon, fig. 2.4), that said second function is a keyboard function (page 30, *either the abc*

or 123 dots in the lower corner of the Graffiti area), that said third function is a task and

file manager (page 47, *the Applications screen* & fig. 2.35), and that any one of said

three functions can be activated when said touch sensitive area detects a movement of

an object with its starting point within the representation of said function on said menu

area and with a direction from said menu area to said display area (page 40, *bottom-to-*

top screen stroke shortcut fig. 2.22 & page 30, *drag the stylus vertically across the*

screen from bottom to top), said user interface allowing low precision navigation using a

blunt object, whereby said user interface can be operated by one hand (page 12, *"The*

stylus is the main method of interacting with the PalmPilot" and it inherently involves

one hand to use the stylus. Also, if a finger was used, that would also be considered

using one hand), where said blunt object is a finger (page 12, *"The stylus is the main*

method of interacting" **though** anything including fingers **can** work). Carlson fails to

distinctly point out simultaneously displaying a first, second, and third function. Milic-

Frayling teaches the menu area being adapted to simultaneously present

representations of a first function, a second function, and a third function (Figure 1 view

Tools toolbar, with keyboard, file manager, etc.). Therefore it would have been obvious

to an artisan at the time of the invention to combine the teaching of Milic-Frayling with

the interface of Carlson. Motivation to do so would have been to provide away to quickly

access common functions and provide a user with a large enough space. The modified

Carlson still does not explicitly point out activation by a single step of an object moving

in a direction on the touch sensitive area. However, Conrad teaches activating by the

single step of an object moving in a direction from a starting point that is representation

of the function in the menu area to the display area (Figure 2, Column 2 lines 15-62).

Therefore it would have been obvious to an artisan at the time of the invention to

combine the teaching of Venolia with the modified Carlson. Motivation to do so would

have been to provide easy access to windows.

2.   As per claim 4, the modified Carlson teaches the user interface according to

claim 1, characterised in,

        that, if said second function is activated, said display area is adapted to display a

keyboard and a text field,

        that, if a text passage in said active application is highlighted, said text passage

is displayed in said text field for editing through said keyboard and that said highlighted

text passage is replaced by said edited text passage when said second function is

deactivated, and

        that, if no text passage in said active application is highlighted, said text field is

available for inputting and editing of text through said keyboard (Carlson, page 30, fig

2.7).

3.   As per claim 5, the modified Carlson teaches the user interface according to

claim 4, characterized in, that if no text passage in said active application is highlighted,

and said text field is used for inputting and editing of text through said keyboard

(Carlson, page 30, fig 2.7), then

        said first function can be activated, or

said second function can be closed, in which a choice of saving or deleting said

inputted text is given, where the choice of saving said inputted text results in an

activation of said first function,

in which said first function will present services or settings available for said

inputted text (Carlson, page 28, fig. 2.4 *Beam Memo*).

4.   As per claim 6, the modified Carlson teaches the user interface according to

claim 1, characterised in, that, if said third function is activated, said display area is

adapted to display a list with a library of available applications and files on said

computer unit, that a selection of an application will start said application, and that a

selection of a file will open said file in an application intended for said file (Carlson, page

47, fig. 2.35).

5.   As per claim 7, the modified Carlson teaches the user interface according to

claim 6, characterised in, that a selection of an application or a file is done by moving

said object so that the representation of desired application or file is highlighted,

removing said object from said touch sensitive area, and then tapping on said touch

sensitive area, and that an application or file is highlighted by placing some kind of

marking on the representation of said application or file (Carlson, pages 26 & 27).

6.   As per claim 12, the modified Carlson teaches the user interface according to

Claim 1, characterised in, that an active application, function, service or setting is

moved on one step by moving said object from the left of said display area to the right of

said display area, and that the active application, function service or setting is closed or

11

backed one step by moving said object from the right of said display area to the left of said display area (Carlson, page 246, fig. 14.2, *Drag to scroll through file*).

7.   As per claim 15, the modified Carlson teaches an enclosure adapted to cover a computer unit, said computer unit being adapted to present a user interface according Claim 1, characterised in, that said enclosure is provided with an opening for said display area, and that a representation of said menu area is printed on top of said enclosure (Carlson, page 12, *Silkscreen Graffiti area* & fig. 1.10).

8.   As per claim 17, the modified Carlson teaches a computer readable medium, with a computer program product stored therein, characterised in, that said computer program product comprises computer readable code, which, when read by a computer, will make it possible for said computer to present a user interface according to Claim 1 (Carlson, page 25, *Palm OS*).

Claims 2 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carlson ("Carlson", Carlson, Jeff. Visual Quickstart Guide Palm Organizers. Peachpit Press. 2000. Berkeley, CA.), Milic-Frayling et al ("Milic-Frayling", US 2004/0100510) and Conrad et al ("Conrad", US 5,956,030) in view of Kopitzke et al. ("Kopitzke", US # 6,988,246 B2).

9.   As per claim 2, the modified Carlson teaches the user interface according to claim 1, characterized in, that, if said first function is activated, said display area is adapted to display icons representing different services or settings depending on the

current active application (Carlson, page 28, *the Menu icon*, fig. 2.4), and that, if no

application is currently active on said computer unit, said icons are adapted to represent

services or settings of the operations system of said computer unit (Carlson, page 47,

fig. 2.36, *12:11 am*).

However the modified Carlson does not teach expressly the user interface

according to claim 1, characterized in, that, if said first function is activated, said display

area is adapted to display icons representing different services or settings depending on

the current active application, that one of said icons always represents a "help"-service,

regardless of application.

Kopitzke teaches the user interface according to claim 1, characterized in, that

said display area is adapted to display icons representing different services or settings

depending on the current active application, that one of said icons always represents a

"help"-service, regardless of application (column 4, lines 36-53 & fig. 1, *Help key or*

button 6).

The modified Carlson and Kopitzke are analogous art because they are in the

same field of endeavor, namely graphical user interfaces with touch sensitive displays.

At the time of the invention it would have been obvious to a person of ordinary skill in the art

to provide the help function as taught by Kopitzke within the user interface of the modified

Carlson in order to provide context sensitive information.

As per claim 3, the modified Carlson teaches the user interface according to

claim 2, characterised in, that a selection of a preferred service or setting is done by

tapping on corresponding icon (Carlson, page 26, fig. 2.1 *Tapping just about any*

interface element in the Palm OS evokes a response).

        Claims 8-11 and 13 is rejected under 35 U.S.C. 103(a) as being unpatentable

over Carlson ("Carlson", Carlson, Jeff. <u>Visual Quickstart Guide Palm Organizers</u>.

Peachpit Press. 2000. Berkeley, CA.), Milic-Frayling et al ("Milic-Frayling", US

2004/0100510) and Conrad et al ("Conrad", US 5,956,030) in view of Wynn et al.

("Wynn", US # 6,734,883 B1).

10.   As per claim 8, the modified Carlson teaches the user interface according to

claim 7. However the modified Carlson does not teach expressly the user interface,

characterized in, that said list is adapted to present only said files or only said

applications, that the top area of said list presents a field through which the content of

said list can be altered, that, if said list only presents files, said field displays a

representation of a task manager and a selection of said field will cause said list to alter

to present only applications, and that, if said list only presents applications, said field

displays a representation of a file manager and a selection of said field will cause said

list to alter and present only files.

        Wynn teaches a user interface control, characterized in, that said list is adapted

to present only said files or only said applications, that the top area of said list presents

a field through which the content of said list can be altered (column 3, lines 4-8, *dialog*

box 32), that, if said list only presents files, said field displays a representation of a task

manager and a selection of said field will cause said list to alter to present only

applications, and that, if said list only presents applications, said field displays a

representation (column 3, lines 4-8, *label* 31) of a file manager and a selection of said

field will cause said list to alter and present only files (column 3, lines 15-31).

The modified Carlson and Wynn are analogous art because they are in the same

field of endeavor, namely scrolling within graphical user interfaces with touch sensitive

displays.

At the time of the invention it would have been obvious to a person of ordinary

skill in the art to have the selection list format as taught by Wynn within the user

interface of the modified Carlson in order to provide a conventional list format.

11.   As per claim 9, the modifiedCarlson teaches the user interface according to claim

7, characterised in, that, a navigation in said list is performed by moving said object in a

direction towards the top of said list or towards the bottom of said list, that the

movement of said object will cause said marking to move in the same direction

(Carlson, page 27, *a quicker way to view the full list is to tap and hold on the dark solid

portion of the scroll bar, then drag it vertically*).

However the modified Carlson does not teach expressly that the speed of the

movement of said marking is lower than the speed of the movement of said object.

Wynn teaches a user interface control, characterised in, that, a navigation in said

list is performed by moving said object in a direction towards the top of said list or

towards the bottom of said list, that the movement of said object will cause said marking

to move in the same direction (column 3, lines 32-39 & figs. 5) and that the speed of the

movement of said marking is lower than the speed of the movement of said object

(column 4, lines 24-30).

> At the time of the invention it would have been obvious to a person of ordinary skill in the art
>
> to have the scrolling function as taught by Wynn within the user interface of the
>
> modifiedCarlson in order to provide a conventional selection list.

12.   As per claim 10, the modified Carlson in view of Wynn teaches the user interface

according to claim 9, characterised in, that, if the number of applications and/or files in

said list exceeds the number of applications and files that can be presented on said

display area, and if said object is moved to the top or bottom position of said display

area, then lifted, replaced on said display area, and again moved to the top or bottom of

said display area, the content of said display area will be replaced one whole page,

meaning that if said object is positioned at the top of said display area, then lifted,

replaced on said display area, and then again moved to the top of said display area, the

content of said display area will be replaced by the preceding applications and/or files in

said list (Carlson, page 253, fig. 14.15 *Full Page Up*).

The modified Carlson in view of Wynn does not disclose expressly the user

interface, characterised in that if said object is positioned at the bottom of said display

area, then lifted, replaced on said display area, and then again moved to the bottom of

said display area, the content of said display area will be replaced by the following

applications and/or files in said list.

At the time of the invention, it would have been an obvious matter of design

choice to a person of ordinary skill in the art to modify the *Full Page Up* function

(Carlson, page 253, fig 14.15) to work as a Full Page Down function by tapping on the

bottom of the display area because Applicant has not disclosed that *if said object is*

positioned at the bottom of said display area, then lifted, replaced on said display area,

and then again moved to the bottom of said display area, the content of said display

area will be replaced by the following applications and/or files in said list provides an

advantage, is used for a particular purpose, or solves a stated problem. One of ordinary

skill in the art, furthermore, would have expected Applicant's invention to perform

equally well with the modified Full Page Up function as taught by Carlson because it

would only need to be implemented to scroll down instead of up, when the display area

is tapped on the bottom, instead of the top.

13.   As per claim 11, the modified Carlson in view of Wynn teaches the user interface

according to claim 10, characterised in, that if said object is removed from any first

position on said display area and then replaced on any second position on said display

area, said navigation can be continued from said second position (Carlson, page 253,

fig. 14.15).

        Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Carlson

("Carlson", Carlson, Jeff. <u>Visual Quickstart Guide Palm Organizers</u>. Peachpit Press.

2000. Berkeley, CA.) Milic-Frayling et al ("Milic-Frayling", US 2004/0100510) and

Conrad et al ("Conrad", US 5,956,030).

14.	As per claim 13, the modified Carlson teaches the user interface according to

Claim 1, characterised in, that said menu area is positioned at the bottom of said touch

sensitive area, that said representation of said first function is positioned at the left side

of said menu area, and that said representation of said second function is positioned at

the middle of said menu area.

The modified Carlson does not teach expressly that said representation of said

third function is positioned at the right side of said menu area.

At the time the invention was made, it would have been an obvious matter of

design choice to a person of ordinary skill in the art to place the third function on the

right side of the display area instead of the left, because Applicant has not disclosed

that *said representation of said third function is positioned at the right side of said menu

area* provides an advantage, is used for a particular purpose or solves a stated problem.

One of ordinary skill in the art, furthermore would have expected Applicant's invention to

perform equally well with the third function on the left side of the display area because

the placement of the representation would not change its functionality.

Claims 14 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Carlson ("Carlson", Carlson, Jeff. Visual Quickstart Guide Palm Organizers.

Berkeley, CA: Peachpit Press, 2000), Milic-Frayling et al ("Milic-Frayling", US

2004/0100510) and Conrad et al ("Conrad", US 5,956,030) in view of Strietelmeier

("Strietelmeier", Strietelmeier, Julie. "Palm m100." The Gadgeteer. 2000.

<http://www.the-gadgeteer.com/review/palm_m100_review>).

15.   As per claim 14, the modified Carlson teaches the user interface according to

Claim 1, characterised in, that said user interface is adapted to a touch sensitive area

and that said user interface is adapted to be operated by one hand, where said object

can be a finger (page 12, *stylus...includes fingers*).

However the modified Carlson does not teach expressly a touch sensitive area

with a size that is in the order of 2-3 inches.

Strietelmeier teaches a user interface, characterised in, a touch sensitive area

with a size that is in the order of 2-3 inches (page 4).

The modified Carlson and Strietelmeier are analogous art because they are in

the same field of endeavor, namely palm-sized computer organizers.

At the time of the invention it would have been obvious to a person of ordinary

skill in the art to have the dimensions of a touch sensitive area as taught by

Strietelmeier within the user interface of the modified Carlson in order to provide a touch

sensitive area with the manufacturer's dimensions.

16.   As per claim 16, the modified Carlson teaches the enclosure according to claim

15. However, the modified Carlson does not disclose the enclosure characterised in,

that said enclosure is removable and exchangeable.

Strietelmeier teaches an enclosure characterised in, that said ▒enclosure is▒

▒removable▒ and exchangeable (page 3, *you can also remove the entire face plate...*

there will be different face plates available).

At the time of the invention it would have been obvious to a person of ordinary

skill in the art to have the customizable enclosures as taught by Strietelmeier within the

enclosure of the modified Carlson in order to tailor an enclosure to a user's preferences.

17.   Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Carlson

("Carlson", Carlson, Jeff. Visual Quickstart Guide Palm Organizers. Berkeley, CA:

Peachpit Press, 2000), Milic-Frayling et al ("Milic-Frayling", US 2004/0100510) and

Conrad et al ("Conrad", US 5,956,030) in view of Chew et al. ("Chew", US # 6,727,917).

18.   As per claim 18, the modified Carlson teaches a computer readable medium

according to claim 17.

However the modified Carlson does not teach expressly, that said computer

program product is adapted to function as a shell upon an operations system.

Chew teaches a user interface for a palm-sized computer device, characterized

in, that said computer program product is adapted to function as a shell upon an

operations system (column 2, lines 1-5).

The modified Carlson and Chew are analogous art because they are in the same

field of endeavor, namely graphical user interfaces for hand-held personal computing

devices with touch sensitive displays.

At the time of the invention it would have been obvious to a person of ordinary skill in the art to further modify the modified Carlson program to function as shell as taught by Chew in order to efficiently display information.

Response to Arguments

The Examiner reviewed the demonstration as encouraged by the Applicant. In light of the video demonstration, the Examiner can now see the difference between the prior art of record and the present application. With that being said the Examiner feels that the limitations, as claimed, were reasonably interpreted and the current limitations are still too broad to suggest without research what was shown in the video demonstration. For instance Conrad teaches as pointed out by applicant clicking a window in a menu title bar, dragging the cursor and placing it in the display region (page 19 of 32), which is exactly activating by a single step of an object moving in a direction from a starting point that is a representation of the function in the menu area to the display area. The function being activating or parking the window in the display area. The combination of the references is what teaches the limitations of claim 1, not Conrad or Palm OS alone.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to RYAN F. PITARO whose telephone number is

(571)272-4071. The examiner can normally be reached on 9:00am - 5:30pm Mondays

through Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, David Wiley can be reached on 571-272-3923. The fax phone number for

the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/R. F. P./   /Stephen S. Hong/
Primary Examiner, Art Unit 2174   Supervisory Patent Examiner, Art
                                                        Unit 2178

Search Notes	Application/Control No.	Applicant(s)/Patent Under Reexamination
Search Notes ‖‖‖‖‖‖‖‖‖‖‖	10315250	GOERTZ, MAGNUS
	Examiner	**Art Unit**
	Ryan F Pitaro	2174

SEARCHED

Class	Subclass	Date	Examiner
Update	Search	11/8/2007	RFP
Update	Search	6/17/2008	RFPF

SEARCH NOTES

Search Notes	Date	Examiner
Update Search	11/8/2007	RFP
Update Search	6/17/2008	RFP

INTERFERENCE SEARCH

Class	Subclass	Date	Examiner

Index of Claims	Application/Control No.	Applicant(s)/Patent Under Reexamination
	10315250	GOERTZ, MAGNUS
	Examiner	**Art Unit**
	Ryan F Pitaro	2174

✓	Rejected	-	Cancelled	N	Non-Elected	A	Appeal
=	Allowed	÷	Restricted	I	Interference	O	Objected

☐ Claims renumbered in the same order as presented by applicant   ☐ CPA   ☐ T.D.   ☐ R.1.47

CLAIM		DATE								
Final	Original	11/09/2007	06/23/2008							
	1	✓	✓							
	2	✓	✓							
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Index of Claims	Application/Control No.	Applicant(s)/Patent Under Reexamination
	10315250	GOERTZ, MAGNUS
	Examiner	Art Unit
	Ryan F Pitaro	2174

✓	Rejected	-	Cancelled	N	Non-Elected	A	Appeal
=	Allowed	÷	Restricted	I	Interference	O	Objected

☐ Claims renumbered in the same order as presented by applicant ☐ CPA ☐ T.D. ☐ R.1.47

CLAIM		DATE								
Final	Original	11/09/2007	06/23/2008							
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U.S. Patent and Trademark Office

Part of Paper No. : 20080623

PTO/SB/82 (01-05)
Approved for use through 12/31/2008. OMB 0651-0035
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REVOCATION OF POWER OF ATTORNEY WITH NEW POWER OF ATTORNEY AND CHANGE OF CORRESPONDENCE ADDRESS	Application Number	10/315,250
	Filing Date	12-10-2002
	First Named Inventor	Magnus Gredz
	Art Unit	2174
	Examiner Name	ATABO, Ryan F
	Attorney Docket Number	

I hereby revoke all previous powers of attorney given in the above-identified application.

☐ A Power of Attorney is submitted herewith.

OR

☒ I hereby appoint the practitioners associated with the Customer Number: | 60956 |

☒ Please change the correspondence address for the above-identified application to:

☒ The address associated with Customer Number: | 60956 |

OR

☐ Firm or Individual Name	
Address	
City	State	Zip
Country	
Telephone	Email

I am the:

☐ Applicant/Inventor.

☒ Assignee of record of the entire interest. See 37 CFR 3.71.
Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)

SIGNATURE of Applicant or Assignee of Record

Signature	
Name	MIKAEL HAGMAN
Date	13 MAY 2008	Telephone	+46 8 586 22 810

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.

☐ *Total of _____ forms are submitted.

This collection of information is required by 37 CFR 1.36. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 3 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

PAGE 1/2 * RCVD AT 5/14/2008 11:20:57 AM [Eastern Daylight Time] * SVR:USPTO-EFXRF-6/2 * DNIS:2738300 * CSID:+972 9 9541975 * DURATION (mm-ss):01-24

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PTO/SB/96 (01-06)
Approved for use through 06/31/2006. OMB 0651-0031
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STATEMENT UNDER 37 CFR 3.73(b)

Applicant/Patent Owner: _Ccritz, Magnus_

Application No./Patent No.: _10/315,250_ Filed/Issue Date: _12:10:2002_

Entitled: _User Interface_

NEOCODE AB , a _(CORPORATION)_
(Name of Assignee)   (Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:
1. ☒ the assignee of the entire right, title, and interest; or

2. ☐ an assignee of less than the entire right, title and interest
     (The extent (by percentage) of its ownership interest is_____ %)

in the patent application/patent identified above by virtue of either:

A ☐ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

OR

B ☒ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as follows:

   1. From: _Ccritz Magnus_ To: _Neocode Sweden AB_
      The document was recorded in the United States Patent and Trademark Office at
      Reel _018163_ , Frame _0611_ , or for which a copy thereof is attached.

   2. From: _Neocode Sweden AB_ To: _Neocode AB_
      The document was recorded in the United States Patent and Trademark Office at
      Reel _018137_ , Frame _0448_ , or for which a copy thereof is attached.

   3. From: _____ To: _____
      The document was recorded in the United States Patent and Trademark Office at
      Reel _____ , Frame _____ , or for which a copy thereof is attached.

   ☐ Additional documents in the chain of title are listed on a supplemental sheet.

☒ As required by 37 CFR 3.73(b)(1)(i), the documentary evidence of the chain of title from the original owner to the assignee was, or concurrently is being, submitted for recordation pursuant to 37 CFR 3.11.

(NOTE: A separate copy (i.e., a true copy of the original assignment document(s)) must be submitted to Assignment Division in accordance with 37 CFR Part 3, to record the assignment in the records of the USPTO. See MPEP 302.08)

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

_____   _13 MAY 2008_
Signature   Date

MIKAEL HAGMAN   _+46 8 586 22 811_
Printed or Typed Name   Telephone Number

CEO
Title

This collection of information is required by 37 CFR 3.73(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

PAGE 2/2 * RCVD AT 5/14/2008 11:20:57 AM [Eastern Daylight Time] * SVR:USPTO-EFXRF-6/2 * DNIS:2738300 * CSID:+972 9 9541975 * DURATION (mm-ss):01-24

28

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Magnus Goertz

Serial No.: 10/315,250

Filed: December 10, 2002

Title: User Interface

Attorney Docket No.: 12511-00003 (New)
         (3682-32) (Previous)

Group Art Unit: 2174

Examiner: Ryan F. Pitaro

Confirmation No.: 1226

Commissioner for Patents   March 14, 2008
Alexandria, VA 22313-1450

AMENDMENT AND RESPONSE TO NON-FINAL OFFICE ACTION

This is in response to the Office Action (paper no. 20071109) regarding the above-identified patent application that was mailed from the U.S. Patent and Trademark Office on November 14, 2007.

A **Status of the Claims** starts on the following page 2.

Remarks concerning the Office Action start on the following page 15.

STATUS OF THE CLAIMS

1. **(Currently Amended)** A computer readable medium storing a computer program with computer program code, which ~~code~~, when read by a mobile handheld computer unit, allows the computer to present a user interface for the mobile handheld computer unit, the user interface comprising:

   a touch sensitive area that is simultaneously divided into a menu area and a display area,

   the mobile handheld computer unit being adapted to run several applications simultaneously,

   and to present an active application on top of any other application on ~~the~~ said display area, characterised in, that:

   ~~the~~ said menu area simultaneously ~~presenting~~ presents representations of a first function that is a general application dependent function, a second function that is a keyboard function, and a third function that is a task and file manager, and

   each of ~~the three~~ said first, second, and third functions simultaneously represented in ~~the~~ said menu area being activated by the single step of ~~an~~ a blunt object moving in a direction from a starting point that is the representation of the corresponding one of said first, second, and third functions in ~~the~~ said menu area to ~~the~~ said display area being detected by ~~the~~ said touch sensitive area, thereby allowing low precision navigation of the user interface using ~~a~~ the blunt object, so that the user interface can be operated by one hand, where the blunt object is a finger.

2. **(Currently Amended)** The computer readable medium of claim 1, wherein the mobile handheld computer unit runs an operating system, the user interface is ~~characterized~~ characterised in, that, if said first function is activated, ~~said display area~~ the user interface is adapted to display icons representing different services or settings depending on the current active application, that one of said icons always represents a "help"-service, regardless of application, and that, if no application is current active on ~~said~~ the mobile handheld computer unit, said icons are adapted to represent services or settings of the operating system of ~~said~~ the mobile handheld computer unit.

Page 2 of 32

3. **(Previously Presented)** The computer readable medium of claim 2, wherein the user interface is characterised in, that a selection of a preferred service or setting is done by tapping on a corresponding icon.

4. **(Previously Presented)** The computer readable medium of claim 1, wherein the user interface is characterised in,

- that, if said second function is activated, said display area is adapted to display a keyboard and a text field,

- that, if a text passage in said active application is highlighted, said text passage is displayed in said text field for editing through said keyboard and that said highlighted test passage is replaced by said edited text passage when said second function is deactivated, and

- that, if no text passage in said active application is highlighted, said text field is available for inputting and editing of text through said keyboard.

5. **(Previously Presented)** The computer readable medium of claim 4, wherein the user interface is characterised in, that if no text passage in said active application is highlighted, said text field is used for inputting and editing of text through said keyboard, then

- said first function can be activated, or

- said second function can be closed, in which a choice of saving or deleting said inputted text is given, where the choice of saving said inputted text results in an activation of said first function,

in which said first function will present services or settings available for said inputted text.

6. **(Currently Amended)** The computer readable medium of claim 1, wherein the user interface is characterised in, that, if said third function is activated, said display area is adapted to display a list with a library of available applications and files on saidthe mobile handheld computer unit, that a selection of an application will start said application, and that a selection of a file will open said file in an application intended for said file.

7. **(Currently Amended)** The computer readable medium of claim 6, wherein the user interface is characterised in, that a selection of an application or file is done by moving ~~said~~ the blunt object so that ~~the~~ a representation of a desired one of said application or file is highlighted, removing said object from said touch sensitive area, and then tapping on said touch sensitive area, and that ~~an~~ said desired one of said application or file is highlighted by placing some kind of marking on ~~the~~ said representation of said application or file.

8. **(Currently Amended)** The computer readable medium of claim 7, wherein the user interface is characterised in, that said list is adapted to present only said files or only said applications, that ~~the~~ a top area of said list presents a field through which the content of said list can be altered, that, if said list only presents files, said field displays a representation of a task manager and a selection of said field will cause said list to alter to present only applications, and that, if said list only presents applications, said field displays a representation of a file manager and a selection of said field will cause said list to alter and present only files.

9. **(Currently Amended)** The computer readable medium of claim 7, wherein the user interface is characterised in, that, a navigation in said list is performed by moving ~~said~~ the blunt object in a direction towards the top of said list or towards the bottom of said list, that the movement of ~~said~~ the blunt object will cause said marking to move in the same direction, and that the speed of movement of said marking is lower than the speed of movement of ~~said~~ the blunt object.

10. **(Currently Amended)** The computer readable medium of claim 9, wherein the user interface is characterised in, that, if the number of applications and/or files in said list exceeds the number of application and files that can be presented on said display area as content, and if ~~said~~ the blunt object is moved to the top of bottom position of said display area, then lifted, replaced on said display area, and again moved to the top of bottom of said display area, the content of said display area will be replaced one whole page, meaning that if

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said the blunt object is positioned at the bottom of said display area, replaced on said display area, and then again moved to the bottom of said display area, the content of said display area will be replaced by the following applications and/or files in said list, and if said the blunt object is positioned at the top of said display area, then lifted, replaced on said display area, and then again moved to the top of said display area, the content of said display area will be replaced by the preceding applications and/or files in the list.

11. **(Currently Amended)** The computer readable medium of claim 10, wherein the user interface is characterised in, that if said the blunt object is removed from any first position on said display area and then replaced on any second position on said display area, said navigation can be continued from said second position.

12. **(Currently Amended)** The computer readable medium of claim 1, wherein the user interface is characterised in, that an active application, function, service or setting is moved on one step by moving said the blunt object from the left of said display area to the right of said display area, and that the active application, function, service or setting is closed or backed one step by moving said the blunt object from the right of said display area to the left of said display area.

13. **(Previously Presented)** The computer readable medium of claim 1, wherein the user interface is characterised in, that said menu area is positioned at the bottom of said touch sensitive area, that said representation of said first function is positioned at the left side of said menu area, that said representation of said second function is positioned at the middle of said menu area, and that said representation of said third function is positioned at the right side of said menu area.

14. **(Currently Amended)** The computer readable medium of claim 1, wherein the user interface is characterised in, that said user interface is adapted to a touch sensitive area with a size that is on the order of 2-3 inches in diagonal dimension, and that said user interface is

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adapted to be operated by one hand when the mobile handheld computer unit is held in the one hand, wherein said blunt object ~~can be~~is a ~~finger~~fleshy part of the thumb of the one hand.

15. **(Currently Amended)** An enclosure adapted to cover ~~a computer unit, said computer unit being adapted to read computer program code of a computer program stored on a computer readable medium, which code, when read, presents a user interface~~ the mobile handheld computer unit according to Claim 1, characterised in, that said enclosure is provided with an opening for said display area, and that a representation of said menu area is printed on top of said enclosure.

16. **(Previously Presented)** The enclosure according to claim 15, characterised in, that said enclosure is removable and exchangeable.

17. **(Original)** A computer readable medium, with a computer program product stored therein, characterised in, that said computer program product comprises computer readable code, which, when read by a computer, will make it possible for said computer to present a user interface according to Claim 1.

18. **(Original)** A computer readable medium according to claim 17, characterized in, that said computer program product is adapted to function as a shell upon an operating system.

19. **(New)** An apparatus, comprising:
a computing device configured to provide a plurality of features and/or services to a user, said computing device including a user interface that comprises:
a touchscreen for displaying to the user, individually at differing times, a plurality of display screens corresponding to said plurality of features and/or services and for allowing the user to navigate among said various differing features and/or services and among said plurality of display screens; and

user interface software responsive to interaction of an object with said touchscreen so as to allow the user to navigate among said plurality of features and/or services and among said plurality of display screens, said user interface software configured to:

when said touchscreen is displaying a first display screen of said plurality of display screens, cause said computing device to display a second display screen of said plurality of display screens in response to a first sweeping movement of the object along said touchscreen in a first direction, said computing device displaying said second display screen after the object has traversed a first predetermined extent of said touchscreen along said first direction; and

when said touchscreen is displaying said second display screen, cause said computing device to display said first display screen in response to a second sweeping movement of the object along said touchscreen in a second direction opposite said first direction, said computing device displaying said first display screen only after the object has traversed a second predetermined extent of said touchscreen along said second direction.

20. **(New)** An apparatus according to claim 19, wherein said touchscreen has a left edge and a right edge when said touchscreen is properly oriented for viewing by the user and said first direction proceeds from a location at or proximate said left edge toward said right edge and said second direction proceeds from a location at or proximate said right edge toward said left edge.

21. **(New)** An apparatus according to claim 20, wherein said touchscreen has a width extending from said left edge to said right edge and each of said first and second extents is substantially equal to said width.

22. **(New)** An apparatus according to claim 21, wherein said touchscreen has a diagonal dimension of two inches to three inches.

23. **(New)** An apparatus according to claim 19, wherein said computing device is sized to be cradled in a hand of an adult human user and so that, when so cradled, all points on said touchscreen are touchable by the thumb of the adult human user, the object being the thumb of the hand.

24. **(New)** An apparatus according to claim 19, wherein each of the first and second sweeping movements does not drag any graphical feature displayed on said touchscreen during that one of the first and second sweeping movements.

25. **(New)** An apparatus, comprising:

a computing device configured to provide first and second menu-area functions to a user, said first menu-area function having a first-function display screen and said second menu-area function having a second-function display screen differing from said first-function display screen, said computing device including a user interface that comprises:

a touchscreen simultaneously divided into a menu region and a display region, said menu region containing first and second representations corresponding respectively to said first and second menu-area functions, said display region for displaying to the user at differing times said first-function and second-function display screens; and

user interface software responsive to interaction of an object with said touchscreen so as to allow the user to select at differing times each of said first and second menu-area functions, said user interface software configured to:

display said first-function display screen in response to a first sweeping movement of the object along said touchscreen, the first sweeping movement starting at said first representation in said menu region and proceeding into said display region; and

display said second-function display screen in response to a second sweeping movement of the object along said touchscreen, the second sweeping movement starting at said second representation in said menu region and proceeding into said display region.

26. **(New)** An apparatus according to claim 25, wherein:

said touchscreen has a first edge and a second edge spaced from said first edge;

said first and second representations are each located proximate said first edge and spaced from one another along said first edge; and

the first and second sweeping movements each proceed in a direction toward said second edge.

27. **(New)** An apparatus according to claim 25, wherein said first-function display screen contains a plurality of icons corresponding respectively to a plurality of applications, said user interface software configured to activate any one of said plurality of applications in response to the user tapping the object on said touchscreen at a corresponding one of said plurality of icons.

28. **(New)** An apparatus according to claim 27, wherein said second-function display screen contains a set of application functions, said set varying as a function of which one of said plurality of applications is active when the user makes the second movement.

29. **(New)** An apparatus according to claim 27, wherein a particular application of said plurality of applications has a plurality of application screen displays, said user interface software configured so that when said particular application is active, the user forwardly steps through said plurality of application screen displays by sweeping the object across said touchscreen in a first direction and reversely steps through said plurality of application screen displays by sweeping the object across said touchscreen in a second direction opposite said first direction.

30. **(New)** An apparatus according to claim 25, wherein said first display screen contains a soft-interface telephony keypad.

31. **(New)** An apparatus, comprising:

a computing device configured to run a software application configured to display a plurality of predetermined display screens, said computing device including a user interface that comprises:

a touchscreen for displaying to the user, individually at differing times, said plurality of predetermined display screens and for allowing the user to navigate among said plurality of predetermined display screens; and

user interface software responsive to interaction of an object with said touchscreen so as to allow the user to navigate among said plurality of predetermined display screens, said user interface software configured to:

activate said software application in response to a particular interaction of the object with said touchscreen;

forwardly step in series through ones of said plurality of predetermined display screens in response to corresponding respective individual instances of a first sweeping movement of the object along said touchscreen in a first direction; and

reversely step in series through ones of said plurality of predetermined display screens in response to corresponding respective individual instances of a second sweeping movement of the object along said touchscreen in a second direction different from said first direction.

32. **(New)** An apparatus according to claim 31, wherein said particular interaction of the object with said touchscreen to activate said software application is a third sweeping movement of the object along said touchscreen in a third direction different from each of said first and second directions.

33. **(New)** An apparatus according to claim 32, wherein said first and second directions are opposite one another and said third direction is perpendicular to each of said first and second directions.

34. **(New)** An apparatus, comprising:

a computing device configured to run software for providing to a user a plurality of services and/or functions, said computing device including:

a touchscreen for displaying to the user a graphical user interface and for allowing the user to navigate among said plurality of services and/or functions; and

user interface software responsive to interaction of an object with said touchscreen so as to allow the user to navigate among said plurality of services and/or functions, said user interface software configured to:

present, in response to a sweeping movement of the object across said touchscreen, a display screen containing a plurality of display icons corresponding respectively to ones of said plurality of services and/or functions, the sweeping movement being spatially uncorrelated with information displayed on said touchscreen; and

when said touchscreen is displaying said plurality of display icons, launch one of said plurality of services and/or functions in response to the user tapping the object on said touchscreen at a location where said touchscreen displays the corresponding one of said plurality of display icons.

35. **(New)** An apparatus according to claim 34, wherein said computing device contains a software application and said user interface is configured to present said plurality of display icons only if said software application is active during the sweeping movement of the object.

36. **(New)** An apparatus according to claim 35, wherein when said software application is active during the sweeping of the object, said display icons correspond to services and/or functions specific to said software application.

37. **(New)** An apparatus, comprising:

a computing device containing software for providing to a user a plurality of services and/or functions, said computing device including:

a touchscreen for displaying to the user, individually at differing times, ones of various display screens associated with said plurality of services and/or functions and for allowing the user to navigate among said plurality of display screens so as to provide the user with access to said plurality of services and/or functions and for allowing the user to control functioning of ones of said plurality of services and/or functions; and

user interface software responsive to a set of movements of an object with respect to said touchscreen so as to allow the user to navigate among said plurality of display screens and to control functioning of ones of said plurality of services and/or functions, said set of movements including a plurality of sweeping movements having differing directionalities along said touchscreen, wherein said plurality of sweeping movements being spatially uncorrelated with information displayed on said touchscreen, said user interface software being configured to distinguish the plurality of sweeping movements from one another as a function of the differing directionalities so as to provide differing responses as a function of said differing directionalities.

38. **(New)** An apparatus according to claim 37, wherein two sweeping movements of the plurality of sweeping movements have opposing directionality and said user interface software is configured to provide two opposing responses corresponding respectively to said two sweeping movements.

39. **(New)** An apparatus according to claim 38, wherein one of the two opposing responses is moving forward in a series of display screens and the other of the two opposing responses is moving backward in the series of display screens.

40. **(New)** An apparatus according to claim 37, wherein each of the plurality of sweeping movements does not drag any graphical feature displayed on said touchscreen during that one of the plurality of sweeping movements.

41. **(New)** An apparatus, comprising:

a computing device configured to provide a plurality of features, settings, applications and/or services to a user, said computing device including a user interface that comprises:

a touchscreen for displaying to the user a list of items corresponding to at least one of a plurality of features, settings, applications and/or services and for allowing the user to select any one of said items using said list; and

user interface software responsive to interaction of an object with said touchscreen so as to allow the user to navigate among said list and to select any one of said items, said user interface software configured to move a highlight marking, having a displayed location on said touchscreen, in a desired direction within said list in response to the user:

(a) contacting said touchscreen with the object at a first location that is a function of the desired direction, not said displayed location of said highlight marking;

(b) while keeping the object in contact with said touchscreen, moving the object along said touchscreen in the desired direction to a second location; and

(c) immediately following said moving of the object along said touchscreen to said second location, lifting the object from said touchscreen so as to establish a new location of said highlight marking.

42. **(New)** An apparatus according to claim 41, wherein said user interface software is configured to, after the user has marked a desired one of said items by performing steps (a) through (c) so as to highlight said desired one with the highlight marking, select said desired one in response to the user tapping the object on said touchscreen without regard to said display location of the highlight marking.

43. **(New)** An apparatus, comprising:

a computing device configured to provide a plurality of features, settings, applications and/or services to a user, said computing device including a user interface that comprises:

a touchscreen for displaying to the user a list of items corresponding to at least one of said plurality of features, settings, applications and/or services and for allowing the user to select any one of said items using said list; and

user interface software responsive to interaction of an object with said touchscreen so as to allow the user to scroll said list and to select any one of said plurality items, said user interface software configured to scroll said list in a desired direction in response to the user:

   (a) contacting said touchscreen with the object at a first location that is a function of the desired direction of said scroll and that is not based on any soft scroll control displayed on said touchscreen; and

   (b) while keeping the object in contact with said touchscreen, moving the object along said touchscreen in the desired direction to a second location, wherein said moving of the object causes said list to scroll in the desired direction.

44. **(New)** An apparatus according to claim 43, wherein said user interface software is configured to activate a selected one of said items in response to a user tapping the object on said touchscreen following the user lifting the object from the touchscreen after the user performs step (b).

45. **(New)** An apparatus according to claim 43, wherein said items are files.

46. **(New)** An apparatus according to claim 43, wherein said items are email messages.

47. **(New)** An apparatus according to claim 43, wherein each item is contact information for a corresponding contact.

REMARKS

Claims 1-47 are presently pending. Claims 1, 2 and 6-12, 14 and 15 have been amended for form and not for reasons relating to patentability of the claims in view of the references of record. Claims 19-47 are new.

Applicant respectfully requests reconsideration of the application in view of the foregoing amendments and the remarks appearing below.

The Current Patent Application

Before addressing in detail the specific rejections made in the current Office Action, Applicant would like to emphasize that the unique touchscreen-based user interface of the current patent application allows a user to navigate among, for example, applications, display screens, services, functions and settings using "low-precision" navigation techniques. These techniques are very different from conventional touchscreen interfaces, such as the touchscreen-based user interface of the Palm operating system described in the Carlson publication, which is addressed in detail below in the context of the rejections set forth in the present Office Action. Such conventional touchscreen-based user interfaces typically require the precise locating of a pointing object, for example a stylus, within clearly identified bounds of a displayed graphical feature, such as a page-up or page-down icon, scroll bar, button, menu item, application icon, etc., to effect a desired action.

Low-precision navigation user interfaces made in accordance with the current application can be implemented on very small touchscreens, for example, on the order of 2 inches to 3-inches in diagonal dimension, yet still allow very easy and accurate navigation with, for example, a user's thumb (even when gloved), despite the fact that the (gloved) thumb covers a significant portion of the small screen during a navigation operation. For a demonstration of a number of features disclosed in the current patent application and covered by the claims therein and in the present Response, the Examiner is encouraged to access http://www.neonode.com/en-us/on-stage/products/n2/introduction/ and watch the video demonstration of the N2 mobile phone/personal digital assistant device made by Neonode AB. The N2 device and its

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predecessor N1 device each incorporate many of the low-precision navigation features originally disclosed in the current application. Applicant encourages the Examiner to view the demonstration video at the above-identified URL prior to reviewing Applicant's arguments below. If the Examiner is unable to view the demonstration video, Applicant respectfully requests that the Examiner contact the below-signed attorney to arrange an alternative demonstration of the N2 and/or N1 devices.

Rejections under 35 U.S.C. § 103

Carlson/Milic-Frayling/Conrad

Claims 1, 4-7, 12, 15 and 17 stand rejected under 35 U.S.C. § 103(a) as being obvious in view of a combination of Carlson, Jeff, Visual Quickstart Guide Palm Organizers, Peachpit Press, Berkley, California, 2000 ("the Carlson publication"), U.S. Patent Application Publication No. 2004/0100510 to Milic-Frayling et al. ("the Milic-Frayling publication") and U.S. Patent No. 5,956,030 to Conrad et al. ("the Conrad patent"). Applicant respectfully disagrees.

The Carlson publication describes features and functionality of the Palm operating system (OS) (circa version 3.5) for personal organizer devices. Particular aspects of the Palm OS are described below in connection with specific rejections in which the U.S. Patent and Trademark Office (USPTO) raises those particular aspects. At a high level, however, Applicant notes that the Palm OS provides a user interface for use with a stylus or other object that primarily functions as either a pointer (e.g., when selecting a button, when selecting a menu choice, when dragging a slider-type icon or when highlighting text) or as a writing implement (e.g., when using the Palm GRAFFITI® handwriting recognition software to input letters and numerals). It is noted that, prior to the Palm OS, both of these functionalities were well known to be implemented in conventional mouse-based and tablet-based user interfaces. An exception to these functionalities in the context of the Palm OS is the ability to activate a single user-selected one of a predetermined set of features, namely, the backlight, keyboard, Graffiti-help, turn-off-and-lock, and beam-data features. See FIG. 2.22 and accompanying text of the Carlson publication directed to customizing buttons and selecting preferences for a description of this

functionality. In this exception, the Palm OS provides a single bottom-of-screen-to-top-of-screen stroke shortcut for quickly activating the chosen feature from the set of features.

The Milic-Frayling publication discloses a Web browser adapted for use on small displays, such as touchscreens, as typically found on handheld devices. Generally, the Milic-Frayling browser includes a page-display region and software that selects Web page content for displaying in the page-display region and formats that content for the small page display region. The browser has a menu bar beneath the display region. Referring to FIG. 2 of the Milic-Frayling publication, the menu bar contains a number of buttons including what appears to be a home button, a back button, a reload-page button, a "View Tools" button and a folder button, among others. It appears that a user can select any one of these buttons by tapping with a stylus on the touchscreen at the location of the desired button. See, for example, paragraph [0041] of the Milic-Frayling publication.

The Conrad patent discloses a system for managing windows on a computer screen. The system allows a user to, effectively, close windows by dragging them to a drawer region. When a window is in the drawer region of the screen, it is represented by a "drawer identifier" (see, e.g., drawer identifiers D1 through D4 in each of FIGS. 1-3 of the Conrad patent) that takes up much less screen-space than the window when open. When a window is in a drawer state, a user can open the window by clicking on the drawer identifier or dragging a cursor or an object, such as a file or folder, to the drawer identifier. An open window may be put into the drawer state by double clicking in a menu bar of the open window.

Turning now to the specific claim rejections, claim 1, as amended for clarity and not patentability, requires among other things that "each of said first, second, and third functions simultaneously represented in said menu area being activated by the single step of a blunt object moving in a direction from a starting point that is the representation of the corresponding one of said first, second, and third functions in said menu area to said display area being detected by said touch sensitive area." In rejecting independent claim 1, the USPTO asserts that the Carlson publication teaches this step by virtue of the Palm OS's bottom-of-screen-to-top-of-screen

single-stroke shortcut described above that allows a user to activate a single pre-selected feature of a small set of available features.

Two points regarding the Palm OS single-stroke shortcut are in order. First, the stroking movement is not linked at all to a corresponding representation of the feature activated by the stroke. In other words, the shortcut stroke itself has no relation whatsoever to the presence of representations in the menu area. Again, it is simply a shortcut set to the user's preference without regard to any representations being in the menu area. Second, the shortcut stroke must start in the Graffiti region. If the stroke is started over one of the icons to the left or right of the Graffiti region, the feature set as a preference will not start. Furthermore, none of the features (home, menu, calculator, find) having a representation outside the Graffiti region can be activated using the shortcut stroke. Again, the only features that the Palm OS allows for assigning to the shortcut stroke are the backlight, keyboard, Graffiti-help, turn-off-and-lock, and beam-data features, and only one feature can ever be activated using the shortcut stroke without the user changing the preference selected.

In view of the foregoing, it is clear that the Carlson publication does not disclose or suggest the limitation of claim 1 of "<u>each</u> of said first, second, and third functions simultaneously represented in said menu area being activated by the single step of a blunt object moving in a direction from a <u>starting point that is the representation</u> of the corresponding one of said first, second, and third functions in said menu area to said display area being detected by said touch sensitive area." Emphasis added. More particularly, the Carlson publication does not disclose or suggest that each of three functions having simultaneous representations in the menu area can be activated by the single step movement nor that the movement starts on the corresponding representation of the function to be activated.

Also in rejecting independent claim 1, the USPTO asserts that "Conrad teaches activating by a single step of an object moving in a direction from a starting point that is [the] representation of the function in the menu area to the display area" and directs Applicant to Figure 2 and col. 2, lines 15-62 of the Conrad patent in support of this asserted teaching. Applicant respectfully disagrees that the Conrad patent teaches this.

Applicant has reviewed the cited passage at col. 2, lines 15-62 of the Conrad patent and fails to find any mention of activating by moving an object away from a menu area into a display area. In fact, the Conrad patent appears to teach the opposite. The cited passage teaches opening for viewing a window "parked" in the drawer region (which is at the bottom of the screen) in three ways: 1) clicking in the drawer identifier (menu title bar); 2) dragging the cursor from the display region above the drawer identifier into the identifier; and 3) dragging an object desired to be placed in the parked window from the display region above the drawer identifier into the identifier. None of these actions involves movement of an object from a representation of a function in a menu area to a display area. In fact, all three disclosed movements are in the opposite direction relative to the direction of movement in claim 1.

This is further supported by Figures 1 and 2 of the Conrad patent. According to the written description of Figures 1 and 2 appearing at col. 5, line 64 to col. 6, line 23, of the Conrad patent, Figure 1 illustrates a path (6) along which a user moves a cursor (5) from a window region (8) of a desktop (20) toward a drawer region (9) (specifically, drawer D2 in this example) in anticipation of opening the window (200 in FIG. 2) corresponding to drawer D2. As explained at col. 6, lines 21-23, of the Conrad patent in connection with FIG. 2, window 200 is opened in response to the user moving the cursor 5 into the drawer region 9, specifically drawer D2. Window 200 is moved off screen, i.e., the drawer is closed, by the user moving the cursor 5 along the path (203) illustrated in Figure 2.

Generally drawing parallels between the window (drawer) opening and closing functionality disclosed in the Conrad patent and the function-opening functionality of the movement described in claim 1 (and setting aside the fact that the cursor (5) of the Conrad patent is not a user's thumb), it is readily seen that the corresponding respective movements are opposite one another. In Conrad, a window (drawer) is opened by moving a cursor toward and into the drawer region from the window region, and in present claim 1, a function is activated by moving an object (finger) from the menu area into the display area. Consequently, Applicant respectfully submits that the Conrad patent, in fact, does not disclose or suggest the step of activating a function by moving a blunt object "in a direction from a starting point that is the

representation of the corresponding one of said first, second, and third functions in said menu area to said display area." Furthermore, the Conrad patent is completely silent on the movement being of a "blunt object" and "being detected by said touch sensitive area," as also required by amended claim 1.

For at least the foregoing reasons, Applicant respectfully submits that neither amended independent claim 1, nor claims 4-7, 12, 15 and 17 that depend therefrom, are rendered obvious in view of the applied combination.

Regarding claim 4, this claim requires among other things the limitation of "if a text passage in said active application is highlighted, said text passage is displayed in said text field for editing through said keyboard." In contrast, the Palm OS does not display the highlighted text as a function of the highlighting but rather as a function of which data field is active when the keyboard is opened. For example, in the Palm address application, if an address field is selected when the keyboard is opened, the keyboard displays the contents of that field, regardless of whether or not it contains any text and whether or not text is highlighted. Since the Carlson publication does not disclose or suggest the limitation of "if a text passage in said active application is highlighted, said text passage is displayed in said text field for editing through said keyboard," dependent claim 4 is not rendered obvious by the applied combination for at least this additional reason.

Regarding dependent claim 5, this claim requires among other things the limitation that "said second function can be closed, in which a choice of saving or deleting said inputted text is given, where the choice of saving said inputted text results in an activation of said first function." [Emphasis added.] The keyboard function of the Palm OS does not give the user a choice of saving or deleting in connection with the second function (i.e., keyboard) being closed. Rather, when a user closes the keyboard of the Palm OS, the contents of the keyboard text field will automatically be input to text field that was active when the user opened the keyboard. The Palm OS does not provide any choices upon closing the keyboard. In addition, since there is no choice of saving in the Palm OS, *a fortiori*, there also is no activation of a first function as a result of the choice of saving as also required by the above-recited limitation of claim 5. Regarding the

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USPTO's assertion in item 3 on page 5 of the current Office Action that the "beam memo" feature has relevance to the recited limitation, Applicant respectfully asserts that this feature must be manually selected by the user, either using a drop-down menu in the memo application of the Palm OS or using the shortcut stroke discussed above. For at least these additional reasons, the applied combination cannot render obvious dependent claim 5.

Regarding dependent claim 6, the claim requires among other things the limitation of "a selection of an application will start said application, and that <u>a selection of a file will open said file in an application intended for said file</u>." [Emphasis added.] In rejecting this claim, the USPTO directs Applicant to page 47 and Figure 2.35 of the Carlson publication. However, Figure 2.35 clearly shows that the Palm OS only displays applications in a list, not files. Therefore, Carlson fails to disclose or suggest at least the limitation of claim 6 that the selection of a file will open that file in an application intended for the file. Moreover, the USPTO is reminded that there is no teaching or suggestion in any of the references of the applied combination for opening a third function (file and task manager) as discussed above relative to claim 1. For at least these additional reasons, dependent claim 6 is not rendered obvious by the applied combination.

Regarding claim 7, this claim requires among other things the limitation that "a selection of an application or file is done by moving the blunt object so that a representation of a desired one of said application or file is highlighted, <u>removing said object from said touch sensitive area, and then tapping</u> on said touch sensitive area." [Emphasis added.] In rejecting this claim, the USPTO directs Applicant to pages 26 and 27 of the Carlson publication. Applicant respectfully disagrees that the Palm OS that is the subject of the Carlson publication works in the manner expressed in the above excerpt from claim 7.

An important distinction needs to be made here. Other than the Graffiti feature, the Palm OS provides, for all intents and purposes, a pointer-based touchscreen interface in which a stylus (or other fine-tipped object) is used to make menu selections, initiate applications, drag scroll-bars, etc. by touching the stylus to the screen at precisely the desired location. (In this connection, while a finger can be used in the Palm OS for at least some functions, there are many

instances when the proper response can be had only by very carefully using one's fingernail, as opposed to the fleshy tip of the finger. The Palm OS is certainly not designed for low-precision navigation as is the interface of the present invention.)

In the Palm OS, to select a desired option from a dropdown menu containing a list of options, the user typically simply taps the stylus on the touchscreen precisely at the location of the desired option. See page 26 of the Carlson publication that describes the "tap" function. When the user taps the touchscreen at the desired option, the selected option is briefly highlighted before the corresponding function is performed. If the user holds the stylus on the touchscreen over an option, that option remains highlighted until the user either slides the stylus on the touchscreen out of the region over the option or, with the stylus still over the option, removes the stylus from the touchscreen. The former does not cause the function corresponding to the initially highlighted option to be performed. In fact, in a list of options, the user may move the stylus from one to another while still touching the touchscreen, and all that will happen is that each will become highlighted whenever the stylus is over that option. However, the latter, i.e., the removing of the stylus from the region over the option, causes the corresponding function to be executed. In other words, an option is selected by the removal of the stylus from the screen while the option is highlighted.

Returning to the above-quoted excerpt from claim 7, that language clearly requires that after the application or file is highlighted, the object is removed from the touch sensitive area. Then, the selection of the application or file is made by then tapping on the touch sensitive area. The Palm OS clearly does not work this way. In the Palm OS, when the user highlights an item, it is selected by the mere removal of the object from touchscreen. There simply is no follow-on tapping, because the removal of the object has already caused the selection. Therefore, the Carlson publication does not teach at least the highlighting, object removal and tapping sequence required by claim 7. For at least this additional reason, claim 7 is not rendered obvious by the applied combination.

Regarding dependent claim 12, this claim as amended requires among other things the limitation that "an active application, function, service or setting is moved on one step by

moving said <u>blunt object</u> from <u>the left</u> of said display area to <u>the right</u> of said display area, and that the active application, function, service or setting is closed or backed one step by moving said blunt object from the right of said display area to the left of said display area." [Emphasis added.] In rejecting this claim, the USPTO directs Applicant to the horizontal scroll bar feature in the TealDoc application described on page 246 of the Carlson publication. As seen in FIG. 14.2 of the Carlson publication, the TealDoc application presents a horizontal conventional-type scroll bar near the bottom of the display screen. As seen in that figure, the scroll slider the user must drag with a fine-tipped object (e.g., stylus) is relatively very small. When the user drags the slider with the fine-tipped object, the displayed text scrolls up or down, depending on the direction the user drags the slider.

Applicant respectfully asserts that the TealDoc scrolling feature does not correspond to the limitation recited in claim 12. First, Applicant respectfully asserts that scrolling through a document, which is a continuous, flowing process during the drag of the slider, cannot reasonably be said to be "moving on one step" or "backed one step," each of which is inherently a discrete action. Second, Applicant respectfully asserts that due to the very small size of the TealDoc slider, the scrolling in fact cannot be accomplished using a blunt object. The slider is very small and requires the user to precisely locate a fine-tipped object within the boundary of the slider so that the user can drag the slider. Third, claim 12 requires that the object be moved from the left of the touchscreen to the right of the touchscreen. The TealDoc scroll bar does not start anywhere near the left of the touchscreen, but rather it starts near the center of the touchscreen. Because the Carlson publication does not disclose or suggest at least these limitations of dependent claim 12, the foregoing reasons are additional reasons why the applied combination cannot render obvious this claim.

Regarding claim 15, this claim as amended requires among other things the limitation that "said <u>enclosure is provided with an opening</u> for said display area, and that a representation of said menu area is <u>printed on top of said enclosure</u>." [Emphasis added.] In rejecting this claim, the USPTO directs Applicant to the portion of page 12 of the Carlson publication directed to the silkscreened Graffiti area at the bottom of the touchscreen of the Palm device. Applicant

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respectfully disagrees that the silkscreened Graffiti area corresponds to the limitations of claim 15.

The Carlson publication, on page 12, states that the "Graffiti input area and the buttons on either side of it are printed on a layer of glass by a silkscreening process." Upon review of a Palm device, particularly a Palm IIIc device, it appears that the layer of glass is part of the entire touchscreen (including both the menu area and display area). Therefore, it is Applicant's position that it is not reasonable to refer to this layer of glass as an "enclosure . . . provided with an opening for said display area," as required by claim 15, because it is in fact part of the display area and indeed part of the entire touchscreen. Since the Palm glass layer is not an enclosure, the Carlson publication also does not disclose or suggest an enclosure having a "of said menu area is printed on top of said enclosure" as also required by claim 15. Because the Carlson publication does not disclose or suggest at least these limitations of amended dependent claim 15, the foregoing reasons are additional reasons why the applied combination cannot render obvious this claim.

For at least the foregoing reasons, Applicant respectfully requests withdrawal of the present rejection.

Carlson/Milic-Frayling/Conrad/Kopitzke

Claims 2 and 3 stand rejected under 35 U.S.C. § 103(a) as being obvious in view of a combination of the Carlson publication, the Milic-Frayling publication, the Conrad patent and U.S. Patent No. 6,988,246 to Kopitzke et al. ("the Kopitzke patent"). Applicant respectfully disagrees.

The teachings of each of the Carlson publication, the Milic-Frayling publication and the Conrad patent are as described above relative to the rejection in view of the Carlson/Milic-Frayling/Conrad combination.

The Kopitzke patent discloses a device and a software application that together present a touch sensitive user interface for monitoring systems aboard an aircraft. The application displays various screens and menus that change depending on what system a user desires to monitor. The

user interface displays an onscreen help key or button (6) that is displayed regardless of the contents of the display area (2).

Turning now to the rejected claims, it is noted that claims 2 and 3 both depend from claim 1. As discussed above relative to the rejection in view of the Carlson/Milic-Frayling/ Conrad combination, claim 1 is not obvious in view of that combination because the combination lacks a number of the limitations of claim 1. The Kopitzke patent does not disclose or suggest the limitations missing from the Carlson/Milic-Frayling/Conrad combination. Therefore, claims 2 and 3 are not obvious in view of the present Carlson/Milic-Frayling/Conrad/Kopitzke combination.

For at least this reason, Applicant respectfully requests withdrawal of the present rejection.

Carlson/Milic-Frayling/Conrad/Wynn

Claims 8-11 stand rejected under 35 U.S.C. § 103(a) as being obvious in view of a combination of the Carlson publication, the Milic-Frayling publication, the Conrad patent and U.S. Patent No. 6,734,883 to Wynn et al. ("the Wynn patent"). Applicant respectfully disagrees.

The teachings of each of the Carlson publication, the Milic-Frayling publication and the Conrad patent are as described above relative to the rejection in view of the Carlson/Milic-Frayling/Conrad combination.

The Wynn patent discloses a graphical user interface control that allows a user to "spin" forward and backward through a list of items while the interface displays preview and postview segments of the list. According to the Wynn patent, by providing visible access to the upcoming and recently past selections, the user can operate the spin control at a higher speed, thereby increasing efficiency.

Turning now to the rejected claims, it is noted that claims 8-11 each depend from claim 1. As discussed above relative to the rejection in view of the Carlson/Milic-Frayling/Conrad combination, claim 1 is not obvious in view of that combination because the combination lacks a number of the limitations of claim 1. The Kopitzke patent does not disclose or suggest the

limitations missing from the Carlson/Milic-Frayling/Conrad combination. Therefore, claims 8-11 are not obvious in view of the present Carlson/Milic-Frayling/Conrad/Wynn combination.

Looking now more specifically at the claims individually, dependent claim 8 requires among other things that "a top area of said list presents a field through which the content of said list can be altered, that, if said list only presents files, said field displays a representation of a task manager and a selection of said field will cause said list to alter to present only applications, and that, if said list only presents applications, said field displays a representation of a file manager and a selection of said field will cause said list to alter and present only files." [Emphasis added.] In rejecting this claim, the USPTO directs Applicant to col. 3, lines 4-8, of the Wynn patent and asserts that the Wynn dialog box 32 is a field through which the content of a list can be altered in the manner required by claim 8. Applicant respectfully disagrees.

A careful reading of claim 8 counsels that the "field" of the claim is used to toggle the content of the list between applications and files. When a representation of a task manager appears in this field, the list displays files, and when a representation of a file manager appears in the field, the list displays applications. When a user selects the field (which contains a representation of either a task manager or file manager), the field toggles to the opposite representation (i.e., from file manager to task manager, or vice versa) and the list toggles to the opposite type list (i.e., from applications to files, or vice versa).

In contrast Wynne et al. describe dialog box 32 (i.e., "field") of the Wynn patent as being a place for a user to either type in a choice or populate using a drop-down menu of choices. Col. 3, lines 8-14. The Wynn patent also discloses that this dialog box, or field, has a label 31 identifying what the field is for, e.g., URLs, file to open, locations visited, etc. Col. 3, lines 6-32. Applicant respectfully asserts that the Wynn patent does not disclose the "toggling" inherent in claim 8 as noted above. Regardless of what a user inputs into dialog box 32 and regardless of how label 31 is changed (which it is not for a given dialog box because it is simply a static label), the character of the list corresponding to the dialog box never toggles from application to file. Because the Wynn patent does not disclose or suggest what the USPTO asserts, for at least this

additional reason, the Carlson/Milic-Frayling/Conrad/Wynn combination cannot render obvious claim 8.

In addition, the undersigned notes he is confused by the rejection in that the text of the rejection in item 10 on page 9 of the current Office Action appears to assert that the dialog box 32 corresponds to the "field" of claim 8 and that this field displays a label (31), which corresponds to the "representation" of claim 8. The undersigned respectfully asserts this construction of the Wynn teachings does not appear to make sense in the context of claim 8. Claim 8 requires the field (dialog box) to display the representation (label). However, in the Wynn patent, the dialog box does not display the label, rather the label is displayed adjacent to the dialog box. Thus, the undersigned believes there is an internal discrepancy within the rejection.

Regarding dependent claim 9, this claim as amended requires among other things the limitation that "a navigation in said list is performed by moving said blunt object in a direction towards the top of said list or towards the bottom of said list, that the movement of said blunt object will cause said marking to move in the same direction, and that the speed of movement of said marking is lower than the speed of movement of said blunt object." [Emphasis added.] In rejecting this claim, the USPTO asserts that col. 3, lines 32-39, and Figure 5 of the Wynn patent disclose moving of the blunt object to navigate in the list and that col. 4, lines 24-30, discloses the differing speed aspect of the claim. Applicant respectfully disagrees.

As for the Wynn patent's teachings at col. 3, lines 32-39, all Wynn et al. disclose there is that a user can select an item using a cursor-type pointer or an arrow or tab key. There is no mention whatsoever that the navigation is performed with a blunt object. As for the Wynn patent's teachings at col. 4, lines 24-30, all that Wynn et al. state there is that conventional graphical user interface controls can be difficult to operate rapidly due to the inability of the user to scroll through a list and select a choice at the same speed as the computer can print the choices to the screen. There is absolutely no mention of any relationship between the speed of moving a blunt object along a touch sensitive region and the speed at which a marking in a list is moved. Because the Wynn patent does not disclose or suggest at least these limitation of claim 9, the

Carlson/Milic-Frayling/Conrad/Wynn combination cannot render obvious this claim for these additional reasons.

Regarding dependent claim 10, this claim as amended requires among other things the limitation that "if said blunt object is positioned at the bottom of said display area, replaced on said display area, and then again moved to the bottom of said display area, the content of said display area will be replaced by the following applications and/or files in said list." [Emphasis added.] In rejecting this claim, the USPTO asserts that the "Full Page Up" feature described on page 253 of the Carlson publication corresponds to the above-quoted excerpt from claim 10. Applicant respectfully disagrees.

As discussed above in detail relative to the rejection of claim 7 in view of the Carlson/Milic-Frayling/Conrad combination, the Palm OS activates a selection upon removal of an object from the touchscreen. This is typically done in the form of a tap (i.e., a rapid contact and withdraw movement) using a stylus. In connection with the split-screen scroll options described on page 253 of the Carlson publication, Carlson indeed describes the split-screen regions as "letting you control the amount of scrolling based on where you tap." [Emphasis added.] Thus, the mere movement of a blunt object to the bottom of the display area as required by claim 10 will, in fact, not cause the scrolling effect. Rather, the scrolling will not occur until the object is lifted. Since the Carlson publication does not disclose or suggest this feature of claim 10 as asserted, the Carlson/Milic-Frayling/Conrad/Wynn combination cannot render obvious this claim for this additional reason.

For at least the foregoing reasons, Applicant respectfully requests withdrawal of the present rejection.

Carlson/Milic-Frayling/Conrad/Design Choice

Claim 13 stands rejected under 35 U.S.C. § 103(a) as being obvious in view of a combination of the Carlson publication, the Milic-Frayling publication, the Conrad patent and design choice of someone of ordinary skill in the art at the time of the invention. Applicant respectfully disagrees.

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Claim 13 depends from claim 1. As discussed above relative to the rejection in view of the Carlson/Milic-Frayling/Conrad combination, claim 1 is not obvious in view of that combination because the combination lacks a number of the limitations of that claim. Since claim 13 depends from claim 1, claim 13 is not obvious in view of the present Carlson/Milic-Frayling/Conrad/Design Choice combination. Therefore, Applicant respectfully requests withdrawal of the present rejection.

Carlson/Milic-Frayling/Conrad/Strietelmeier

Claims 14 and 16 stand rejected under 35 U.S.C. § 103(a) as being obvious in view of a combination of the Carlson publication, the Milic-Frayling publication, the Conrad patent and Strietelmeier, Julie, "Palm m100," The Gadgeteer, 2000 ("the Strietelmeier publication"). Applicant respectfully disagrees.

The teachings of each of the Carlson publication, the Milic-Frayling publication and the Conrad patent are as described above relative to the rejection in view of the Carlson/Milic-Frayling/Conrad combination.

The Strietelmeier publication describes features of the Palm m100 personal digital assistant that runs the same stylus-based Palm OS 3.5 described in the Carlson publication discussed above. The Strietelmeier publication lists that the area of the display of the m100 device is 2.675 in. x 1.965 in. (which yields a diagonal dimension of about 3.32 in.). The display area of the m100 device is the smallest of the five devices listed in the Strietelmeier publication.

Turning to the rejected claims, claim 14 depends from claim 1, and claim 16 incorporates limitations from claim 1 via claim 15 from which claim 16 depends. As discussed above relative to the rejection in view of the Carlson/Milic-Frayling/Conrad combination, claim 1 is not obvious in view of that combination because the combination lacks a number of the limitations of that claim. The Strietelmeier publication does not disclose or suggest the limitations missing from the Carlson/Milic-Frayling/Conrad combination. Since claim 14 depends from claim 1 and claim 16 incorporates limitations of claim 1, claim 14 and 16 are not obvious in view of the present Carlson/Milic-Frayling/Conrad/Strietelmeier combination.

In addition, specifically regarding claim 14, this claim as amended requires that the touch sensitive area have "a size that is 2-3 inches in diagonal dimension, and that said user interface is adapted to be operated by one hand when the mobile handheld computer unit is held in the one hand, wherein said blunt object is a thumb of the one hand." [Emphasis added.] Regarding the area of the touch sensitive area, the 3.32 in. diagonal dimension of the m100 device is larger than the 3 in. upper end of the claimed range. While 0.32 in. may not on its face seem to be much of a difference, Applicant notes that the difference is in fact substantial when the device is used in the manner of claim 14, i.e., cradled in one hand and operated by the fleshy part of the thumb of that same hand for true single-hand operation. If the Examiner has access to any of the Palm devices the Strietelmeier publication lists (i.e., the m100, III/IIIx, V and IIIc devices), Applicant respectfully requests that the Examiner try to operate that Palm device in a truly one-handed manner using the fleshy part of the holding hand to use the touchscreen. Applicant believes the Examiner will find that it is challenging and awkward to access the touchscreen with the thumb in any meaningful manner. Applicant respectfully requests that this experience be compared to the video demonstration mentioned above that is available at the www.neonode.com Website.

Regarding the limitations of claim 14 directed specifically to the holding of the computer unit in one hand and navigating using the fleshy part of the thumb of that same hand, Applicant again respectfully points out that the Palm OS is intended to be used with a stylus or other fine-tipped object. The designers of the Palm OS clearly did not intend the use of a blunt object, especially the fleshy part of a thumb. If the fleshy part of the thumb works at all on a device running the circa-version-3.5 of the Palm OS, it is usually by mere luck that the user selects a desired action using that part of the thumb. Since the Strietelmeier publication does not disclose or suggest the features of claim 14 as asserted, the Carlson/Milic-Frayling/Conrad/ Strietelmeier combination cannot render obvious this claim for this additional reason.

For at least the foregoing reasons, Applicant respectfully requests withdrawal of the present rejection.

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Carlson/Milic-Frayling/Conrad/Chew

Claim 18 stands rejected under 35 U.S.C. § 103(a) as being obvious in view of a combination of the Carlson publication, the Milic-Frayling publication, the Conrad patent and U.S. Patent No. 5,956,030 to Chew et al. ("the Chew patent"). Applicant respectfully disagrees.

Claim 18 incorporates limitations from claim 1 via its dependency from claim 17. As discussed above relative to the rejection in view of the Carlson/Milic-Frayling/Conrad combination, claim 1 is not obvious in view of that combination because the combination lacks a number of the limitations of that claim. Since claim 18 includes limitations of claim 1, claim 18 is not obvious in view of the present Carlson/Milic-Frayling/Conrad/Chew combination. Therefore, Applicant respectfully requests withdrawal of the present rejection.

New Claims 19-47
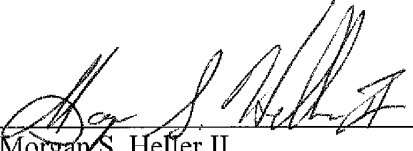
Applicant has added new claims 19-47 on the belief they are enabled by the original application and are patentable over the references of record. Applicant respectfully requests that the Examiner take appropriate action on these new claims.

CONCLUSION

In view of the foregoing, Applicant submits that claims 1-47, as amended and newly presented, are in condition for allowance. Therefore, prompt issuance of a Notice of Allowance is respectfully solicited. If any issues remain, the Examiner is encouraged to call the undersigned attorney at the number listed below.

Respectfully submitted,

MAGNUS GOERTZ

By: _____
Morgan S. Heller II
Registration No.: 44,756

Downs Rachlin Martin PLLC
Tel: (802) 863-2375
Attorneys for Applicant

2403177.1

Electronic Patent Application Fee Transmittal

Application Number:	10315250
Filing Date:	10-Dec-2002
Title of Invention:	User interface
First Named Inventor/Applicant Name:	Magnus Goertz
Filer:	Morgan Heller/Karen Jeffer
Attorney Docket Number:	3682-32

Filed as Small Entity

Utility   Filing Fees

Description	Fee Code	Quantity	Amount	Sub-Total in USD($)
Basic Filing:				
Pages:				
Claims:				
Claims in excess of 20	2202	27	25	675
Independent claims in excess of 3	2201	5	105	525
Miscellaneous-Filing:				
Petition:				
Patent-Appeals-and-Interference:				
Post-Allowance-and-Post-Issuance:				

Description	Fee Code	Quantity	Amount	Sub-Total in USD($)
Extension-of-Time:				
Extension - 1 month with $0 paid	2251	1	60	60
Miscellaneous:				
			Total in USD ($)	**1260**

Electronic Acknowledgement Receipt

EFS ID:	3002818
Application Number:	10315250
International Application Number:	
Confirmation Number:	1226
Title of Invention:	User interface
First Named Inventor/Applicant Name:	Magnus Goertz
Customer Number:	23117
Filer:	Morgan Heller/Karen Jeffer
Filer Authorized By:	Morgan Heller
Attorney Docket Number:	3682-32
Receipt Date:	14-MAR-2008
Filing Date:	10-DEC-2002
Time Stamp:	16:16:21
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	Credit Card
Payment was successfully received in RAM	$1260
RAM confirmation Number	1756
Deposit Account	041588
Authorized User	HELLER,MORGAN
The Director of the USPTO is hereby authorized to charge indicated fees and credit any overpayment as follows:	
Charge any Additional Fees required under 37 C.F.R. Section 1.21 (Miscellaneous fees and charges)	

File Listing:

Document Number	Document Description	File Name	File Size(Bytes) /Message Digest	Multi Part /.zip	Pages (if appl.)
1	Power of Attorney	POA.pdf	50721 17f5deab6170790fd983c484a8e08617bd6b8830	no	2

Warnings:

Information:

Document Number	Document Description	File Name	File Size(Bytes) /Message Digest	Multi Part /.zip	Pages (if appl.)
2	Extension of Time	PetitionExtensionTime.pdf	71471 7d6e68164345e6678730ca9ad1d86d459d3b58e7	no	1

Warnings:

Information:

Document Number	Document Description	File Name	File Size(Bytes) /Message Digest	Multi Part /.zip	Pages (if appl.)
3		ResponseOfficeAction.pdf	1812549 cec402c4cf0ee398e747e2b049ef51feb4f7bbc3	yes	32

Multipart Description/PDF files in .zip description		
Document Description	Start	End
Amendment - After Non-Final Rejection	1	1
Claims	2	14
Applicant Arguments/Remarks Made in an Amendment	15	32

Warnings:

Information:

Document Number	Document Description	File Name	File Size(Bytes) /Message Digest	Multi Part /.zip	Pages (if appl.)
4	Fee Worksheet (PTO-06)	fee-info.pdf	8399 3936df4179a7875907942b48c66cb30a8ab9f1f5	no	2

Warnings:

Information:

Total Files Size (in bytes):		1943140

This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.

New Applications Under 35 U.S.C. 111
If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

National Stage of an International Application under 35 U.S.C. 371
If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

New International Application Filed with the USPTO as a Receiving Office
If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor: Magnus Goertz

Assignee: Neonode AB

Serial No.: 10/315,250

Filed: December 10, 2002

Title: User Interface

Attorney Docket No.: 12511-00003 (New)
3682-32 (Previous)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REVOCATION OF POWER OF ATTORNEY AND
APPOINTMENT OF NEW ATTORNEY

Assignee of record of the entire interest for the above-identified application hereby revokes any other previous powers of attorney, and appoints: Lawrence H. Meier, Esq., Registration No. 31,446, and Morgan S. Heller II, Registration No. 44,756, attorneys with the firm of Downs Rachlin Martin PLLC, and members of the Bar of the State of Vermont, as its attorneys, with the full power of association, revocation and substitution, to transact all business in the U.S. Patent and Trademark Office in connection therewith.

Please change the correspondence address for the above-identified application to the address associated with Customer Number 21918.

P225-02/04   1

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Respectfully submitted,

NEONODE AB

Date: _____10/3/2008   By:_____

Name: Magnus Goertz
Title: CTO
Address: Biblioteksgatan 11, Ltr.
                 Stockholm, Sweden 11146

2384848.1

P225-02/04   2

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67

PETITION FOR EXTENSION OF TIME UNDER 37 CFR 1.136(a) **FY 2008** *(Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).)*	Docket Number (Optional) 12511-00003
Application Number 10/315,250	Filed 12/10/2002

For User Interface

Art Unit 2174	Examiner Ryan F. Pitaro

This is a request under the provisions of 37 CFR 1.136(a) to extend the period for filing a reply in the above identified application.

The requested extension and fee are as follows (check time period desired and enter the appropriate fee below):

		Fee	Small Entity Fee	
[X]	One month (37 CFR 1.17(a)(1))	$120	$60	$ 60.00
[ ]	Two months (37 CFR 1.17(a)(2))	$460	$230	$
[ ]	Three months (37 CFR 1.17(a)(3))	$1050	$525	$
[ ]	Four months (37 CFR 1.17(a)(4))	$1640	$820	$
[ ]	Five months (37 CFR 1.17(a)(5))	$2230	$1115	$

[X] Applicant claims small entity status. See 37 CFR 1.27.

[ ] A check in the amount of the fee is enclosed.

[X] Payment by credit card. Form PTO-2038 is attached.

[ ] The Director has already been authorized to charge fees in this application to a Deposit Account.

[X] The Director is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account Number _04-1588_____. I have enclosed a duplicate copy of this sheet.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

I am the   [ ] applicant/inventor.

[ ] assignee of record of the entire interest. See 37 CFR 3.71.
Statement under 37 CFR 3.73(b) is enclosed (Form PTO/SB/96).

[X] attorney or agent of record. Registration Number _44756_____

[ ] attorney or agent under 37 CFR 1.34.
Registration number if acting under 37 CFR 1.34 _____

_____ Signature	_____3/14/2008_____ Date
Morgan S. Heller II Typed or printed name	802-863-2375 Telephone Number

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.

[X] Total of _____1_____ forms are submitted.

PATENT APPLICATION FEE DETERMINATION RECORD Substitute for Form PTO-875	Application or Docket Number 10/315,250	Filing Date 12/10/2002	☐ To be Mailed

APPLICATION AS FILED – PART I

SMALL ENTITY ☒ OR OTHER THAN SMALL ENTITY

FOR	NUMBER FILED (Column 1)	NUMBER EXTRA (Column 2)	RATE ($)	FEE ($)		RATE ($)	FEE ($)
☐ BASIC FEE (37 CFR 1.16(a), (b), or (c))	N/A	N/A	N/A			N/A	
☐ SEARCH FEE (37 CFR 1.16(k), (i), or (m))	N/A	N/A	N/A			N/A	
☐ EXAMINATION FEE (37 CFR 1.16(o), (p), or (q))	N/A	N/A	N/A			N/A	
TOTAL CLAIMS (37 CFR 1.16(i))	minus 20 =	*	X $ =		OR	X $ =	
INDEPENDENT CLAIMS (37 CFR 1.16(h))	minus 3 =	*	X $ =			X $ =	
☐ APPLICATION SIZE FEE (37 CFR 1.16(s))	If the specification and drawings exceed 100 sheets of paper, the application size fee due is $250 ($125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).						
☐ MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(j))							
			TOTAL			TOTAL	

* If the difference in column 1 is less than zero, enter "0" in column 2.

APPLICATION AS AMENDED – PART II

SMALL ENTITY OR OTHER THAN SMALL ENTITY

AMENDMENT	03/13/2008	CLAIMS REMAINING AFTER AMENDMENT (Column 1)		HIGHEST NUMBER PREVIOUSLY PAID FOR (Column 2)	PRESENT EXTRA (Column 3)	RATE ($)	ADDITIONAL FEE ($)		RATE ($)	ADDITIONAL FEE ($)
	Total (37 CFR 1.16(i))	* 47	Minus	** 20	=	X $ =		OR	X $ =	
	Independent (37 CFR 1.16(h))	* 8	Minus	***3	=	X $ =		OR	X $ =	
	☐ Application Size Fee (37 CFR 1.16(s))							OR		
	☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))							OR		
						TOTAL ADD'L FEE		OR	TOTAL ADD'L FEE	

AMENDMENT		CLAIMS REMAINING AFTER AMENDMENT (Column 1)		HIGHEST NUMBER PREVIOUSLY PAID FOR (Column 2)	PRESENT EXTRA (Column 3)	RATE ($)	ADDITIONAL FEE ($)		RATE ($)	ADDITIONAL FEE ($)
	Total (37 CFR 1.16(i))	*	Minus	**	=	X $ =		OR	X $ =	
	Independent (37 CFR 1.16(h))	*	Minus	***	=	X $ =		OR	X $ =	
	☐ Application Size Fee (37 CFR 1.16(s))							OR		
	☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))							OR		
						TOTAL ADD'L FEE		OR	TOTAL ADD'L FEE	

* If the entry in column 1 is less than the entry in column 2, write "0" in column 3.
** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20".
*** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3".
The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.

Legal Instrument Examiner:
/JAMES F. ELLIOTT/

UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/315,250	12/10/2002	Magnus Goertz	3682-32	1226

23117   7590   11/14/2007
NIXON & VANDERHYE, PC
901 NORTH GLEBE ROAD, 11TH FLOOR
ARLINGTON, VA 22203

EXAMINER
PITARO, RYAN F

ART UNIT	PAPER NUMBER
2174	

MAIL DATE	DELIVERY MODE
11/14/2007	PAPER

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.

	Application No.	Applicant(s)
Office Action Summary	10/315,250	GOERTZ, MAGNUS
	Examiner	Art Unit	
	Ryan F. Pitaro	2174	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _23 August 2007_.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-18_ is/are pending in the application.

     4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-18_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

     a)☐ All   b)☐ Some * c)☐ None of:

       1.☐ Certified copies of the priority documents have been received.

       2.☐ Certified copies of the priority documents have been received in Application No. _____.

       3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

     * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

This communication is responsive to the Amendment filed 8/23/2007.

Claims 1-18 are pending in this application. Claims 1, 15 and 17 are independent

claims.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

Claims 1, 4-7, 12, 15 and 17 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Carlson ("Carlson", Carlson, Jeff. Visual Quickstart Guide Palm

Organizers. Peachpit Press. 2000. Berkeley, CA.) in view of Milic-Frayling et al ("Milic-

Frayling", US 2004/0100510) in view of Conrad et al ("Conrad", US 5,956,030).

1.   As per claim 1, Carlson teaches a computer readable medium storing a computer

program with computer program code, which code, when read by a mobile computer unit

allows the computer to present a user interface for a mobile handheld computer unit

(Introduction, page xiii), where said computer unit comprises a touch sensitive area (page

26, *the screen is touch sensitive*), that is simultaneously divided into a menu area (page

12, fig. 1.10 *silk screen graffiti area*) and a display area, the computer unit is being

adapted to run several applications simultaneously (page 47, *all of the applications are*

running concurrently), and to present an active application on top of any other

application on said display area, characterised in, that said menu area is adapted to

present a representation of a first, a second and a third predefined function, that said first

function is a general application dependent function (page 28, *the Menu icon*, fig. 2.4),

that said second function is a keyboard function (page 30, *either the abc or 123 dots in*

the lower corner of the Graffiti area), that said third function is a task and file manager

(page 47, *the Applications screen* & fig. 2.35), and that any one of said three functions

can be activated when said touch sensitive area detects a movement of an object with its

starting point within the representation of said function on said menu area and with a

direction from said menu area to said display area (page 40, *bottom-to-top screen stroke*

shortcut fig. 2.22 & page 30, *drag the stylus vertically across the screen from bottom to*

top), said user interface allowing low precision navigation using a blunt object, whereby

said user interface can be operated by one hand (page 12, *"The stylus is the main method*

of interacting with the PalmPilot" and it inherently involves one hand to use the stylus.

Also, if a finger was used, that would also be considered using one hand), where said

blunt object is a finger (page 12, *"The stylus is the main method of interacting"* **though**

anything including fingers **can** work). Carlson fails to distinctly point out simultaneously

displaying a first, second, and third function. Milic-Frayling teaches the menu area being

adapted to simultaneously present representations of a first function, a second function,

and a third function (Figure 1 view Tools toolbar, with keyboard, file manager, etc.).

Therefore it would have been obvious to an artisan at the time of the invention to

combine the teaching of Milic-Frayling with the interface of Carlson. Motivation to do so

would have been to provide away to quickly access common functions and provide a user

with a large enough space. The modified Carlson still does not explicitly point out

activation by a single step of an object moving in a direction on the touch sensitive area.

However, Conrad teaches activating by the single step of an object moving in a direction

from a starting point that is representation of the function in the menu area to the display

area (Figure 2, Column 2 lines 15-62). Therefore it would have been obvious to an artisan

at the time of the invention to combine the teaching of Venolia with the modified

Carlson. Motivation to do so would have been to provide easy access to windows.

2.   As per claim 4, the modified Carlson teaches the user interface according to claim

1, characterised in,

        that, if said second function is activated, said display area is adapted to display a

keyboard and a text field,

        that, if a text passage in said active application is highlighted, said text passage is

displayed in said text field for editing through said keyboard and that said highlighted

text passage is replaced by said edited text passage when said second function is

deactivated, and

that, if no text passage in said active application is highlighted, said text field is

available for inputting and editing of text through said keyboard (Carlson, page 30, fig

2.7).

3.   As per claim 5, the modified Carlson teaches the user interface according to claim

4, characterized in, that if no text passage in said active application is highlighted, and

said text field is used for inputting and editing of text through said keyboard (Carlson,

page 30, fig 2.7), then

        said first function can be activated, or

        said second function can be closed, in which a choice of saving or deleting said

inputted text is given, where the choice of saving said inputted text results in an

activation of said first function,

        in which said first function will present services or settings available for said

inputted text (Carlson, page 28, fig. 2.4 *Beam Memo*).

4.   As per claim 6, the modified Carlson teaches the user interface according to claim

1, characterised in, that, if said third function is activated, said display area is adapted to

display a list with a library of available applications and files on said computer unit, that

a selection of an application will start said application, and that a selection of a file will

open said file in an application intended for said file (Carlson, page 47, fig. 2.35).

5.   As per claim 7, the modified Carlson teaches the user interface according to claim

6, characterised in, that a selection of an application or a file is done by moving said

object so that the representation of desired application or file is highlighted, removing

said object from said touch sensitive area, and then tapping on said touch sensitive area,

and that an application or file is highlighted by placing some kind of marking on the
representation of said application or file (Carlson, pages 26 & 27).

6.   As per claim 12, the modified Carlson teaches the user interface according to
Claim 1, characterised in, that an active application, function, service or setting is moved
on one step by moving said object from the left of said display area to the right of said
display area, and that the active application, function service or setting is closed or
backed one step by moving said object from the right of said display area to the left of
said display area (Carlson, page 246, fig. 14.2, *Drag to scroll through file*).

7.   As per claim 15, the modified Carlson teaches an enclosure adapted to cover a
computer unit, said computer unit being adapted to present a user interface according
Claim 1, characterised in, that said enclosure is provided with an opening for said display
area, and that a representation of said menu area is printed on top of said enclosure
(Carlson, page 12, *Silkscreen Graffiti area* & fig. 1.10).

8.   As per claim 17, the modified Carlson teaches a computer readable medium, with
a computer program product stored therein, characterised in, that said computer program
product comprises computer readable code, which, when read by a computer, will make it
possible for said computer to present a user interface according to Claim 1 (Carlson, page
25, *Palm OS*).

        Claims 2 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over
Carlson ("Carlson", Carlson, Jeff. Visual Quickstart Guide Palm Organizers. Peachpit
Press. 2000. Berkeley, CA.), Milic-Frayling et al ("Milic-Frayling", US 2004/0100510)

and Conrad et al ("Conrad", US 5,956,030) in view of Kopitzke et al. ("Kopitzke", US #

6,988,246 B2).

9.   As per claim 2, the modified Carlson teaches the user interface according to claim

1, characterized in, that, if said first function is activated, said display area is adapted to

display icons representing different services or settings depending on the current active

application (Carlson, page 28, *the Menu icon*, fig. 2.4), and that, if no application is

currently active on said computer unit, said icons are adapted to represent services or

settings of the operations system of said computer unit (Carlson, page 47, fig. 2.36, *12:11*

am).

         However the modified Carlson does not teach expressly the user interface

according to claim 1, characterized in, that, if said first function is activated, said display

area is adapted to display icons representing different services or settings depending on

the current active application, that one of said icons always represents a "help"-service,

regardless of application.

         Kopitzke teaches the user interface according to claim 1, characterized in, that

said display area is adapted to display icons representing different services or settings

depending on the current active application, that one of said icons always represents a

"help"-service, regardless of application (column 4, lines 36-53 & fig. 1, *Help key or*

button 6).

         The modified Carlson and Kopitzke are analogous art because they are in the

same field of endeavor, namely graphical user interfaces with touch sensitive displays.

At the time of the invention it would have been obvious to a person of ordinary
skill in the art to provide the help function as taught by Kopitzke within the user interface
of the modified Carlson in order to provide context sensitive information.

As per claim 3, the modified Carlson teaches the user interface according to claim
2, characterised in, that a selection of a preferred service or setting is done by tapping on
corresponding icon (Carlson, page 26, fig. 2.1 *Tapping just about any interface element in
the Palm OS evokes a response*).

Claims 8-11 and 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over
Carlson ("Carlson", Carlson, Jeff. <u>Visual Quickstart Guide Palm Organizers</u>. Peachpit
Press. 2000. Berkeley, CA.), Milic-Frayling et al ("Milic-Frayling", US 2004/0100510)
and Conrad et al ("Conrad", US 5,956,030) in view of Wynn et al. ("Wynn", US #
6,734,883 B1).

10.   As per claim 8, the modified Carlson teaches the user interface according to claim
7. However the modified Carlson does not teach expressly the user interface,
characterized in, that said list is adapted to present only said files or only said
applications, that the top area of said list presents a field through which the content of
said list can be altered, that, if said list only presents files, said field displays a
representation of a task manager and a selection of said field will cause said list to alter to
present only applications, and that, if said list only presents applications, said field
displays a representation of a file manager and a selection of said field will cause said list
to alter and present only files.

Wynn teaches a user interface control, characterized in, that said list is adapted to present only said files or only said applications, that the top area of said list presents a field through which the content of said list can be altered (column 3, lines 4-8, *dialog box* 32), that, if said list only presents files, said field displays a representation of a task manager and a selection of said field will cause said list to alter to present only applications, and that, if said list only presents applications, said field displays a representation (column 3, lines 4-8, *label* 31) of a file manager and a selection of said field will cause said list to alter and present only files (column 3, lines 15-31).

The modified Carlson and Wynn are analogous art because they are in the same field of endeavor, namely scrolling within graphical user interfaces with touch sensitive displays.

At the time of the invention it would have been obvious to a person of ordinary skill in the art to have the selection list format as taught by Wynn within the user interface of the modified Carlson in order to provide a conventional list format.

11.   As per claim 9, the modifiedCarlson teaches the user interface according to claim 7, characterised in, that, a navigation in said list is performed by moving said object in a direction towards the top of said list or towards the bottom of said list, that the movement of said object will cause said marking to move in the same direction (Carlson, page 27, *a quicker way to view the full list is to tap and hold on the dark solid portion of the scroll bar, then drag it vertically*).

However the modified Carlson does not teach expressly that the speed of the movement of said marking is lower than the speed of the movement of said object.

Wynn teaches a user interface control, characterised in, that, a navigation in said list is performed by moving said object in a direction towards the top of said list or towards the bottom of said list, that the movement of said object will cause said marking to move in the same direction (column 3, lines 32-39 & figs. 5) and that the speed of the movement of said marking is lower than the speed of the movement of said object (column 4, lines 24-30).

At the time of the invention it would have been obvious to a person of ordinary skill in the art to have the scrolling function as taught by Wynn within the user interface of the modifiedCarlson in order to provide a conventional selection list.

12.   As per claim 10, the modified Carlson in view of Wynn teaches the user interface according to claim 9, characterised in, that, if the number of applications and/or files in said list exceeds the number of applications and files that can be presented on said display area, and if said object is moved to the top or bottom position of said display area, then lifted, replaced on said display area, and again moved to the top or bottom of said display area, the content of said display area will be replaced one whole page, meaning that if said object is positioned at the top of said display area, then lifted, replaced on said display area, and then again moved to the top of said display area, the content of said display area will be replaced by the preceding applications and/or files in said list (Carlson, page 253, fig. 14.15 *Full Page Up*).

The modified Carlson in view of Wynn does not disclose expressly the user interface, characterised in that if said object is positioned at the bottom of said display area, then lifted, replaced on said display area, and then again moved to the bottom of

80

said display area, the content of said display area will be replaced by the following

applications and/or files in said list.

At the time of the invention, it would have been an obvious matter of design

choice to a person of ordinary skill in the art to modify the *Full Page Up* function

(Carlson, page 253, fig 14.15) to work as a Full Page Down function by tapping on the

bottom of the display area because Applicant has not disclosed that *if said object is*

positioned at the bottom of said display area, then lifted, replaced on said display area,

and then again moved to the bottom of said display area, the content of said display area

will be replaced by the following applications and/or files in said list provides an

advantage, is used for a particular purpose, or solves a stated problem. One of ordinary

skill in the art, furthermore, would have expected Applicant's invention to perform

equally well with the modified Full Page Up function as taught by Carlson because it

would only need to be implemented to scroll down instead of up, when the display area is

tapped on the bottom, instead of the top.

13.   As per claim 11, the modified Carlson in view of Wynn teaches the user interface

according to claim 10, characterised in, that if said object is removed from any first

position on said display area and then replaced on any second position on said display

area, said navigation can be continued from said second position (Carlson, page 253, fig.

14.15).

Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Carlson

("Carlson", Carlson, Jeff. Visual Quickstart Guide Palm Organizers. Peachpit Press.

2000. Berkeley, CA.) Milic-Frayling et al ("Milic-Frayling", US 2004/0100510) and

Conrad et al ("Conrad", US 5,956,030).

14.   As per claim 13, the modified Carlson teaches the user interface according to

Claim 1, characterised in, that said menu area is positioned at the bottom of said touch

sensitive area, that said representation of said first function is positioned at the left side of

said menu area, and that said representation of said second function is positioned at the

middle of said menu area.

The modified Carlson does not teach expressly that said representation of said

third function is positioned at the right side of said menu area.

At the time the invention was made, it would have been an obvious matter of

design choice to a person of ordinary skill in the art to place the third function on the

right side of the display area instead of the left, because Applicant has not disclosed that

said representation of said third function is positioned at the right side of said menu area

provides an advantage, is used for a particular purpose or solves a stated problem. One of

ordinary skill in the art, furthermore would have expected Applicant's invention to

perform equally well with the third function on the left side of the display area because

the placement of the representation would not change its functionality.

Claims 14 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Carlson ("Carlson", Carlson, Jeff. Visual Quickstart Guide Palm Organizers. Berkeley,

CA: Peachpit Press, 2000), Milic-Frayling et al ("Milic-Frayling", US 2004/0100510)

and Conrad et al ("Conrad", US 5,956,030) in view of Strietelmeier ("Strietelmeier",

Strietelmeier, Julie. "Palm m100." The Gadgeteer. 2000.

<http://www.the-gadgeteer.com/review/palm_m100_review>).

15.   As per claim 14, the modified Carlson teaches the user interface according to

Claim 1, characterised in, that said user interface is adapted to a touch sensitive area and

that said user interface is adapted to be operated by one hand, where said object can be a

finger (page 12, *stylus…includes fingers*).

However the modified Carlson does not teach expressly a touch sensitive area

with a size that is in the order of 2-3 inches.

Strietelmeier teaches a user interface, characterised in, a touch sensitive area with

a size that is in the order of 2-3 inches (page 4).

The modified Carlson and Strietelmeier are analogous art because they are in the

same field of endeavor, namely palm-sized computer organizers.

At the time of the invention it would have been obvious to a person of ordinary

skill in the art to have the dimensions of a touch sensitive area as taught by Strietelmeier

within the user interface of the modified Carlson in order to provide a touch sensitive

area with the manufacturer's dimensions.

16.   As per claim 16, the modified Carlson teaches the enclosure according to claim

15. However, the modified Carlson does not disclose the enclosure characterised in, that

said enclosure is removable and exchangeable.

Strietelmeier teaches an enclosure characterised in, that said enclosure is

removable and exchangeable (page 3, *you can also remove the entire face plate… there*

will be different face plates available).

At the time of the invention it would have been obvious to a person of ordinary

skill in the art to have the customizable enclosures as taught by Strietelmeier within the

enclosure of the modified Carlson in order to tailor an enclosure to a user's preferences.

17.   Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Carlson

("Carlson", Carlson, Jeff. Visual Quickstart Guide Palm Organizers. Berkeley, CA:

Peachpit Press, 2000), Milic-Frayling et al ("Milic-Frayling", US 2004/0100510) and

Conrad et al ("Conrad", US 5,956,030) in view of Chew et al. ("Chew", US # 6,727,917).

18.   As per claim 18, the modified Carlson teaches a computer readable medium

according to claim 17.

However the modified Carlson does not teach expressly, that said computer

program product is adapted to function as a shell upon an operations system.

Chew teaches a user interface for a palm-sized computer device, characterized in,

that said computer program product is adapted to function as a shell upon an operations

system (column 2, lines 1-5).

The modified Carlson and Chew are analogous art because they are in the same

field of endeavor, namely graphical user interfaces for hand-held personal computing

devices with touch sensitive displays.

At the time of the invention it would have been obvious to a person of ordinary skill in the art to further modify the modified Carlson program to function as shell as taught by Chew in order to efficiently display information.

Response to Arguments

Applicant's arguments with respect to claims 1-18 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ryan F. Pitaro whose telephone number is 571-272-4071. The examiner can normally be reached on 7:00am - 4:30pm Mondays through Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid can be reached on 571-272-4063. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR. Status

information for unpublished applications is available through Private PAIR only. For

more information about the PAIR system, see http://pair-direct.uspto.gov. Should you

have questions on access to the Private PAIR system, contact the Electronic Business

Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO

Customer Service Representative or access to the automated information system, call

800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Sy D Luu/
Primary Examiner, Art Unit 2174

Ryan Pitaro
Patent Examiner
Art unit 2174

RFP

		Application/Control No.	Applicant(s)/Patent Under Reexamination
Notice of References Cited		10/315,250	GOERTZ, MAGNUS
		Examiner	Art Unit	
		Ryan F. Pitaro	2174	Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
*	A	US-5,956,030	09-1999	Conrad et al.	715/769
*	B	US-2004/0100510	05-2004	Milic-Frayling et al.	345/864
	C	US-			
	D	US-			
	E	US-			
	F	US-			
	G	US-			
	H	US-			
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			

FOREIGN PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N					
	O					
	P					
	Q					
	R					
	S					
	T					

NON-PATENT DOCUMENTS

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	
	V	
	W	
	X	

*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.

U.S. Patent and Trademark Office
PTO-892 (Rev. 01-2001)   **Notice of References Cited**   Part of Paper No. 20071109

Index of Claims	Application/Control No.	Applicant(s)/Patent Under Reexamination
	10315250	GOERTZ, MAGNUS
	Examiner	Art Unit
	Ryan F Pitaro	2174

✓	Rejected	-	Cancelled	N	Non-Elected	A	Appeal
=	Allowed	÷	Restricted	I	Interference	O	Objected

☐ Claims renumbered in the same order as presented by applicant   ☐ CPA   ☐ T.D.   ☐ R.1.47

CLAIM		DATE									
Final	Original	11/09/2007									
	1	✓									
	2	✓									
	3	✓									
	4	✓									
	5	✓									
	6	✓									
	7	✓									
	8	✓									
	9	✓									
	10	✓									
	11	✓									
	12	✓									
	13	✓									
	14	✓									
	15	✓									
	16	✓									
	17	✓									
	18	✓									

Search Notes	Application/Control No.	Applicant(s)/Patent Under Reexamination
	10315250	GOERTZ, MAGNUS
	Examiner	Art Unit
	Ryan F Pitaro	2174

SEARCHED

Class	Subclass	Date	Examiner
Update	Search	11/8/2007	RFP

SEARCH NOTES

Search Notes	Date	Examiner
Update Search	11/8/2007	RFP

INTERFERENCE SEARCH

Class	Subclass	Date	Examiner

PATENT APPLICATION FEE DETERMINATION RECORD
Effective October 1, 2001

Application or Docket Number: 10315250

CLAIMS AS FILED - PART I

	(Column 1)	(Column 2)
TOTAL CLAIMS	18	
FOR	NUMBER FILED	NUMBER EXTRA
TOTAL CHARGEABLE CLAIMS	18 minus 20=	*
INDEPENDENT CLAIMS	1 minus 3 =	*
MULTIPLE DEPENDENT CLAIM PRESENT		☐

* If the difference in column 1 is less than zero, enter "0" in column 2

SMALL ENTITY TYPE ☐		OR	OTHER THAN SMALL ENTITY	
RATE	FEE		RATE	FEE
BASIC FEE	370.00	OR	BASIC FEE	740.00
X$ 9=		OR	X$18=	
X42=		OR	X84=	
+140=		OR	+280=	
TOTAL		OR	TOTAL	

CLAIMS AS AMENDED - PART II

AMENDMENT A

	(Column 1) CLAIMS REMAINING AFTER AMENDMENT		(Column 2) HIGHEST NUMBER PREVIOUSLY PAID FOR	(Column 3) PRESENT EXTRA
Total	* 18	Minus	** 20	*
Independent	* 1	Minus	*** 3	*
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM				☐

SMALL ENTITY		OR	OTHER THAN SMALL ENTITY	
RATE	ADDI-TIONAL FEE		RATE	ADDI-TIONAL FEE
X$ 9=		OR	X$18=	
X42=		OR	X84=	
+140=		OR	+280=	
TOTAL ADDIT. FEE		OR	TOTAL ADDIT. FEE	

AMENDMENT B

315-07

	(Column 1) CLAIMS REMAINING AFTER AMENDMENT		(Column 2) HIGHEST NUMBER PREVIOUSLY PAID FOR	(Column 3) PRESENT EXTRA
Total	* 18	Minus	** 20	□
Independent	* 1	Minus	*** 3	□
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM				☐

RATE	ADDI-TIONAL FEE		RATE	ADDI-TIONAL FEE
X$ 9=		OR	X$18=	
X42=		OR	X84=	
+140=		OR	+280=	
TOTAL ADDIT. FEE		OR	TOTAL ADDIT. FEE	

AMENDMENT C

8-23-7

	(Column 1) CLAIMS REMAINING AFTER AMENDMENT		(Column 2) HIGHEST NUMBER PREVIOUSLY PAID FOR	(Column 3) PRESENT EXTRA
Total	* 18	Minus	** 20	□
Independent	* 1	Minus	*** 3	□
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM				☐

RATE	ADDI-TIONAL FEE		RATE	ADDI-TIONAL FEE
X$ 9=		OR	X$18=	
X42=		OR	X84=	
+140=		OR	+280=	
TOTAL ADDIT. FEE		OR	TOTAL ADDIT. FEE	

* If the entry in column 1 is less than the entry in column 2, write "0" in column 3.
** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20."
*** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3."
  The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

GOERTZ

Serial No. 10/315,250

Filed: December 10, 2002

Title: USER INTERFACE

Atty Dkt. 5042-2 (formerly 3682-32)

C# M#

TC/A.U. 2174; Conf. 1226

Examiner: Pitaro, Ryan F.

Date: August 23, 2007

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

AMENDMENT

This is a response/amendment/letter in the above-identified application and includes an attachment which is hereby incorporated by reference and the signature below serves as the signature to the attachment in the absence of any other signature thereon.

Fees are attached as calculated below:

Total effective claims after amendment 18 minus highest number
previously paid for **20** (at least 20) = 0 x $50.00 $0.00 (1202)/$0.00 (2202) $ 0.00

Independent claims after amendment 1 minus highest number
previously paid for **3** (at least 3) = 0 x $200.00 $0.00 (1201)/$0.00 (2201) $ 0.00

If proper multiple dependent claims now added for first time, (ignore improper); add
        $360.00 (1203)/$0.00 (2203) $

Petition is hereby made to extend the current due date so as to cover the filing date of this
paper and attachment(s)   One Month Extension $120.00 (1251)/$0.00 (2251)
     Two Month Extensions $450.00 (1252)/$0.00 (2252)
     Three Month Extensions $1020.00 (1253/$0.00 (2253)
     Four Month Extensions $1590.00 (1254/$0.00 (2254)
     Five Month Extensions $2160.00 (1255/$1080.00 (2255) $ 0.00

Terminal disclaimer enclosed, add $130.00 (1814)/ $0.00 (2814) $

☒ Applicant claims "small entity" status.   ☐ Statement filed herewith

Rule 56 Information Disclosure Statement Filing Fee $180.00 (1806) $ 0.00

Assignment Recording Fee $40.00 (8021) $ 0.00

Other: **Attachments A and B attached to Amendment** $ 0.00

                       TOTAL FEE $ **0.00**

The Commissioner is hereby authorized to charge any <u>deficiency</u>, or credit any overpayment, in the fee(s) filed, or asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Account No. 14-1140. A <u>duplicate</u> copy of this sheet is attached.

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Telephone: (703) 816-4000
Facsimile: (703) 816-4100
RAM:drt

NIXON & VANDERHYE P.C.
By Atty: Robert A. Molan, Reg. No. 29,834

Signature: _Robert A. Molan_

#1241914 V1 - Amendment Transmittal

91

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

GOERTZ

Serial No.: 10/315,250

Filed: December 10, 2002

For: USER INTERFACE

Atty. Ref.: 5042-2
(Formerly 3682-32)

Group: 2174; Conf. No. 1226

Examiner: Pitaro, Ryan F.

* * * * * * * * * * *

August 23, 2007

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

AMENDMENT

Sir:

In response to the Office Action mailed May 24, 2007, please amend the above-identified application as follows:

Amendments to the Claims are reflected in the listing of claims which begins on page 2 of this paper.

Remarks/Arguments begin on page 9 of this paper.

1237070

GOERTZ
Serial No.: 10/315,250

AMENDMENTS TO THE CLAIMS

This listing of claims will replace all prior versions, and listings, of claims in the

application.

1. (Currently Amended) A computer readable medium storing a computer program with

computer program code, which code, when read by a mobile handheld computer unit, allows the

computer to present a user interface for a the mobile handheld computer unit, the user interface

comprising:

a touch sensitive area that is simultaneously divided into a menu area and a display area,

the computer unit being adapted to run several applications simultaneously, and to present

an active application on top of any other application on the display area, characterised in, that

the menu area being adapted to simultaneously presenting representations of a first

function that is a general application dependent function, a second function that is a keyboard

function, and a third function that is a task and file manager, and

each of the three functions simultaneously represented in the menu area being activated

by the single step of an object moving in a direction from a starting point that is the

representation of the function in the menu area to the display area being detected by the touch

sensitive area, thereby allowing low precision navigation of the user interface using a blunt

object, so that the user interface can be operated by one hand, where the blunt object is a finger.

2. (Currently Amended) The computer readable medium of claim 1, wherein the user

interface according to Claim 1, is characterized in, that, if said first function is activated, said

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display area is adapted to display icons representing different services or settings depending on the current active application, that one of said icons always represents a "help"-service, regardless of application, and that, if no application is currently active on said computer unit, said icons are adapted to represent services or settings of the operations system of said computer unit.

3. (Currently Amended) The computer readable medium of claim 2, wherein the user interface ~~according to Claim 2,~~ is characterised in, that a selection of a preferred service or setting is done by tapping on corresponding icon.

4. (Currently Amended) The computer readable medium of claim 1, wherein the user interface ~~according to Claim 1,~~ is characterised in,

   - that, if said second function is activated, said display area is adapted to display a keyboard and a text field,

   - that, if a text passage in said active application is highlighted, said text passage is displayed in said text field for editing through said keyboard and that said highlighted text passage is replaced by said edited text passage when said second function is deactivated, and

   - that if no text passage in said active application is highlighted, said text field is available for inputting and editing of text through said keyboard.

5. (Currently Amended) The computer readable medium of claim 4, wherein the user interface ~~according to Claim 4,~~ is characterised in, that if no text passage in said active

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application is highlighted, said text field is used for inputting and editing of text through said

keyboard, then

    - said first function can be activated, or

    - said second function can be closed, in which a choice of saving or deleting said

inputted text is given, where the choice of saving said inputted text results in an activation of said

first function,

    in which said first function will present services or settings available for said inputted

text.

6. (Currently Amended) The computer readable medium of claim 1, wherein the user

interface ~~according to Claim 1,~~ is characterised in, that, if said third function is activated, said

display area is adapted to display a list with a library of available applications and files on said

computer unit, that a selection of an application will start said application, and that a selection of

a file will open said file in an application intended for said file.

7. (Currently Amended) The computer readable medium of claim 6, wherein the user

interface ~~according to Claim 6,~~ is characterised in, that a selection of an application or a file is

done by moving said object so that the representation of desired application or file is highlighted,

removing said object from said touch sensitive area, and then tapping on said touch sensitive

area, and that an application or file is highlighted by placing some kind of marking on the

representation of said application or file.

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8. (Currently Amended) The computer readable medium of claim 7, wherein the user interface ~~according to Claim 7,~~ is characterised in, that said list is adapted to present only said files or only said applications, that the top area of said list presents a field through which the content of said list can be altered, that, if said list only presents files, said field displays a representation of a task manager and a selection of said field will cause said list to alter to present only applications, and that, if said list only presents applications, said field displays a representation of a file manager and a selection of said field will cause said list to alter and present only files.

9. (Currently Amended) The computer readable medium of claim 7, wherein the user interface ~~according to Claim 7,~~ is characterised in, that, a navigation in said list is performed by moving said object in a direction towards the top of said list or towards the bottom of said list, that the movement of said object will cause said marking to move in the same direction, and that the speed of the movement of said marking is lower than the speed of the movement of said object.

10. (Currently Amended) The computer readable medium of claim 9, wherein the user interface ~~according to Claim 9,~~ is characterised in, that, if the number of applications and/or files in said list exceeds the number of applications and files that can be presented on said display area, and if said object is moved to the top or bottom position of said display area, then lifted,

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replaced on said display area, and again moved to the top or bottom of said display area, the content of said display area will be replaced one whole page, meaning that if said object is positioned at the bottom of said display area, then lifted, replaced on said display area, and then again moved to the bottom of said display area, the content of said display area will be replaced by the following applications and/or files in said list, and if said object is positioned at the top of said display area, then lifted, replaced on said display area, and then again moved to the top of said display area, the content of said display area will be replaced by the preceding applications and/or files in said list.

11. (Currently Amended) The computer readable medium of claim 10, wherein the user interface according to Claim 10, is characterised in, that if said object is removed from any first position on said display area and then replaced on any second position on said display area, said navigation can be continued from said second position.

12. (Currently Amended) The computer readable medium of claim 1, wherein the user interface according to Claim 1, is characterised in, that an active application, function, service or setting is moved on one step by moving said object from the left of said display area to the right of said display area, and that the active application, function, service or setting is closed or backed one step by moving said object from the right of said display area to the left of said display area.

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13. (Currently Amended) The ~~computer readable medium of claim 1, wherein the~~ user interface ~~according to Claim 1,~~ is characterised in, that said menu area is positioned at the bottom of said touch sensitive area, that said representation of said first function is positioned at the left side of said menu area, that said representation of said second function is positioned at the middle of said menu area, and that said representation of said third function is positioned at the right side of said menu area.

14. (Currently Amended) The <u>computer readable medium of claim 1, wherein the</u> user interface ~~according to Claim 1,~~ <u>is</u> characterised in, that said user interface is adapted to a touch sensitive area with a size that is in the order of 2-3 inches, and that said user interface is adapted to be operated by one hand, where said object can be a finger.

15. (Currently Amended) An enclosure adapted to cover a computer unit, said computer unit being adapted to <u>read computer program code of a computer program stored on a computer readable medium, which code, when read,</u> present<u>s</u> a user interface according to Claim 1, characterised in, that said enclosure is provided with an opening for said display area, and that a representation of said menu area is printed on top of said enclosure.

16. (Previously Presented) The enclosure according to Claim 15, characterised in, that said enclosure is removable and exchangeable.

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17. (Original) A computer readable medium, with a computer program product stored therein, characterised in, that said computer program product comprises computer readable code, which, when read by a computer, will make it possible for said computer to present a user interface according to Claim 1.

18. (Original) A computer readable medium according to Claim 17, characterised in, that said computer program product is adapted to function as a shell upon an operations system.

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REMARKS

Reconsideration of this application is respectfully requested.

Claims 1-18 are pending in the application. Upon entry of this amendment, claims 1-15 will be amended.

In the outstanding Office Action of May 24, 2007, the Examiner rejected claims 1-16, under 35 U.S.C. §101, as being directed to non-statutory subject matter, arguing that the claimed user interface "is simply nonfunctional descriptive material *per se*, and therefore lacks actual data structure to be considered statutory." 5/24/07 Office Action, p. 2. The Examiner's rejection is respectfully traversed.

Annex IV, titled "Computer-Related Non-Statutory Subject Matter", of the "Interim Guidelines for Examination of Patent Applications for Patent Subject Matter Eligibility", published in the November 22, 2005 Official Gazette of the United States Patent and Trademark Office defines both "functional descriptive material" and "non-functional descriptive material". "Functional descriptive material" is defined by Annex IV as material consisting of data structures and computer programs which impart functionality when employed as a computer component. A "data structure" is defined by Annex IV as a physical or logical relationship among data elements, designed to support specific data manipulation functions, quoting The New IEEE Standard Dictionary of Electrical and Electronics Terms 308 (5th ed. 1993). In contrast, "non-functional descriptive material" is defined by Annex IV as including, but not being limited to, music, literary works and a compilation or mere arrangement of data. A copy of Annex IV from

the November 22, 2005 OG Notice is submitted with this Amendment as Attachment A to this

Amendment.

Claim 1 of the present application, the only independent claim in the present application,

has now been amended to recite a computer readable medium storing a computer program with

computer program code, which code, when read by a mobile handheld computer unit, makes it

possible for the computer to present a user interface for the computer that is described in claim 1

of the present application. The user interface, which is divided into a menu area and a display

area, simultaneously presents, in the menu area, a first function that is a general application

dependent function, a second function that is a keyboard function, and a third function that is a

task and file manager. The touch sensitive user interface allows these functions to be activated

by a single step of an object moving in a direction from a starting point that is a representation of

the function in the menu area to the display area, thereby allowing a user to use the computer

with a single hand and activate the recited functions with a blunt object, such as a finger.

Clearly, in its amended form, claim 1 recites functional material. Claims 2-14 have been

amended to conform them to amended claim 1. In addition, claim 15 has been amended to recite

that the computer unit recited in the claim is adapted to read computer program code of a

computer program stored on a computer-readable medium, which code, when read, presents the

user interface of claim 1. As such, applicant believes that claims 1-16 now recite statutory

subject matter, and that the Examiner's rejection of claims 1-16 under §101 should now be

withdrawn. Support for the foregoing amendments to claims 1-15 appear at least at page 1, lines

12-15 of the specification of the present application.

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In the outstanding Office Action, the Examiner also rejected , as being unpatentable under

35 U.S.C. §103(a), claims 1, 4-7, 12, 15 and 17 over Carlson ("Carlson", Carlson, Jeff. Visual

Quickstart Guide Palm Organizers, Peachpit Press. 2000. Berkely, CA.) in view of Haitini et al.

(USP 5,900,875) and further in view of Venolia et al. ("Venolia", T-Cube: A Fast, Self-

Disclosing Pen-Based Alphabet), claims 2 and 3 over Carlson, Haitini et al. and Venolia et al. in

view of Kopitzke et al. (USP 6,988,246 B2), claim 8-11 over Carlson in view of Haitini et al. in

view of Venolia, in view of Wynn et al. (USP 6,734,833 B1), claim 13 over Carlson in view of

Haitini in view of Venolia, claims 14 and 16 over Carlson, Haitini et al. and Venolia in view of

Strietelmeier ("Strietelmeier, Julia "Palm m100. The Gadgeteer. 2000. http://www.the-

gadgeteer.com/review/palm_m100_review>), and claim 18 over Carlson in view of Chew et al.

(USP 6,727,917), Haitani et al. and Venolia et al. The Examiner's rejections are respectfully

traversed.

Assuming, *arguendo*, that the Examiner properly combined the cited references, the

resulting combination would still not be the claimed invention because such references do not

disclose or suggest all of the limitations of the claimed invention. Specifically, claim 1 of the

present application, the only independent claim pending in the application and the one claim

from which claims 2 – 18 depend, either directly or indirectly, recites a user interface for a hand

held computer unit that includes a touch sensitive area simultaneously divided into a menu area

and a display area, with the menu area simultaneously presenting a first function that is a general

application dependent function, a second function that is a keyboard function, and a third

function that is a task and file manager. Claim 1 also recites that each of the three functions

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simultaneously presented in the menu area are activated by the single step of an object moving in

a direction from a starting point that is the representation of the function in the menu area to the

display area being detected by the touch sensitive area, thereby allowing low precision navigation

of the user interface using a blunt object, so that the user interface can be operated by one hand,

where the blunt object is a finger. One embodiment of the three functions recited in claim 1 is

described in the specification of the present application in reference to Figures 3, 5 and 6,

respectively, of the present application.

The three functions simultaneously represented in the menu area and activated by a touch

sensitive area detecting the single step of an object moving in a direction from a starting point

that is the representation of the function in the menu area to a display area, as recited in

independent claim 1, are not described in the primary Carlson reference, the secondary Haitani

reference or the tertiary Venolia reference cited by the Examiner in the claim rejections set forth

in the outstanding Office Action. Given these deficiencies in the cited references, discussed

below, it must be concluded that claims 1 – 18 of the present application are not obvious over the

cited references.

In the outstanding Office Action, the Examiner recognized that Carlson fails to disclose

the first, second and third functions recited in independent claim 1 of the present application,

5/24/07 Office Action, p. 4, as argued by applicant in the Amendment After Final Rejection

previously filed on March 15, 2007. In an effort to overcome this deficiency in the teaching of

Carlson, the Examiner points to the Haitani patent as disclosing a "menu area being adapted to

simultaneously present representations of a first function that is a general application-dependent

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function (Figure 1, items 151, 153), a second function that is a keyboard function (Figure 1, item 145) and a third function that is a task and file manager (Figure 1, item 141)." 5/24/07 Office Action, p. 4. A review of Haitani reveals, however, that this patent does not disclose the first, second and third functions recited in independent claim 1, as argued by the Examiner.

Haitani discloses a portable computer system 100 that is shown in Figure 1 of Haitani. The computer system 100 shown in Figure 1 includes a screen display area 181 that is used to display information to a user. Haitani, col. 2, lns. 40 – 42. Below the display area 181 is a user input area 183. Haitani, col. 2, ln. 45. The user input area 183 is used to input text in the Graffiti® writing area 145 and interact with the application buttons 141 through 144. Haitani, col. 2, lns. 45 – 48. Both the screen display area and the user input area 183 are covered by a digitizer pad that can detect user interaction with a stylus or finger. Haitani, col. 2, lns. 42 – 44 and 48 – 49. Below the area 183 is a mechanical button input area 185 that includes seven different mechanical buttons 121, 123, 125, 127, 129 and 131. Haitani, col. 2, lns. 50-53. Thus, it should first be noted that items 141, 145 and 151 and 153 are not all located in the same menu area, as are the representations of the three functions recited in claim 1 of the present application.

Haitani describes the seven mechanical buttons as including "[a] pair of scrolling buttons 131 that are used to scroll information in the display area 181 up and down." Haitani, col. 2, lns. 64 – 65. Haitani also states that "[t]he scrolling buttons 141 [sic] allow a user to view a list of information that does not fit on the display." Haitani, col. 2, lns. 65 – 67. This last statement appears to conflict with the earlier description of item 141 as being one of the application buttons 141 through 144 located in Graffiti® writing area 145. Indeed, item 141 is not shown in Figure 1

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as a pair of buttons, but, rather, a single icon including an arrow symbol in a circle and the word "applications" underneath the arrow symbol and circle. *See* Haitani, Figure 1.

There is no description in Haitani of the items 151 and 153 shown in the screen display area 181 of Figure 1 of Haitani and cited by the Examiner as being "a general application-dependent function (Figure 1, items 151, 153)". 5/24/07 Office Action, p. 4. Thus, it is not clear how the Examiner has concluded that items 151 and 153 in Figure 1 represent the first function that is a general application-dependent function recited in claim 1 of the present application, particularly when Haitani does not even discuss items 151 and 153.

In addition, the "Graffiti® writing area" 145 shown in Figure 1 of Haitani is not the second, keyboard function recited in claim 1 of the present application. The Graffiti® writing area 145 is clearly not a keyboard, but rather an input area that is used to input written characters. *See, e.g.,* Attachment B to this Amendment.

Finally, as discussed above, item 141 is not the third, task and file manager function recited in claim 1, since it is described by Haitani as being part of the application buttons and shown in Figure 1 of Haitani as an icon including an arrow symbol in a circle and the word "applications" underneath the arrow symbol and circle.

Putting aside claim 1's recitation that each of the three functions simultaneously presented in the menu area are activated by the single step of an object moving in a direction from a starting point that is the representation of the function in the menu area to the display area so as to be detected by the touch sensitive area, it is clear from the foregoing discussion of

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Carlson and Haitani these a combination of these two references would not result in the invention described in independent claim 1 of the present application.

In the outstanding Office Action, the Examiner also recognized that Carlson, even as modified by Haitani, still does not disclose the single step function activation feature recited in claim 1. 5/24/07 Office Action, pp. 4 and 5. To compensate for this deficiency, the Examiner next argues that "Venolia teaches activating by the single step of an object moving in a direction from a starting point that is representation [sic] of the function in the menu area to the display area (Column 2, flick gestures)", described in column 2 of Venolia. It should be noted here that claim 1 of the present application recites not just a step of an object moving in a given direction for activation, but, rather, that each of the three functions recited in claim 1 are activated by the single step of an object moving in a direction from a starting point that is the representation of the function in the menu area to the display area, which is detected by touching the sensitive area, thereby allowing low precision navigation of a user interface using a blunt object, such as a finger, so that the user interface can be operated by one hand.

Contrary to the Examiner's assertion, Venolia does not disclose activating various functions in a computer by the single step of moving an object in a direction from a starting point that is a representation of a selected function in a menu area to a display area, as recited in independent claim 1 of the present application. Rather, Venolia discloses a technique for entering text to a pen-based computer based on a "new alphabet" where each letter in the alphabet is a entered using a flick gesture. The flick gestures are self-disclosing using prime

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menus. There is an assignment of characters to the gestures used with the pen-based computer disclosed in Venolia.

The method of entering text using a pen and flick gestures described in Venolia is identified as "T-Cube". Venolia does describe as part of T-Cube the use of a flick gesture with a starting point and a direction. The user presses the pen in one of nine target cells so that a pie menu appears offset from the pen. The direction of the flick of the pen can be vertical, horizontal or directional, specifying one of eight directions. A combination of these eight directions and nine starting cells in a pie menu yields 72 different gestures, with each gesture representing a character, such as "w" or "7", or an operation, such as a backspace, return or shift. Thus, the pen movements described in Venolia are not intended to activate a <u>function</u>, but, rather, to enter characters in a small computer. The flick gestures described in Venolia do not describe a single step of an object moving in a direction from a starting point that is the representation of one of several functions in a menu area to a display area to activate a selected function, as recited in independent claim 1 of the present application. Thus, it is clear that the combination of Carlson, Haitani and Venolia does not result in the invention described in independent claim 1 of the present application.

The other additional references cited by the Examiner do not compensate for the deficiencies in the Carlson, Haitani and Venolia references discussed above.

Kopitzke *et al.* discloses a monitoring and control device includes a touch sensitive LCD screen, with a basic layout including a display area and touch sensitive keys depicted with associated system and function symbols. A main menu or any one of plural system menus can be

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selectively displayed in the display area. The system menus relate to cabin systems such as audio,

lighting, and water systems. The selected system menu displays status information and touch

input keys for the user to monitor the status and to select and control the operation of the system.

The main menu is a top level window providing essential information regarding all of the cabin

systems and allows a user to select any one of the system menus.

Wynn *et al.* discloses a graphical user interface control for entering a user selection from

a list of possible selections in which the user can "spin" through a list of items shown on preview

and postview option lists. The control allows the user to spin forwards and backwards, with a

preview list of items and a postview list of items being displayed on opposing sides of the

currently selected item dialog box. By providing visibility to the upcoming and recently past

selections during the spin, a user can operate the spin control at a higher speed, thereby reducing

the amount of time necessary to find the desired item on the list.

Chew *et al.* discloses a hand-held computing device user interface that displays

information for an active application program in a middle portion of the screen, and displays a

shell program controlled navigation bar at a top portion of the screen. The navigation bar

includes a navigation icon which, when tapped by the stylus, aids the user in navigating to other

application programs. The navigation bar also includes a title for the active application program

to save vertical real estate on the screen. The user interface also displays an application menu bar

at a bottom portion of the screen so that the user can manipulate data from the active application

by tapping menu items with a stylus without blocking view of the middle portion of the display.

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The Gadgeteer article by Strietelmeier is a review of the Palm m100. The article talks about the Palm m100 having a cheaper feel than the prior Palm IIIc. It also talks about new features on the m100, such as an integrated flip cover, a small window that allows viewing of time and date when the up hardware scroll button is pressed, the removability of the flip cover for use of different color face plates, large and separate up/down scroll buttons, a smaller plastic LCD display, an IR port for beaming files back and forth to other Palm devices, a battery door, reset switch, stylus silo and hot sync port on the back of the unit, a louder internal speaker, limited RAM of 2MB, use of AAA batteries to power the device, and changes to the m100 software, such as the addition of a notepad application and a clock application and the removal of mail or expense applications.

Thus, it is clear that independent claim 1 of the present application is not obvious over the references of record cited by the Examiner in the outstanding Office Action of May 24, 2007. And, because independent claim 1 is not obvious over such references, dependent claims 2-18, which depend either directly or indirectly from claim 1, are also not obvious over such references.

In view of the foregoing, it is believed that all of the claims pending in the application, *i.e.*, claims 1 – 18, are now in condition for allowance, which action is earnestly solicited. If any

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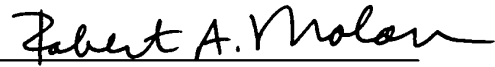
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issues remain in this application, the Examiner is urged to contact the undersigned at the

telephone number listed below.

Respectfully submitted,

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United States Patent and Trademark Office OG Notices: 22 November 2005

Interim Guidelines for Examination of Patent Applications
for Patent Subject Matter Eligibility

In the mid-1990's, the USPTO sought to clarify the legal requirements
for statutory subject matter with regard to computer-related inventions.
See Examination Guidelines for Computer Related Inventions, 61 Fed. Reg.
7478 (1996). Subsequent to the publication of those guidelines, the Court
of Appeals for the Federal Circuit issued opinions in State Street Bank &
Trust Co. v. Signature Financial Group Inc., 149 F. 3d 1368, 47 USPQ2d 1596
(Fed. Cir. 1998) and AT&T Corp. v. Excel Communications, Inc., 172 F.3d
1352, 50 USPQ2d 1447 (Fed. Cir. 1999). These decisions explained that, to
be eligible for patent protection, the claimed invention as a whole must
accomplish a practical application. That is, it must produce a "useful,
concrete and tangible result." State Street, 149 F.3d at 1373-74, 47 USPQ2d
at 1601-02. Since this time, the USPTO has seen increasing numbers of
applications outside the realm of computer-related inventions that raise
subject matter eligibility issues. In order to assist examiners in
identifying and resolving these issues, the USPTO is issuing these interim
examination guidelines to assist USPTO personnel in the examination of
patent applications to determine whether the subject matter as claimed is
eligible for patent protection.

The principal objective of these guidelines is to assist examiners in
determining, on a case-by-case basis, whether a claimed invention falls
within a judicial exception to statutory subject matter (i.e., is
nothing more than an abstract idea, law of nature, or natural
phenomenon), or whether it is a practical application of a judicial
exception to statutory subject matter. The guidelines explain that a
practical application of a 35 U.S.C. Sec. 101 judicial exception is
claimed if the claimed invention physically transforms an article or
physical object to a different state or thing, or if the claimed
invention otherwise produces a useful, concrete, and tangible result.

I. INTRODUCTION

These Examination Guidelines ("Guidelines") are based on
the USPTO's current understanding of the law and are believed to be
fully consistent with binding precedent of the Supreme Court, the
Federal Circuit and the Federal Circuit's predecessor courts.

These Guidelines do not constitute substantive rulemaking and hence do
not have the force and effect of law. These Guidelines have been
designed to assist USPTO personnel in analyzing claimed subject matter
for compliance with substantive law. Rejections will be based upon the
substantive law and it is these rejections which are appealable.
Consequently, any failure by USPTO personnel to follow the Guidelines
is neither appealable nor petitionable.

The Guidelines set forth the procedures USPTO personnel will follow
when examining applications. USPTO personnel are to rely on these
Guidelines in the event of any inconsistent treatment of issues between
these Guidelines and any earlier provided guidance from the USPTO.

Inquiries concerning these Interim Guidelines may be directed to Linda
Therkorn, Office of the Deputy Commissioner for Patent Examination Policy,
by telephone at 571-272-8800, or Ray Chen, Office of the Solicitor, by

claim would be found to be statutory.

    The Federal Circuit held that the mere manipulations of abstract ideas
are not patentable. Schrader, 22 F.3d at 292-93, 30 USPQ2d
at 1457-58. If a claimed process manipulates only numbers, abstract
concepts or ideas, or signals representing any of the foregoing, the
claim is not being applied to appropriate subject matter.
Schrader, 22 F.3d at 294-95, 30 USPQ2d at 1458-59. The
Federal Circuit also recognizes that the fact that a nonstatutory
method is carried out on a programmed computer does not make the
process claim statutory. Grams, 888 F.2d at 841, 12 USPQ2d
at 1829 (claim 16 ruled nonstatutory even though it was a
computer-implemented process).

    In addition, the Federal Circuit has recently noted that a
"structural inquiry is unnecessary" when determining whether a
process claim is eligible for patent protection. AT&T, 172
F.3d at 1359, 50 USPQ2d at 1452.

    Thus, a finding that a claim fails to recite a computer-implemented
process is not determinative in whether that claim passes muster under
Sec. 101. Therefore, USPTO personnel should no longer rely on the machine
implemented test to determine whether a claimed invention is directed
to statutory subject matter.

        e. Per Se Data Transformation Test

    Identifying that a claim transforms data from one value to another is
not by itself sufficient for establishing that the claim is eligible
for patent protection. See, e.g., Benson, 409 U.S. 63, 175
USPQ 673 (finding machine-implemented method of converting binary-coded
decimal numbers into pure binary numbers unpatentable). In
Benson, the claims invention was held to be merely a series
of mathematical calculations having "no substantial practical
application." Id. at 71, 175 USPQ at 676. Therefore,
claims that perform data transformation must still be examined for
whether there is a practical application of an abstract idea that
produces a useful, concrete, and tangible result.

                         ANNEX IV
            Computer-Related Nonstatutory Subject Matter

    Descriptive material can be characterized as either "functional
descriptive material" or "nonfunctional descriptive material." In this
context, "functional descriptive material" consists of data structures and
computer programs which impart functionality when employed as a computer
component. (The definition of "data structure" is "a physical or logical
relationship among data elements, designed to support specific data
manipulation functions." The New IEEE Standard Dictionary of Electrical and
Electronics Terms 308 (5th ed. 1993).) "Nonfunctional descriptive material"
includes but is not limited to music, literary works and a compilation or
mere arrangement of data.

    Both types of "descriptive material" are nonstatutory when claimed
as descriptive material per se. Warmerdam, 33 F.3d at 1360,
31 USPQ2d at 1759. When functional descriptive material is recorded on
some computer-readable medium it becomes structurally and functionally
interrelated to the medium and will be statutory in most cases since
use of technology permits the function of the descriptive material to
be realized. Compare In re Lowry, 32 F.3d 1579, 1583-84, 32

USPQ2d 1031, 1035 (Fed. Cir. 1994) (claim to data structure stored on a
computer readable medium that increases computer efficiency held
statutory) and Warmerdam, 33 F.3d at 1360-61, 31 USPQ2d at
1759 (claim to computer having a specific data structure stored in
memory held statutory product-by-process claim) with Warmerdam, 33 F.3d
at 1361, 31 USPQ2d at 1760 (claim to a data structure per se held
nonstatutory).

When nonfunctional descriptive material is recorded on some
computer-readable medium, in a computer or on an electromagnetic
carrier signal, it is not statutory since no requisite functionality is
present to satisfy the practical application requirement. Merely
claiming nonfunctional descriptive material, i.e., abstract
ideas, stored in a computer-readable medium, in a computer, on an
electromagnetic carrier signal does not make it statutory. See
Diehr, 450 U.S. at 185-86, 209 USPQ at 8 (noting that the claims
for an algorithm in Benson were unpatentable as abstract
ideas because "[t]he sole practical application of the algorithm
was in connection with the programming of a general purpose
computer."). Such a result would exalt form over substance. In
re Sarkar, 588 F.2d 1330, 1333, 200 USPQ 132, 137 (CCPA 1978)
("[E]ach invention must be evaluated as claimed; yet semantogenic
considerations preclude a determination based solely on words appearing
in the claims. In the final analysis under Sec. 101, the claimed
invention, as a whole, must be evaluated for what it is.") (quoted
with approval in Abele, 684 F.2d at 907, 214 USPQ at 687).
See also In re Johnson, 589 F.2d 1070, 1077, 200 USPQ 199,
206 (CCPA 1978) ("form of the claim is often an exercise in
drafting"). Thus, nonstatutory music is not a computer component and
it does not become statutory by merely recording it on a compact disk.
Protection for this type of work is provided under the copyright law.

When nonfunctional descriptive material is recorded on some
computer-readable medium, in a computer or on an electromagnetic
carrier signal, it is not statutory and should be rejected under 35
U.S.C. Sec. 101. In addition, the examiner should inquire whether there
should be a rejection under 35 U.S.C. Sec. 102 or 103. The examiner
should determine whether the claimed nonfunctional descriptive material
be given patentable weight. The USPTO must consider all claim
limitations when determining patentability of an invention over the
prior art. In re Gulack, 703 F.2d 1381, 1385, 217 USPQ 401,
403-04 (Fed. Cir. 1983). The USPTO may not disregard claim limitations
comprised of printed matter. See Gulack, 703 F.2d at 1384,
217 USPQ at 403; see also Diehr, 450 U.S. at 191, 209 USPQ
at 10. However, the examiner need not give patentable weight to printed
matter absent a new and unobvious functional relationship between the
printed matter and the substrate. See In re Lowry, 32 F.3d
1579, 1583-84, 32 USPQ2d 1031, 1035 (Fed. Cir. 1994); In re
Ngai, 367 F.3d 1336, 70 USPQ2d 1862 (Fed. Cir. 2004).

     (a) Functional Descriptive Material: "Data Structures"
     Representing Descriptive Material Per Se or Computer Programs
     Representing Computer Listings Per Se

Data structures not claimed as embodied in computer-readable
media are descriptive material per se and are not statutory
because they are not capable of causing functional change in the
computer. See, e.g., Warmerdam, 33 F.3d at 1361, 31 USPQ2d
at 1760 (claim to a data structure per se held nonstatutory). Such
claimed data structures do not define any structural and functional

interrelationships between the data structure and other claimed aspects of
the invention which permit the data structure's functionality to be
realized. In contrast, a claimed computer-readable medium encoded with a
data structure defines structural and functional interrelationships between
the data structure and the computer software and hardware components which
permit the data structure's functionality to be realized, and is thus
statutory.

   Similarly, computer programs claimed as computer listings per
se, i.e., the descriptions or expressions of the programs, are
not physical "things." They are neither computer components nor
statutory processes, as they are not "acts" being performed. Such
claimed computer programs do not define any structural and functional
interrelationships between the computer program and other claimed
elements of a computer which permit the computer program's
functionality to be realized. In contrast, a claimed computer-readable
medium encoded with a computer program is a computer element which
defines structural and functional interrelationships between the
computer program and the rest of the computer which permit the computer
program's functionality to be realized, and is thus statutory.
See Lowry, 32 F.3d at 1583-84, 32 USPQ2d at 1035. Accordingly, it is
important to distinguish claims that define descriptive material per se
from claims that define statutory inventions.

   Computer programs are often recited as part of a claim. USPTO personnel
should determine whether the computer program is being claimed as part
of an otherwise statutory manufacture or machine. In such a case, the
claim remains statutory irrespective of the fact that a computer
program is included in the claim. The same result occurs when a
computer program is used in a computerized process where the computer
executes the instructions set forth in the computer program. Only when
the claimed invention taken as a whole is directed to a mere program
listing, i.e., to only its description or expression, is it descriptive
material per se and hence nonstatutory. Since a computer
program is merely a set of instructions capable of being executed by a
computer, the computer program itself is not a process and USPTO
personnel should treat a claim for a computer program, without the
computer-readable medium needed to realize the computer program's
functionality, as nonstatutory functional descriptive material. When a
computer program is claimed in a process where the computer is
executing the computer program's instructions, USPTO personnel should
treat the claim as a process claim. See paragraph IV.B.2(b), below.
When a computer program is recited in conjunction with a physical
structure, such as a computer memory, USPTO personnel should treat the
claim as a product claim. See paragraph IV.B.2(a), below.

        (b) Nonfunctional Descriptive Material

   Nonfunctional descriptive material that does not constitute a
statutory process, machine, manufacture or composition of matter and
should be rejected under 35 U.S.C. Sec. 101. Certain types of descriptive
material, such as music, literature, art, photographs and mere
arrangements or compilations of facts or data, without any functional
interrelationship is not a process, machine, manufacture or composition
of matter. USPTO personnel should be prudent in applying the foregoing
guidance. Nonfunctional descriptive material may be claimed in
combination with other functional descriptive multi-media material on a
computer-readable medium to provide the necessary functional and
structural interrelationship to satisfy the requirements of 35 U.S.C.
Sec. 101. The presence of the claimed nonfunctional descriptive material

is not necessarily determinative of nonstatutory subject matter. For
example, a computer that recognizes a particular grouping of musical
notes read from memory and upon recognizing that particular sequence,
causes another defined series of notes to be played, defines a
functional interrelationship among that data and the computing
processes performed when utilizing that data, and as such is statutory
because it implements a statutory process.

       (c) Electro-Magnetic Signals

   Claims that recite nothing but the physical characteristics of
a form of energy, such as a frequency, voltage, or the strength of a
magnetic field, define energy or magnetism, per se, and as
such are nonstatutory natural phenomena. O'Reilly, 56 U.S.
(15 How.) at 112-14. Moreover, it does not appear that a claim reciting
a signal encoded with functional descriptive material falls within any
of the categories of patentable subject matter set forth in Sec. 101.

   First, a claimed signal is clearly not a "process" under Sec. 101
because it is not a series of steps. The other three Sec. 101 classes of
machine, compositions of matter and manufactures "relate to
structural entities and can be grouped as `product' claims in order
to contrast them with process claims." 1 D. Chisum, Patents Sec. 1.02
(1994). The three product classes have traditionally required physical
structure or material.

   "The term machine includes every mechanical device or combination of
mechanical device or combination of mechanical powers and devices to
perform some function and produce a certain effect or result."
Corning v. Burden, 56 U.S. (15 How.) 252, 267 (1854). A
modern definition of machine would no doubt include electronic devices
which perform functions. Indeed, devices such as flip-flops and
computers are referred to in computer science as sequential machines. A
claimed signal has no physical structure, does not itself perform any
useful, concrete and tangible result and, thus, does not fit within the
definition of a machine.

   A "composition of matter" "covers all compositions of two or more
substances and includes all composite articles, whether they be results
of chemical union, or of mechanical mixture, or whether they be gases,
fluids, powders or solids." Shell Development Co. v.
Watson, 149 F. Supp. 279, 280, 113 USPQ 265, 266 (D.D.C. 1957),
aff'd, 252 F.2d 861, 116 USPQ 428 (D.C. Cir. 1958). A claimed signal is not
matter, but a form of energy, and therefore is not a composition of matter.

   The Supreme Court has read the term "manufacture" in accordance
with its dictionary definition to mean "the production of articles
for use from raw or prepared materials by giving to these materials new
forms, qualities, properties, or combinations, whether by hand-labor or
by machinery." Diamond v. Chakrabarty, 447 U.S. 303, 308,
206 USPQ 193, 196-97 (1980) (quoting American Fruit Growers, Inc.
v. Brogdex Co., 283 U.S. 1, 11, 8 USPQ 131, 133 (1931), which, in
turn, quotes the Century Dictionary). Other courts have applied similar
definitions. See American Disappearing Bed Co. v.
Arnaelsteen, 182 F. 324, 325 (9th Cir. 1910), cert.
denied, 220 U.S. 622 (1911). These definitions require physical
substance, which a claimed signal does not have. Congress can be
presumed to be aware of an administrative or judicial interpretation of
a statute and to adopt that interpretation when it re-enacts a statute
without change. Lorillard v. Pons, 434 U.S. 575, 580

(1978). Thus, Congress must be presumed to have been aware of the interpretation of manufacture in American Fruit Growers when it passed the 1952 Patent Act.

A manufacture is also defined as the residual class of product. 1 Chisum, Sec. 1.02[3] (citing W. Robinson, The Law of Patents for Useful Inventions 270 (1890)). A product is a tangible physical article or object, some form of matter, which a signal is not. That the other two product classes, machine and composition of matter, require physical matter is evidence that a manufacture was also intended to require physical matter. A signal, a form of energy, does not fall within either of the two definitions of manufacture. Thus, a signal does not fall within one of the four statutory classes of Sec. 101.

On the other hand, from a technological standpoint, a signal encoded with functional descriptive material is similar to a computer-readable memory encoded with functional descriptive material, in that they both create a functional interrelationship with a computer. In other words, a computer is able to execute the encoded functions, regardless of whether the format is a disk or a signal.

These interim guidelines propose that such signal claims are ineligible for patent protection because they do not fall within any of the four statutory classes of Sec. 101. Public comment is sought for further evaluation of this question.

ANNEX 5
Mathematical Algorithms

Claims to processes that do nothing more than solve mathematical problems or manipulate abstract ideas or concepts are complex to analyze and are addressed herein.

If the "acts" of a claimed process manipulate only numbers, abstract concepts or ideas, or signals representing any of the foregoing, the acts are not being applied to appropriate subject matter. Benson, 409 U.S. at 71-72, 175 USPQ at 676. Thus, a process consisting solely of mathematical operations, i.e., converting one set of numbers into another set of numbers, does not manipulate appropriate subject matter and thus cannot constitute a statutory process.

In practical terms, claims define nonstatutory processes if they:

- consist solely of mathematical operations without some claimed practical application (i.e., executing a "mathematical algorithm"); or

- simply manipulate abstract ideas, e.g., a bid (Schrader, 22 F.3d at 293-94, 30 USPQ2d at 1458-59) or a bubble hierarchy (Warmerdam, 33 F.3d at 1360, 31 USPQ2d at 1759), without some claimed practical application.

Cf. Alappat, 33 F.3d at 1543 n.19, 31 USPQ2d at 1556 n.19 in which the Federal Circuit recognized the confusion:

The Supreme Court has not been clear . . . as to whether such subject matter is excluded from the scope of Sec. 101 because it represents laws of nature, natural phenomena, or abstract ideas. See Diehr, 450 U.S. at 186 (viewed mathematical algorithm as a law of nature); Gottschalk v. Benson,

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Graffiti Writing Guide

<u>Block Recognizer</u> on the Pocket PC uses Palm Graffiti. Letters go in the left block and numbers are written in the right block
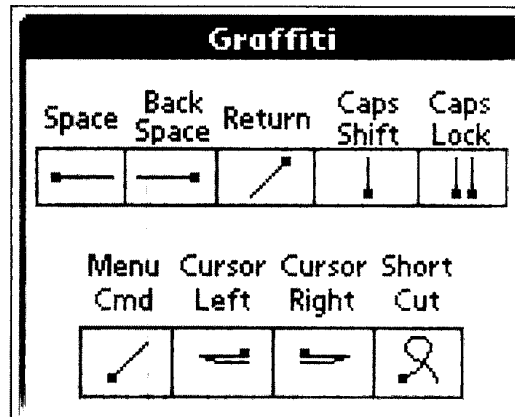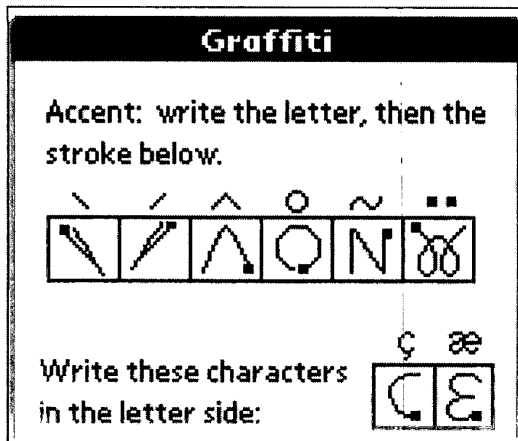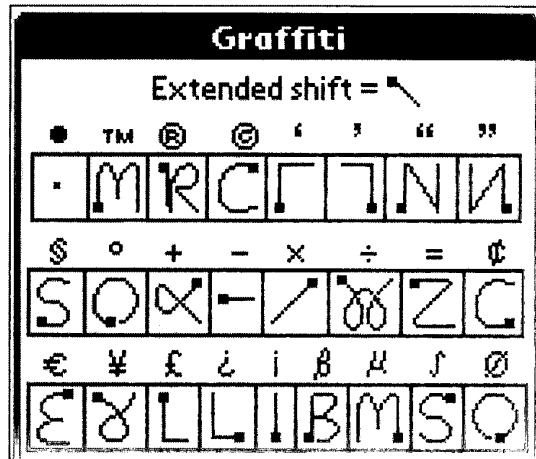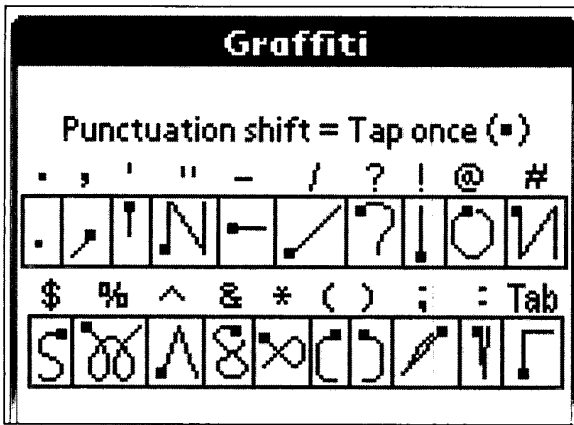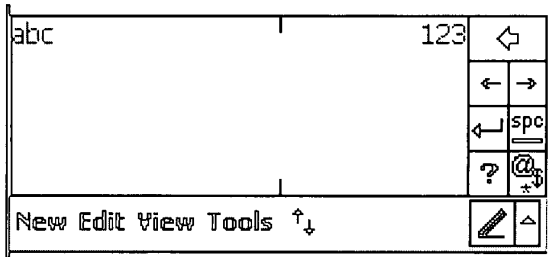
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Graffiti 2

The latest version of Graffiti, that comes on the Palm Tungsten T3 and higher, is a slight modification of the original Graffiti.

Draw letters on LEFT side of Graffiti 2 writing area			
Letter	**Strokes**	**Letter**	**Strokes**
A	$\wedge$	B	B
C	C	D	D
E	E	F	Γ
G	G	H	h
I	1 i 2	J	J

Draw letters on LEFT side of Graffiti 2 writing area			
Letter	**Strokes**	**Letter**	**Strokes**
K	1 K 2	L	L
M	m	N	N
O	O	P	p
Q	q	R	R
S	S	T	2 T 1
U	U	V	V
W	W	X	1 X 2
Y	y	Z	Z

Draw numbers on RIGHT side of Graffiti 2 writing area			
Number	**Strokes**	**Number**	**Strokes**
0	O	1	↑
2	2	3	3
4	1 4 2	5	5
6	6	7	7
8	8	9	9

Write letters here ———

Write capital letters across the imaginary division line

——— Write numbers here

Division marks
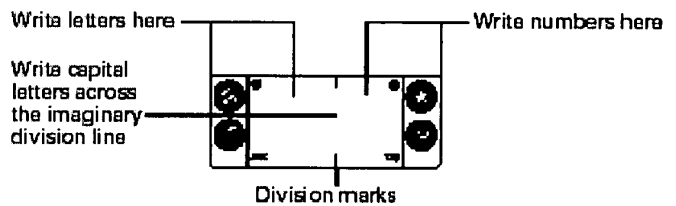
Palm devices only

Draw these marks on LEFT side of Graffiti 2 writing area			
Mark	**Stroke**	**Mark**	**Stroke**
Period .	•	Ampersand &	&
Comma ,	⌐	Carriage return	/
Apostrophe '	↑	At @	@
Space	—	Straight quotes "	⊓
Question ?	1 ? 2	Tab	⌐
Exclamation !	1 ! 2		

Draw these marks on RIGHT side of Graffiti 2 writing area			
Mark	**Stroke**	**Mark**	**Stroke**
Period .	■	Backslash \	\
Comma ,	⌐	Slash /	/
Tilde ~	N	Left Paren (	(
Dash –	—	Right Paren)	)
Plus +	1 + 2	Equal =	=
Asterisk *	1 X 2		

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Jot Users Guide

Letter Recognizer on the PocketPC recognizes many variations of character input similar to the Palm program Jot. Capital letters go in the first block, lowercase letters in the middle, and numbers on the right.

ABC   abc   123

New Edit View Tools

Quick Tips:

To enable Jot:
Tap the JOT icon in the Applications Launcher and ensure that ENABLE JOT is checked. Also ensure that JOT is selected.

Refer to the online tutorial for writing additional characters and symbols.

To select text when writing in full screen hold down the stylus, pause, then drag it over the text.

Disable Jot before removing it from the device
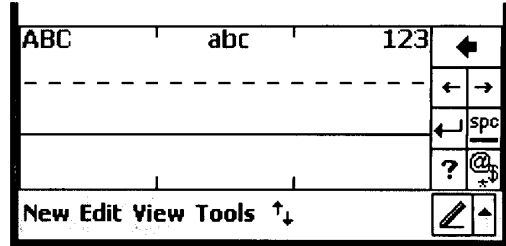
Write numbers and the following symbols to the right of the mode marks.

To enter lowercase letters, write the following shapes to the left of the mode mark.
To enter uppercase letters, write the same character shape across the mode mark.

Jot® for Palm OS Quick Start Card

Palm OS™ Emulator

Lowercase
Uppercase
Numbers and punctuation
Mode mark
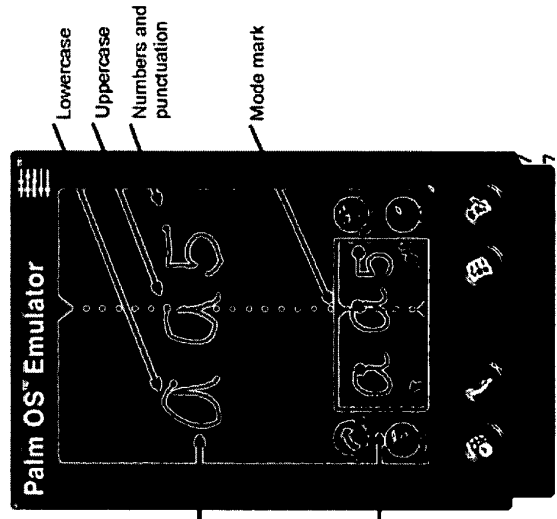
Write in full screen or box mode

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a		**l**		**w**		double quote	
b		**m**		**x**		tab	
c		**n**		**y**		space	
d		**o**		**z**		backspace	
e		**p**		period	• or \ *	new line	
f		**q**		comma		cut	
g		**r**		aspostrophe		copy	
h		**s**		question		paste	
i		**t**		exclamation		undo	
j		**u**		ampersand		command	
k		**v**		at			

* • or •• is written in the writing area.

\ or \\ is used when writing on the display.

Write numbers and the following symbols to the right of the division marks.

0		**6**		dash		(	
1		**7**		tilde		)	
2		**8**		+		=	
3		**9**		٭		backspace	
4		period	• or \ *	/			
5		comma		\			

Write accent marks to the right of the division marks after writing an upper or lower case letter.

à		**â**		**ä**	•• or \\ *
á		**ã**		**å**	

Writers Guide to the Pocket PC and Palm
Jot Special characters

.	•	:	:	□		®	®
,		=	=	«	<<	©	©
'		#	#	»	>>	^	∧
-	—	*	✳	..		§	§
_	—•	&	&	‾		¢	¢
~	N	Æ	ÆI	·		‡	‡
@	@ @	æ	ae	¬		...	...
<	<	Ç		`		•	
>	>	ç		´		-	----
(	(	ª	a	¦		-	----
)	)	º	○	-		‹	
[	[	‚		™	™	›	
]	]	¿		Œ		ƒ	ƒ
}	}	¡		œ		š	š
{	{	þ		‰	‰	ž	ž
|		Þ		†		ˆ	
!		Đ		¹		˜	
?		ð		²		'	
$	$ $	Ø		³		'	
%	%	ø		±	±	"	
/	/	ß	ß	×	×	"	
\	\	µ	M	÷	÷	,	
"		¥		¼		„	
+	•+	£		½		€	€
;		¶		¾			

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER
PITARO, RYAN F

ART UNIT	PAPER NUMBER
2174	

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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.

PTOL-90A (Rev. 04/07)

122

Office Action Summary	Application No.	Applicant(s)
	10/315,250	GOERTZ, MAGNUS
	Examiner	Art Unit	
	Ryan F. Pitaro	2174	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *15 March 2007*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-18* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-18* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

U.S. Patent and Trademark Office
PTOL-326 (Rev. 08-06)   Office Action Summary   Part of Paper No./Mail Date 20070517

DETAILED ACTION

Response to Amendment

This communication is responsive to the Amendment filed 3/15/2007.

Claims 1-18 are pending in this application. Claims 1, 15 and 17 are

independent claims. In the Amendment the Specification and the Claims were

amended. Claims 1-18 were amended.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of
matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the
conditions and requirements of this title.

Claims 1-16 are rejected under 35 U.S.C. 101 because the claimed invention is

directed to non-statutory subject matter. A graphical user interface is simply non

functional descriptive material per se, and therefore lacks an actual data structure to be

considered statutory. To be an actual data structure it must be a physical or logical

relationship among data elements designed to support specific data manipulation

functions.

Claim Rejections - 35 USC § 103·

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1, 4-7, 12, 15 and 17 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Carlson ("Carlson", Carlson, Jeff. <u>Visual Quickstart Guide Palm</u>

<u>Organizers</u>. Peachpit Press. 2000. Berkeley, CA.) in view of Haitani et al ("Haitani", US

5,900875) in view of Venolia et al ("Venolia", T-Cube: A Fast, Self-Disclosing Pen-

Based Alphabet).

1.   As per claim 1, Carlson teaches a user interface for a mobile handheld computer

unit (Introduction, page xiii), where said computer unit comprises a touch sensitive area

(page 26, *the screen is touch sensitive*), that is simultaneously divided into a menu area

(page 12, fig. 1.10 *silk screen graffiti area*) and a display area, the computer unit is

being adapted to run several applications simultaneously (page 47, *all of the*

applications are running concurrently), and to present an active application on top of

any other application on said display area, characterised in, that said menu area is

adapted to present a representation of a first, a second and a third predefined function,

that said first function is a general application dependent function (page 28, *the Menu*

icon, fig. 2.4), that said second function is a keyboard function (page 30, *either the abc*

or 123 dots in the lower corner of the Graffiti area), that said third function is a task and

file manager (page 47, *the Applications screen* & fig. 2.35), and that any one of said

three functions can be activated when said touch sensitive area detects a movement of

an object with its starting point within the representation of said function on said menu

area and with a direction from said menu area to said display area (page 40, *bottom-to-*

top screen stroke shortcut fig. 2.22 & page 30, *drag the stylus vertically across the*

screen from bottom to top), said user interface allowing low precision navigation using a

blunt object, whereby said user interface can be operated by one hand (page 12, *"The*

stylus is the main method of interacting with the PalmPilot" and it inherently involves

one hand to use the stylus. Also, if a finger was used, that would also be considered

using one hand), where said blunt object is a finger (page 12, *"The stylus is the main*

method of interacting" **though** anything including fingers **can** work). Carlson fails to

distinctly point out simultaneously displaying a first, second, and third function.

However, Haitani teaches the menu area being adapted to simultaneously present

representations of a first function that is a general application dependent function

(Figure 1 items 151,153), a second function that is a keyboard function (Figure 1 item

145) and a third function that is a task and file manager (Figure 1 item 141). Therefore it

would have been obvious to an artisan at the time of the invention to combine the

teaching of Haitani with the interface of Carlson. Motivation to do so would have been to

provide ~~away~~ a way to view information that does not fit on the display. The modified Carlson

still does not explicitly point out activation by a single step of an object moving in a

direction on the touch sensitive area. However, Venolia teaches activating by the single

step of an object moving in a direction from a starting point that is representation of the function in the menu area to the display area (Column 2, flick gestures). Therefore it would have been obvious to an artisan at the time of the invention to combine the teaching of Venolia with the modified Carlson. Motivation to do so would have been to provide a fast way of selecting functions.

2.   As per claim 4, the modified Carlson teaches the user interface according to claim 1, characterised in,

that, if said second function is activated, said display area is adapted to display a keyboard and a text field,

that, if a text passage in said active application is highlighted, said text passage is displayed in said text field for editing through said keyboard and that said highlighted text passage is replaced by said edited text passage when said second function is deactivated, and

that, if no text passage in said active application is highlighted, said text field is available for inputting and editing of text through said keyboard (Carlson, page 30, fig 2.7).

3.   As per claim 5, the modified Carlson teaches the user interface according to claim 4, characterized in, that if no text passage in said active application is highlighted, and said text field is used for inputting and editing of text through said keyboard (Carlson, page 30, fig 2.7), then

said first function can be activated, or

said second function can be closed, in which a choice of saving or deleting said

inputted text is given, where the choice of saving said inputted text results in an

activation of said first function,

in which said first function will present services or settings available for said

inputted text (Carlson, page 28, fig. 2.4 *Beam Memo*).

4.   As per claim 6, the modified Carlson teaches the user interface according to

claim 1, characterised in, that, if said third function is activated, said display area is

adapted to display a list with a library of available applications and files on said

computer unit, that a selection of an application will start said application, and that a

selection of a file will open said file in an application intended for said file (Carlson, page

47, fig. 2.35).

5.   As per claim 7, the modified Carlson teaches the user interface according to

claim 6, characterised in, that a selection of an application or a file is done by moving

said object so that the representation of desired application or file is highlighted,

removing said object from said touch sensitive area, and then tapping on said touch

sensitive area, and that an application or file is highlighted by placing some kind of

marking on the representation of said application or file (Carlson, pages 26 & 27).

6.   As per claim 12, the modified Carlson teaches the user interface according to

Claim 1, characterised in, that an active application, function, service or setting is

moved on one step by moving said object from the left of said display area to the right of

said display area, and that the active application, function service or setting is closed or

backed one step by moving said object from the right of said display area to the left of said display area (Carlson, page 246, fig. 14.2, *Drag to scroll through file*).

7.   As per claim 15, the modified Carlson teaches an enclosure adapted to cover a computer unit, said computer unit being adapted to present a user interface according Claim 1, characterised in, that said enclosure is provided with an opening for said display area, and that a representation of said menu area is printed on top of said enclosure (Carlson, page 12, *Silkscreen Graffiti area* & fig. 1.10).

8.   As per claim 17, the modified Carlson teaches a computer readable medium, with a computer program product stored therein, characterised in, that said computer program product comprises computer readable code, which, when read by a computer, will make it possible for said computer to present a user interface according to Claim 1 (Carlson, page 25, *Palm OS*).

Claims 2 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carlson ("Carlson", Carlson, Jeff. Visual Quickstart Guide Palm Organizers. Peachpit Press. 2000. Berkeley, CA.), Haitani et al ("Haitani", US 5,900875), and Venolia et al ("Venolia", T-Cube: A Fast, Self-Disclosing Pen-Based Alphabet) in view of Kopitzke et al. ("Kopitzke", US # 6,988,246 B2).

9.   As per claim 2, the modified Carlson teaches the user interface according to claim 1, characterized in, that, if said first function is activated, said display area is adapted to display icons representing different services or settings depending on the current active application (Carlson, page 28, *the Menu icon*, fig. 2.4), and that, if no

application is currently active on said computer unit, said icons are adapted to represent

services or settings of the operations system of said computer unit (Carlson, page 47,

fig. 2.36, *12:11 am*).

However the modified Carlson does not teach expressly the user interface

according to claim 1, characterized in, that, if said first function is activated, said display

area is adapted to display icons representing different services or settings depending on

the current active application, that one of said icons always represents a "help"-service,

regardless of application.

Kopitzke teaches the user interface according to claim 1, characterised in, that

said display area is adapted to display icons representing different services or settings

depending on the current active application, that one of said icons always represents a

"help"-service, regardless of application (column 4, lines 36-53 & fig. 1, *Help key or*

button 6).

The modified Carlson and Kopitzke are analogous art because they are in the

same field of endeavor, namely graphical user interfaces with touch sensitive displays.

At the time of the invention it would have been obvious to a person of ordinary

skill in the art to provide the help function as taught by Kopitzke within the user interface

of the modified Carlson in order to provide context sensitive information.

As per claim 3, the modified Carlson teaches the user interface according to

claim 2, characterised in, that a selection of a preferred service or setting is done by

tapping on corresponding icon (Carlson, page 26, fig. 2.1 *Tapping just about any*

interface element in the Palm OS evokes a response).

Claims 8-11 and 13 is rejected under 35 U.S.C. 103(a) as being unpatentable

over Carlson ("Carlson", Carlson, Jeff. <u>Visual Quickstart Guide Palm Organizers</u>.

Peachpit Press. 2000. Berkeley, CA.), Haitani et al ("Haitani", US 5,900875), and

Venolia et al ("Venolia", T-Cube: A Fast, Self-Disclosing Pen-Based Alphabet) in view of

Wynn et al. ("Wynn", US # 6,734,883 B1).

10.   As per claim 8, the modified Carlson teaches the user interface according to

claim 7. However the modified Carlson does not teach expressly the user interface,

characterised in, that said list is adapted to present only said files or only said

applications, that the top area of said list presents a field through which the content of

said list can be altered, that, if said list only presents files, said field displays a

representation of a task manager and a selection of said field will cause said list to alter

to present only applications, and that, if said list only presents applications, said field

displays a representation of a file manager and a selection of said field will cause said

list to alter and present only files.

Wynn teaches a user interface control, characterised in, that said list is adapted

to present only said files or only said applications, that the top area of said list presents

a field through which the content of said list can be altered (column 3, lines 4-8, *dialog

box* 32), that, if said list only presents files, said field displays a representation of a task

manager and a selection of said field will cause said list to alter to present only

applications, and that, if said list only presents applications, said field displays a

representation (column 3, lines 4-8, *label* 31) of a file manager and a selection of said

field will cause said list to alter and present only files (column 3, lines 15-31).

The modified Carlson and Wynn are analogous art because they are in the same field of endeavor, namely scrolling within graphical user interfaces with touch sensitive displays.

At the time of the invention it would have been obvious to a person of ordinary skill in the art to have the selection list format as taught by Wynn within the user interface of the modified Carlson in order to provide a conventional list format.

11.   As per claim 9, the modifiedCarlson teaches the user interface according to claim 7, characterised in, that, a navigation in said list is performed by moving said object in a direction towards the top of said list or towards the bottom of said list, that the movement of said object will cause said marking to move in the same direction (Carlson, page 27, *a quicker way to view the full list is to tap and hold on the dark solid portion of the scroll bar, then drag it vertically*).

However the modified Carlson does not teach expressly that the speed of the movement of said marking is lower than the speed of the movement of said object.

Wynn teaches a user interface control, characterised in, that, a navigation in said list is performed by moving said object in a direction towards the top of said list or towards the bottom of said list, that the movement of said object will cause said marking to move in the same direction (column 3, lines 32-39 & figs. 5) and that the speed of the movement of said marking is lower than the speed of the movement of said object (column 4, lines 24-30).

At the time of the invention it would have been obvious to a person of ordinary skill in the art to have the scrolling function as taught by Wynn within the user interface of the modifiedCarlson in order to provide a conventional selection list.

12.   As per claim 10, the modified Carlson in view of Wynn teaches the user interface according to claim 9, characterised in, that, if the number of applications and/or files in said list exceeds the number of applications and files that can be presented on said display area, and if said object is moved to the top or bottom position of said display area, then lifted, replaced on said display area, and again moved to the top or bottom of said display area, the content of said display area will be replaced one whole page, meaning that if said object is positioned at the top of said display area, then lifted, replaced on said display area, and then again moved to the top of said display area, the content of said display area will be replaced by the preceding applications and/or files in said list (Carlson, page 253, fig. 14.15 *Full Page Up*).

The modified Carlson in view of Wynn does not disclose expressly the user interface, characterised in that if said object is positioned at the bottom of said display area, then lifted, replaced on said display area, and then again moved to the bottom of said display area, the content of said display area will be replaced by the following applications and/or files in said list.

At the time of the invention, it would have been an obvious matter of design choice to a person of ordinary skill in the art to modify the *Full Page Up* function (Carlson, page 253, fig 14.15) to work as a Full Page Down function by tapping on the bottom of the display area because Applicant has not disclosed that *if said object is*

14.   As per claim 13, the modified Carlson teaches the user interface according to

Claim 1, characterised in, that said menu area is positioned at the bottom of said touch

sensitive area, that said representation of said first function is positioned at the left side

of said menu area, and that said representation of said second function is positioned at

the middle of said menu area.

The modified Carlson does not teach expressly that said representation of said

third function is positioned at the right side of said menu area.

At the time the invention was made, it would have been an obvious matter of

design choice to a person of ordinary skill in the art to place the third function on the

right side of the display area instead of the left, because Applicant has not disclosed

that *said representation of said third function is positioned at the right side of said menu

area* provides an advantage, is used for a particular purpose or solves a stated problem.

One of ordinary skill in the art, furthermore would have expected Applicant's invention to

perform equally well with the third function on the left side of the display area because

the placement of the representation would not change its functionality.

Claims 14 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Carlson ("Carlson", Carlson, Jeff. Visual Quickstart Guide Palm Organizers.

Berkeley, CA: Peachpit Press, 2000), Haitani et al ("Haitani", US 5,900875), and

Venolia et al ("Venolia", T-Cube: A Fast, Self-Disclosing Pen-Based Alphabet) in view of

Strietelmeier ("Strietelmeier", Strietelmeier, Julie. "Palm m100." The Gadgeteer. 2000.

<http://www.the-gadgeteer.com/review/palm_m100_review>).

positioned at the bottom of said display area, then lifted, replaced on said display area,

and then again moved to the bottom of said display area, the content of said display

area will be replaced by the following applications and/or files in said list provides an

advantage, is used for a particular purpose, or solves a stated problem. One of ordinary

skill in the art, furthermore, would have expected Applicant's invention to perform

equally well with the modified Full Page Up function as taught by Carlson because it

would only need to be implemented to scroll down instead of up, when the display area

is tapped on the bottom, instead of the top.

13.   As per claim 11, the modified Carlson in view of Wynn teaches the user interface

according to claim 10, characterised in, that if said object is removed from any first

position on said display area and then replaced on any second position on said display

area, said navigation can be continued from said second position (Carlson, page 253,

fig. 14.15).

Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Carlson

("Carlson", Carlson, Jeff. <u>Visual Quickstart Guide Palm Organizers</u>. Peachpit Press.

2000. Berkeley, CA.) in view of Haitani et al ("Haitani", US 5,900875) in view of Venolia

et al ("Venolia", T-Cube: A Fast, Self-Disclosing Pen-Based Alphabet).

15.   As per claim 14, the modified Carlson teaches the user interface according to

Claim 1, characterised in, that said user interface is adapted to a touch sensitive area

and that said user interface is adapted to be operated by one hand, where said object

can be a finger (page 12, *stylus...includes fingers*).

However the modified Carlson does not teach expressly a touch sensitive area

with a size that is in the order of 2-3 inches.

Strietelmeier teaches a user interface, characterised in, a touch sensitive area

with a size that is in the order of 2-3 inches (page 4).

The modified Carlson and Strietelmeier are analogous art because they are in

the same field of endeavor, namely palm-sized computer organizers.

At the time of the invention it would have been obvious to a person of ordinary

skill in the art to have the dimensions of a touch sensitive area as taught by

Strietelmeier within the user interface of the modified Carlson in order to provide a touch

sensitive area with the manufacturer's dimensions.

16.   As per claim 16, the modified Carlson teaches the enclosure according to claim

15. However, the modified Carlson does not disclose the enclosure characterised in,

that said enclosure is removable and exchangeable.

Strietelmeier teaches an enclosure characterised in, that said enclosure is

removable and exchangeable (page 3, *you can also remove the entire face plate...*

there will be different face plates available).

At the time of the invention it would have been obvious to a person of ordinary skill in the art to have the customizable enclosures as taught by Strietelmeier within the enclosure of the modified Carlson in order to tailor an enclosure to a user's preferences.

17.   Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Carlson ("Carlson", Carlson, Jeff. Visual Quickstart Guide Palm Organizers. Berkeley, CA: Peachpit Press, 2000) in view of Chew et al. ("Chew", US # 6,727,917), Haitani et al ("Haitani", US 5,900875), and Venolia et al ("Venolia", T-Cube: A Fast, Self-Disclosing Pen-Based Alphabet).

As per claim 18, the modified Carlson teaches a computer readable medium according to claim 17.

However the modified Carlson does not teach expressly, that said computer program product is adapted to function as a shell upon an operations system.

Chew teaches a user interface for a palm-sized computer device, characterised in, that said computer program product is adapted to function as a shell upon an operations system (column 2, lines 1-5).

The modified Carlson and Chew are analogous art because they are in the same field of endeavor, namely graphical user interfaces for hand-held personal computing devices with touch sensitive displays.

At the time of the invention it would have been obvious to a person of ordinary skill in the art to further modify the modified Carlson program to function as shell as taught by Chew in order to efficiently display information.

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Response to Arguments

Applicant's arguments with respect to claims 1-18 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ryan F. Pitaro whose telephone number is 571-272-4071. The examiner can normally be reached on 7:00am - 4:30pm Mondays through Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid can be reached on 571-272-4063. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Ryan Pitaro
Patent Examiner
Art unit 2174

Kristine Kincaid
KRISTINE KINCAID
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100

RFP

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Notice of References Cited	Application/Control No. 10/315,250	Applicant(s)/Patent Under Reexamination GOERTZ, MAGNUS	
	Examiner Ryan F. Pitaro	Art Unit 2174	Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
*	A	US-5,900,875 A	05-1999	Haitani et al.	715/840
*	B	US-2002/0046353 A1	04-2002	Kishimoto, Toyoaki	713/202
*	C	US-2002/0002326	01-2002	Causey et al.	600/300
	D	US-			
	E	US-			
	F	US-			
	G	US-			
	H	US-			
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			

FOREIGN PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N					
	O					
	P					
	Q					
	R					
	S					
	T					

NON-PATENT DOCUMENTS

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	Venolia et al, "T-Cube: A Fast, Self-Disclosing Pen-Based Alphabet, April 24, 1994, Pages 265-270
	V	
	W	
	X	

*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.

U.S. Patent and Trademark Office
PTO-892 (Rev. 01-2001)   **Notice of References Cited**   Part of Paper No. 20070517

Search Notes

Application/Control No.	Applicant(s)/Patent under Reexamination
10/315,250	GOERTZ, MAGNUS
Examiner	Art Unit
Ryan F. Pitaro	2174

SEARCHED

Class	Subclass	Date	Examiner
Update	Search	5/16/2007	RFP

INTERFERENCE SEARCHED

Class	Subclass	Date	Examiner

SEARCH NOTES (INCLUDING SEARCH STRATEGY)

		DATE	EXMR
Updated Search		5/17/2007	RFP
Internet, IEEE		5/17/2007	RFP

Index of Claims

Application/Control No. 10/315,250	**Applicant(s)/Patent under Reexamination** GOERTZ, MAGNUS
Examiner Ryan F. Pitaro	**Art Unit** 2174

√	Rejected	−	(Through numeral) Cancelled	N	Non-Elected	A	Appeal
=	Allowed	÷	Restricted	I	Interference	O	Objected

Claim (Final)	Claim (Original)	Date 5/17/07		Claim (Final)	Claim (Original)		Claim (Final)	Claim (Original)
	1	√			51			101
	2	√			52			102
	3	√			53			103
	4	√			54			104
	5	√			55			105
	6	√			56			106
	7	√			57			107
	8	√			58			108
	9	√			59			109
	10	√			60			110
	11	√			61			111
	12	√			62			112
	13	√			63			113
	14	√			64			114
	15	√			65			115
	16	√			66			116
	17	√			67			117
	18	√			68			118
	19				69			119
	20				70			120
	21				71			121
	22				72			122
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	45				95			145
	46				96			146
	47				97			147
	48				98			148
	49				99			149
	50				100			150

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/315,250	12/10/2002	Magnus Goertz	3682-32	1226

23117   7590   03/20/2007
NIXON & VANDERHYE, PC
901 NORTH GLEBE ROAD, 11TH FLOOR
ARLINGTON, VA 22203

EXAMINER
PURCELL, IAN M

ART UNIT	PAPER NUMBER
2174	

MAIL DATE	DELIVERY MODE
03/20/2007	PAPER

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

PTOL-90A (Rev. 10/06)

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Interview Summary	Application No.	Applicant(s)
	10/315,250	GOERTZ, MAGNUS
	Examiner	Art Unit
	Ian M. Purcell	2174

All participants (applicant, applicant's representative, PTO personnel):

(1) *Ian M. Purcell*.

(3) *Robert A. Molan*.

(2) *Kristine Kincaid*.

(4)_____.

Date of Interview: *13 March 2007*.

Type: a)☐ Telephonic b)☐ Video Conference
c)☒ Personal [copy given to: 1)☐ applicant   2)☒ applicant's representative]

Exhibit shown or demonstration conducted: d)☐ Yes e)☒ No.
If Yes, brief description: _____.

Claim(s) discussed: *Claim 1*.

Identification of prior art discussed: *Carlson*.

Agreement with respect to the claims f)☐ was reached. g)☒ was not reached. h)☐ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: *Discussed the proposed amendments to independent claim 1. The examiner will provide possible amendments to the claim language in order to clarify the claimed invention*.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN A NON-EXTENDABLE PERIOD OF THE LONGER OF ONE MONTH OR THIRTY DAYS FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

Kristine Kincaid
KRISTINE KINCAID
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.

Examiner's signature, if required

Summary of Record of Interview Requirements

Manual of Patent Examining Procedure (MPEP), Section 713.04, Substance of Interview Must be Made of Record
A complete written statement as to the substance of any face-to-face, video conference, or telephone interview with regard to an application must be made of record in the application whether or not an agreement with the examiner was reached at the interview.

Title 37 Code of Federal Regulations (CFR) § 1.133 Interviews
Paragraph (b)
In every instance where reconsideration is requested in view of an interview with an examiner, a complete written statement of the reasons presented at the interview as warranting favorable action must be filed by the applicant. An interview does not remove the necessity for reply to Office action as specified in §§ 1.111, 1.135. (35 U.S.C. 132)

37 CFR §1.2 Business to be transacted in writing.
All business with the Patent or Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

The action of the Patent and Trademark Office cannot be based exclusively on the written record in the Office if that record is itself incomplete through the failure to record the substance of interviews.

It is the responsibility of the applicant or the attorney or agent to make the substance of an interview of record in the application file, unless the examiner indicates he or she will do so. It is the examiner's responsibility to see that such a record is made and to correct material inaccuracies which bear directly on the question of patentability.

Examiners must complete an Interview Summary Form for each interview held where a matter of substance has been discussed during the interview by checking the appropriate boxes and filling in the blanks. Discussions regarding only procedural matters, directed solely to restriction requirements for which interview recordation is otherwise provided for in Section 812.01 of the Manual of Patent Examining Procedure, or pointing out typographical errors or unreadable script in Office actions or the like, are excluded from the interview recordation procedures below. Where the substance of an interview is completely recorded in an Examiners Amendment, no separate Interview Summary Record is required.

The Interview Summary Form shall be given an appropriate Paper No., placed in the right hand portion of the file, and listed on the "Contents" section of the file wrapper. In a personal interview, a duplicate of the Form is given to the applicant (or attorney or agent) at the conclusion of the interview. In the case of a telephone or video-conference interview, the copy is mailed to the applicant's correspondence address either with or prior to the next official communication. If additional correspondence from the examiner is not likely before an allowance or if other circumstances dictate, the Form should be mailed promptly after the interview rather than with the next official communication.

The Form provides for recordation of the following information:
- Application Number (Series Code and Serial Number)
- Name of applicant
- Name of examiner
- Date of interview
- Type of interview (telephonic, video-conference, or personal)
- Name of participant(s) (applicant, attorney or agent, examiner, other PTO personnel, etc.)
- An indication whether or not an exhibit was shown or a demonstration conducted
- An identification of the specific prior art discussed
- An indication whether an agreement was reached and if so, a description of the general nature of the agreement (may be by attachment of a copy of amendments or claims agreed as being allowable). Note: Agreement as to allowability is tentative and does not restrict further action by the examiner to the contrary.
- The signature of the examiner who conducted the interview (if Form is not an attachment to a signed Office action)

It is desirable that the examiner orally remind the applicant of his or her obligation to record the substance of the interview of each case. It should be noted, however, that the Interview Summary Form will not normally be considered a complete and proper recordation of the interview unless it includes, or is supplemented by the applicant or the examiner to include, all of the applicable items required below concerning the substance of the interview.

A complete and proper recordation of the substance of any interview should include at least the following applicable items:
1) A brief description of the nature of any exhibit shown or any demonstration conducted,
2) an identification of the claims discussed,
3) an identification of the specific prior art discussed,
4) an identification of the principal proposed amendments of a substantive nature discussed, unless these are already described on the Interview Summary Form completed by the Examiner,
5) a brief identification of the general thrust of the principal arguments presented to the examiner,
   (The identification of arguments need not be lengthy or elaborate. A verbatim or highly detailed description of the arguments is not required. The identification of the arguments is sufficient if the general nature or thrust of the principal arguments made to the examiner can be understood in the context of the application file. Of course, the applicant may desire to emphasize and fully describe those arguments which he or she feels were or might be persuasive to the examiner.)
6) a general indication of any other pertinent matters discussed, and
7) if appropriate, the general results or outcome of the interview unless already described in the Interview Summary Form completed by the examiner.

Examiners are expected to carefully review the applicant's record of the substance of an interview. If the record is not complete and accurate, the examiner will give the applicant an extendable one month time period to correct the record.

Examiner to Check for Accuracy

If the claims are allowable for other reasons of record, the examiner should send a letter setting forth the examiner's version of the statement attributed to him or her. If the record is complete and accurate, the examiner should place the indication, "Interview Record OK" on the paper recording the substance of the interview along with the date and the examiner's initials.

2

HE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

GOERTZ

Atty. Ref.: 5042-2
(Formerly 3682-32)

Serial No.: 10/315,250

Group: 2174

Filed: December 10, 2002

Examiner: Purcell, Ian M.

For: USER INTERFACE

* * * * * * * * * * *

March 15, 2007

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

AMENDMENT AFTER FINAL REJECTION

Sir:

In response to the Final Office Action mailed November 15, 2006, please amend the above-identified application as follows:

Amendments to the Claims are reflected in the listing of claims which begins on page 2 of this paper.

Remarks/Arguments begin on page 9 of this paper.

1182121

GOERTZ
Serial No.: 10/315,250

AMENDMENTS TO THE CLAIMS

This listing of claims will replace all prior versions, and listings, of claims in the application.

1. (Currently Amended) A user interface for a mobile handheld computer unit, where said computer unit comprises comprising:

a touch sensitive area, which touch sensitive area is that is simultaneously divided into a menu area and a display area,

where said the computer unit is being adapted to run several applications simultaneously, and to present an active application on top of any other application on said the display area, characterised in, that

said the menu area is being adapted to simultaneously present a representations of a first, a second and a third predefined function, that said a first function that is a general application dependent function, that said a second function that is a keyboard function, that said and a third function that is a task and file manager, and

that any one of said each of the three functions simultaneously represented in the menu area can being activated when said by the single step of an object moving in a direction from a starting point that is the representation of the function in the menu area to the display area being detected by the touch sensitive area, detects a movement of an object moving with its starting point within the representation of said function on said menu area and with a direction from said menu area to said display area, said user interface thereby allowing low precision navigation of the user interface using a blunt object, whereby said so that the user interface can be operated by

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one hand, where ~~said~~ the blunt object ~~can be~~ is a finger.

2. (Previously Presented) The user interface according to Claim 1, characterized in, that, if said first function is activated, said display area is adapted to display icons representing different services or settings depending on the current active application, that one of said icons always represents a "help"-service, regardless of application, and that, if no application is currently active on said computer unit, said icons are adapted to represent services or settings of the operations system of said computer unit.

3. (Previously Presented) The user interface according to Claim 2, characterised in, that ~~that~~ a selection of a preferred service or setting is done by tapping on corresponding icon.

4. (Previously Presented) The user interface according to Claim 1, characterised in,

- that, if said second function is activated, said display area is adapted to display a keyboard and a text field,

- that, if a text passage in said active application is highlighted, said text passage is displayed in said text field for editing through said keyboard and that said highlighted text passage is replaced by said edited text passage when said second function is deactivated, and

- that if no text passage in said active application is highlighted, said text field is available for inputting and editing of text through said keyboard.

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5. (Previously Presented) The user interface according to Claim 4, characterised in, that if no text passage in said active application is highlighted, said text field is used for inputting and editing of text through said keyboard, then

- said first function can be activated, or

- said second function can be closed, in which a choice of saving or deleting said inputted text is given, where the choice of saving said inputted text results in an activation of said first function,

in which said first function will present services or settings available for said inputted text.

6. (Previously Presented) The user interface according to Claim 1, characterised in, that, if said third function is activated, said display area is adapted to display a list with a library of available applications and files on said computer unit, that a selection of an application will start said application, and that a selection of a file will open said file in an application intended for said file.

7. (Previously Presented) The user interface according to Claim 6, characterised in, that a selection of an application or a file is done by moving said object so that the representation of desired application or file is highlighted, removing said object from said touch sensitive area, and then tapping on said touch sensitive area, and that an application or file is highlighted by placing some kind of marking on the representation of said application or file.

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8. (Previously Presented) The user interface according to Claim 7, characterised in, that said list is adapted to present only said files or only said applications, that the top area of said list presents a field through which the content of said list can be altered, that, if said list only presents files, said field displays a representation of a task manager and a selection of said field will cause said list to alter to present only applications, and that, if said list only presents applications, said field displays a representation of a file manager and a selection of said field will cause said list to alter and present only files.

9. (Previously Presented) The user interface according to Claim 7, characterised in, that, a navigation in said list is performed by moving said object in a direction towards the top of said list or towards the bottom of said list, that the movement of said object will cause said marking to move in the same direction, and that the speed of the movement of said marking is lower than the speed of the movement of said object.

10. (Previously Presented) The user interface according to Claim 9, characterised in, that, if the number of applications and/or files in said list exceeds the number of applications and files that can be presented on said display area, and if said object is moved to the top or bottom position of said display area, then lifted, replaced on said display area, and again moved to the top or bottom of said display area, the content of said display area will be replaced one whole page, meaning that if said object is positioned at the bottom of said display area, then lifted,

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replaced on said display area, and then again moved to the bottom of said display area, the content of said display area will be replaced by the following applications and/or files in said list, and if said object is positioned at the top of said display area, then lifted, replaced on said display area, and then again moved to the top of said display area, the content of said display area will be replaced by the preceding applications and/or files in said list.

11. (Previously Presented) The user interface according to Claim 10, characterised in, that if said object is removed from any first position on said display area and then replaced on any second position on said display area, said navigation can be continued from said second position.

12. (Previously Presented) The user interface according to Claim 1, characterised in, that an active application, function, service or setting is moved on one step by moving said object from the left of said display area to the right of said display area, and that the active application, function, service or setting is closed or backed one step by moving said object from the right of said display area to the left of said display area.

13. (Previously Presented) The user interface according to Claim 1, characterised in, that said menu area is positioned at the bottom of said touch sensitive area, that said representation of said first function is positioned at the left side of said menu area, that said

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representation of said second function is positioned at the middle of said menu area, and that said

representation of said third function is positioned at the right side of said menu area.

14. (Previously Presented) The user interface according to Claim 1, characterised in,

that said user interface is adapted to a touch sensitive area with a size that is in the order of 2-3

inches, and that said user interface is adapted to be operated by one hand, where said object can

be a finger.

15. (Previously Presented) An enclosure adapted to cover a computer unit, said

computer unit being adapted to present a user interface according to Claim 1, characterised in,

that said enclosure is provided with an opening for said display area, and that a representation of

said menu area is printed on top of said enclosure.

16. (Previously Presented) The enclosure according to Claim 15, characterised in, that

said enclosure is removable and exchangeable.

17. (Original) A computer readable medium, with a computer program product stored

therein, characterised in, that said computer program product comprises computer readable code,

which, when read by a computer, will make it possible for said computer to present a user

interface according to Claim 1.

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18. (Original) A computer readable medium according to Claim 17, characterised in,

that said computer program product is adapted to function as a shell upon an operations system.

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REMARKS

Reconsideration of this application is respectfully requested. To this end, petition is hereby made for a one month extension of time to respond to the Final Office Action mailed November 15, 2006. In addition, a Request for Continued Examination is being filed with this Amendment After Final Rejection.

The Examiner and his Supervisory Primary Examiner, Kristine Kincaid, are thanked for allowing the undersigned to interview this application on March 13, 2007. The remarks in this Amendment, in essence, constitute the substance of the interview.

Claims 1-18 are pending in the application. Upon entry of this Amendment, independent claim 1 will be amended.

In the outstanding Final Office Action of November 15, 2006, the Examiner again rejected claims 1, 4-7, 12, 15 and 17 under 35 U.S.C. §102(b) as being anticipated by Carlson (Carlson, Jeff, *Visual Quickstart Guide Palm Organizers,* Peachpit Press, 2000, Berkeley, CA; hereinafter "Carlson"). The Examiner further rejected, as being unpatentable under 35 U.S.C. §103(a), claims 2 and 3 over Carlson in view of Kopitzke (USP 6,988,246; hereinafter "Kopitzke"); claims 8-11 and 13 over Carlson in view of Wynn et al. (USP 6,734883; hereinafter Wynn); claim 13 over Carlson alone; claims 14 and 16 over Carlson in view of Strietelmeier (Strietelmeier, Julie, *Palm* m100, The Gadgeteer, 2000, http://www.the-gadgeteer.com/review/palm_m100_review; hereinafter Strietelmeier); and claim 18 over Carlson in view of Chew et al. (USP 6,727, 917; hereinafter Chew). The Examiner's rejections are again respectfully traversed.

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For a claimed invention to be anticipated by a prior art reference, every element of the claim must be disclosed in the reference. For a claimed invention to be obvious over a combination of prior art references, there must be some suggestion, motivation or teaching in the prior art that would have led one of ordinary skill in the art to combine the references to produce the claimed invention. *E.g., Ashland Oil, Inc. v. Delta Resins & Refracs.*, 776 F.2d 281, 293 (Fed. Cir. 1985). Here, the claimed invention of the present application is neither anticipated nor obvious over the cited references because such references do not disclose or suggest all of the limitations of the claimed invention. Even assuming, *arguendo*, that the Examiner properly combined the cited references, the resulting combination still would not be the claimed invention given the deficiencies noted below in the primary Carlson reference.

Amended independent claim 1 describes a user interface for a hand held computer unit that includes a touch sensitive area simultaneously divided into a menu area and a display area, with the menu area simultaneously presenting a first function that is a general application dependent function, a second function that is a keyboard function, and a third function that is a task and file manager. Amended independent claim 1 has been amended to clarify that each of the three functions simultaneously represented in the menu area are activated by the touch sensitive area detecting the single step of an object moving in a direction from a starting point that is the representation of the function in the menu area to the display area. This single step function launching movement is not described in the primary Carlson reference.

The Examiner is thanked for discussing with the undersigned in connection with the Interview mentioned above the clarification of claim 1 by reciting a single step function

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launching movement and noting that the recitation of this single step in claim 1 would likely overcome the cited primary Carlson reference.

The user interface described in claim 1 of the present application is designed to be used with a user's hand and fingers, rather than any tools, such as the stylus used with a Palm Pilot. This user interface is designed to be navigated with a finger, and preferably using only one hand, holding the device with that hand and navigating with a user's finger. This allows the launching of the functions described in claim 1 with a finger, through the recognition of the finger's movement across a touch sensitive area in a direction from a starting point that is the representation of the function in the menu area to the display area. Claim 1 has been amended to better describe this single step function launching movement.

The Palm Pilot device described in the cited Carlson reference is, in contrast, designed to navigate on small icons and buttons with a relatively sharp tip from a stylus or pen. The Carlson reference purports to be a guide to Palm organizers. The Examiner looks to pages 30 and 40 of the Carlson reference as purporting to show the single step function launching movement recited in claim 1 and discussed above. In particular, the Examiner looks to Figure 2.22, on page 40 of Carlson, and the excerpt from page 30, titled "To activate the keyboard". In this excerpt from page 30, Carlson teaches that there are four ways of accessing the Palm Pilot keyboard function, one of which includes "drag[ing] the stylus vertically across the screen from bottom to top." The stylus is purported to be shown in Figure 2.22, page 40, of Carlson. However, alongside the representation of the stylus in this Figure is a menu including several entries, one of which is the keyboard function, and another of which, *i.e.*, the "backlight" function, appears to be highlighted.

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There are several reasons why the disclosure on pages 30 and 40 of Carlson do not show

the function launching feature recited in claim 1 of the present application. First, claim 1

describes three broad based functions using the function launching features described in claim 1,

to wit, a first general application-dependent function, a second keyboard function, and a third

task and file manager function. The scope of these functions can be appreciated by the

embodiment of the invention described in the specification of the present application and, in

particular, the examples of these three functions shown in Figures 3, 5 and 6, respectively, of the

present application. This is in sharp contrast to the limited keyboard function described in the

Carlson reference with respect to the dragging of the stylus across the screen from to top on page

30 of Carlson.

Second, it is clear from page 40 of Carlson that what is described in Figure 2.22 is a two-

step sequence in which a function is highlighted before the stylus is dragged. The grouping of

possibilities shown to the right of the stylus in Figure 2.22 includes the keyboard function. This

is in contrast to the single step function-launching movement described in claim 1, where a

function is launched by the single step of an object, such as a finger, moving from a function icon

in the menu area to the display area. It is this simple function-launching movement that allows

the user interface and computer unit described in claim 1 to be operated by a single hand and

finger.

Finally, even in describing the step of dragging a stylus vertically across a screen from

bottom to top to activate a keyboard function, there is nothing in Carlson which teaches placing

the stylus in the first instance on an icon describing or corresponding to the keyboard function

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and moving the stylus, or some other object, from that keyboard icon across the screen. Indeed, Figure 2.22 shows the pen-dragging function from the writing area to the top of the screen with the pen or stylus beginning at a location that is not a selected feature, such as those shown in Figure 2.22 that include the keyboard function.

Independent claim 17 describes a computer readable medium, with a computer program product stored therein that makes it possible for a computer to present a user interface according to Claim 1. Independent claims 1 and 17, and thus dependent claims 4-7, 12, and 15, which depend either directly or indirectly from claim 1, are not anticipated by Carlson because Carlson does not disclose the foregoing function launching feature described in amended claim 1.

Independent claims 1 and 17, and dependent claims 4-7, 12, and 15, are also not anticipated by Carlson because Carlson also does not disclose the recited first, second and third predefined functions simultaneously represented in the menu area, much less activating any one of these three functions by moving an object from a starting point that is within the representation of the function in the menu area in a direction from the menu area to the display area, as discussed above.

Claim 1 describes the first function as a general application dependent function which, in the embodiment of the invention described in the application, are services or functions dependent upon a current active application. One of the services is described as a help service, regardless of the application. Others are described as "save to disk", "send as SMS", or "delete", or settings such as "resolution", "colour", or "brightness". If no application is active, the services or settings

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can be of the operations system, such as background picture, clock, alarm, users, help, etc. *See,*

e.g., Application, pages 5-6.

The Examiner looks to page 28 of Carlson and a "menu" icon shown in Figure 2.4 on

page 28 of Carlson as meeting the first function feature recited in claim 1; however, what page 28

of Carlson shows is instructions for accessing menus in applications.

Claim 1 also describes the second function as a keyboard function. The Examiner looks

to page 30 of Carlson as showing the keyboard function. Page 30 of Carlson does describe an

"onscreen keyboard".

Claim 1 describes the third function as a task and file manager. The Examiner looks to

page 47 of Carlson, and particularly the applications screen in Figure 2.35 of Carlson as meeting

this function. In the embodiment of the invention described in the present application, the third

function is described as displaying a list with a library of available applications and files on the

computer unit. *See, e.g.,* Application, page. 7.

Assuming, *arguendo,* that the selected portions of Carlson show functions generally

corresponding to the functions described in claim 1, because Carlson shows <u>multiple screens</u> for

the menu shown on page 28, the keyboard shown on page 30, and the applications shown on

page 47, Carlson also does <u>not</u> disclose a menu area <u>simultaneously</u> presenting a representation

of the first, second and third predefined functions recited in claim 1. In view of the foregoing,

clearly, Carlson does not anticipate independent claims 1 and 17 or dependent claims 4-7, 12,

and 15.

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Finally, because Carlson does not anticipate the claimed invention as recited in independent claims 1 and 17 (which references claim 1), given the deficiencies noted above in the teachings of the primary Carlson reference, the remaining claims rejected in the outstanding Office Action under §103(a), *i.e.,* claims 2, 3, 8-11, 13, 14, 16 and 18, which depend either directly or indirectly from claim 1 or claim 17, are also not obvious over Carlson alone or in combination with the other references cited by the Examiner.

In view of the foregoing, it is believed that all of the claims pending in the application, *i.e.,* claims 1 – 18, are now in condition for allowance, which action is earnestly solicited. If any issues remain in this application, the Examiner is urged to contact the undersigned at the telephone number listed below.

The Commissioner is hereby authorized to charge any <u>deficiency</u>, or credit any overpayment, in the fee(s) filed, or asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Account No. 14-1140.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By: Robert A. Molan
Robert A. Molan
Reg. No. 29,834

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Arlington, VA 22203
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Facsimile: (703) 816-4100

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REQUEST FOR **CONTINUED EXAMINATION (RCE)** **TRANSMITTAL** Address to: Mail Stop RCE Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450		
	Application Number	10/315,250
	Filing Date	December 10, 2002
	First Named Inventor	GOERTZ
	Group Art Unit	2174; Conf. 1226
	Examiner Name	Purcell, Ian M.
	Attorney Docket Number	5042-2 (formerly 3682-32)
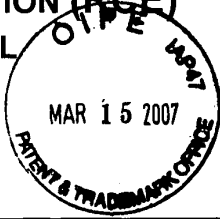
This is a Request for Continued Examination (RCE) under 37 C.F.R. §1.114 of the above-identified application.
Request for continued Examination (RCE) practice under 37 C.F.R. § 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. | **Submission required under 37 C.F.R. § 1.114.** |

   a. ☐ Previously submitted (Note: Any previously filed unentered amendments will be entered unless applicant instructs otherwise. If applicant does not wish to have previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).

     i. ☐ Consider the amendment(s)/reply under 37 C.F.R. § 1.116 previously filed on _____

     ii. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____

     iii. ☐ Other _____

   b. ☒ Enclosed

     i. ☒ **Amendment After Final Rejection**

     ii. ☐ Affidavit(s)/Declaration(s)

     iii. ☐ Information Disclosure Statement (IDS)

     iv. ☐ Other _____

                          03/16/2007 HBERHE   00000053 10315250
                          01 FC:2801
                                    395.00 OP

2. | **Miscellaneous** |

   a. ☐ Suspension of action on the above-identified application is requested under 35 C.F.R. § 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. § 1.17(i) **required**)

   b. ☐ Other _____

3. | **Fees** | The RCE fee under 37 C.F.R. § 1.17(e) is required by 37 C.F.R. § 1.114 when the RCE is filed.

   a. ☒ Applicant claims "small entity" status.

   b. ☒ Fees are attached as calculated below:

     i. ☒ RCE fee required under 37 C.F.R. § 1.17(e) $790.00 (1801)/$395.00 (2801) $ **395.00**

     ii. ☒ Petition is made to extend the due date 1 months (less 0 months previously paid) $ **60.00**

     iii. ☐ Other _____ $

   c. ☒ Check in the amount of $ 455.00 enclosed.

   d. ☐ Payment by credit card (credit card payment form attached) in the amount of $ 0.00

   e. ☒ The Director is hereby authorized to charge any deficiency in the fee(s) filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm), to Deposit Account No. **14-1140**

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED		
Name (Print Type)	Robert A. Molan	*Registration No. (Attorney/Agent)* 29,834
Signature	Robert A. Molan	*Date* March 15, 2007

CERTIFICATE OF MAILING OR TRANSMISSION		
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450, or facsimile transmitted to the U.S. Patent and Trademark Office on: 03/16/2007 HBERHE 00000053 10315250		
Name (Print Type)	02 FC:2251	60.00 OP
Signature		*Date*

PATENT APPLICATION FEE DETERMINATION RECORD
Effective October 1, 2001

Application or Docket Number

10315250

CLAIMS AS FILED - PART I

	(Column 1)	(Column 2)
TOTAL CLAIMS	18	
FOR	NUMBER FILED	NUMBER EXTRA
TOTAL CHARGEABLE CLAIMS	18 minus 20=	*
INDEPENDENT CLAIMS	1 minus 3 =	*
MULTIPLE DEPENDENT CLAIM PRESENT		☐

* If the difference in column 1 is less than zero, enter "0" in column 2

SMALL ENTITY TYPE ☐		OR	OTHER THAN SMALL ENTITY	
RATE	FEE		RATE	FEE
BASIC FEE	370.00	OR	BASIC FEE	740.00
X$ 9=		OR	X$18=	
X42=		OR	X84=	
+140=		OR	+280=	
TOTAL		OR	TOTAL	

CLAIMS AS AMENDED - PART II

AMENDMENT A

	(Column 1) CLAIMS REMAINING AFTER AMENDMENT		(Column 2) HIGHEST NUMBER PREVIOUSLY PAID FOR	(Column 3) PRESENT EXTRA
Total	* 16	Minus	** 20	*
Independent	* 1	Minus	*** 3	*
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM				☐

	SMALL ENTITY	OR	OTHER THAN SMALL ENTITY	
RATE	ADDITIONAL FEE		RATE	ADDITIONAL FEE
X$ 9=		OR	X$18=	
X42=		OR	X84=	
+140=		OR	+280=	
TOTAL ADDIT. FEE		OR	TOTAL ADDIT. FEE	

315-07

AMENDMENT B

	(Column 1) CLAIMS REMAINING AFTER AMENDMENT		(Column 2) HIGHEST NUMBER PREVIOUSLY PAID FOR	(Column 3) PRESENT EXTRA
Total	* 18	Minus	** 20	=
Independent	* 1	Minus	*** 3	=
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM				☐

	RATE	ADDITIONAL FEE		RATE	ADDITIONAL FEE
	X$ 9=		OR	X$18=	
	X42=		OR	X84=	
	+140=		OR	+280=	
	TOTAL ADDIT. FEE		OR	TOTAL ADDIT. FEE	

AMENDMENT C

	(Column 1) CLAIMS REMAINING AFTER AMENDMENT		(Column 2) HIGHEST NUMBER PREVIOUSLY PAID FOR	(Column 3) PRESENT EXTRA
Total	*	Minus	**	=
Independent	*	Minus	***	=
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM				☐

	RATE	ADDITIONAL FEE		RATE	ADDITIONAL FEE
	X$ 9=		OR	X$18=	
	X42=		OR	X84=	
	+140=		OR	+280=	
	TOTAL ADDIT. FEE		OR	TOTAL ADDIT. FEE	

* If the entry in column 1 is less than the entry in column 2, write "0" in column 3.
** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20."
*** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3."
   The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/315,250	12/10/2002	Magnus Goertz	3682-32	1226

23117 7590 11/15/2006	EXAMINER
NIXON & VANDERHYE, PC	PURCELL, IAN M
901 NORTH GLEBE ROAD, 11TH FLOOR	

ART UNIT	PAPER NUMBER
2174	

ARLINGTON, VA   22203

DATE MAILED: 11/15/2006

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

	Application No.	Applicant(s)
Office Action Summary	10/315,250	GOERTZ, MAGNUS
	Examiner	Art Unit	
	Ian M. Purcell	2174	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *22 August 2006*.
2a) ☒ This action is **FINAL**.   2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-18* is/are pending in the application.
     4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) *1-18* is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
     a) ☐ All   b) ☐ Some * c) ☐ None of:
         1. ☐ Certified copies of the priority documents have been received.
         2. ☐ Certified copies of the priority documents have been received in Application No. _____.
         3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
     * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

U.S. Patent and Trademark Office
PTOL-326 (Rev. 08-06)   Office Action Summary   Part of Paper No./Mail Date 20061109

DETAILED ACTION

1.   This communication is responsive to the Amendment filed 8/22/2006.

Claims 1-18 are pending in this application. Claims 1, 15 and 17 are

independent claims. In the Amendment the Specification and the Claims were

amended. Claims 1-16 were amended.

The text of those sections of Title 35, U.S. Code not included in this action can

be found in a prior Office action.

Claim Rejections - 35 USC § 102

2.   Claims 1, 4-7, 12, 15 and 17 are rejected under 35 U.S.C. 102(b) as being

anticipated by Carlson ("Carlson", Carlson, Jeff. Visual Quickstart Guide Palm

Organizers. Peachpit Press. 2000. Berkeley, CA.).

3.   As per claim 1, Carlson teaches a user interface for a mobile handheld computer

unit (Introduction, page xiii), where said computer unit comprises a touch sensitive area

(page 26, *the screen is touch sensitive*), which touch sensitive area is divided into a

menu area (page 12, fig. 1.10 *silk screen graffiti area*) and a display area, where said

computer unit is adapted to run several applications simultaneously (page 47, *all of the*

applications are running concurrently), and to present an active application on top of

any other application on said display area, characterised in, that said menu area is

adapted to present a representation of a first, a second and a third predefined function,

that said first function is a general application dependent function (page 28, *the Menu*

icon, fig. 2.4), that said second function is a keyboard function (page 30, *either the abc or 123 dots in the lower corner of the Graffiti area*), that said third function is a task and file manager (page 47, *the Applications screen* & fig. 2.35), and that any one of said three functions can be activated when said touch sensitive area detects a movement of an object with its starting point within the representation of said function on said menu area and with a direction from said menu area to said display area (page 40, *bottom-to-top screen stroke shortcut* fig. 2.22 & page 30, *drag the stylus vertically across the screen from bottom to top*), said user interface allowing low precision navigation using a blunt object, whereby said user interface can be operated by one hand (page 12, "*The stylus is the main method of interacting with the PalmPilot*" *and it inherently involves one hand to use the stylus.* Also, if a finger was used, that would also be considered using one hand), where said object can be a finger (page 12, "*The stylus is the main method of interacting*" **though** anything including fingers **can** work).

4.   As per claim 4, Carlson teaches the user interface according to claim 1, characterised in,

that, if said second function is activated, said display area is adapted to display a keyboard and a text field,

that, if a text passage in said active application is highlighted, said text passage is displayed in said text field for editing through said keyboard and that said highlighted text passage is replaced by said edited text passage when said second function is deactivated, and

that, if no text passage in said active application is highlighted, said text field is available for inputting and editing of text through said keyboard (page 30, fig 2.7).

5.   As per claim 5, Carlson teaches the user interface according to claim 4, characterized in, that if no text passage in said active application is highlighted, and said text field is used for inputting and editing of text through said keyboard (page 30, fig 2.7), then

said first function can be activated, or

said second function can be closed, in which a choice of saving or deleting said inputted text is given, where the choice of saving said inputted text results in an activation of said first function,

in which said first function will present services or settings available for said inputted text (page 28, fig. 2.4 *Beam Memo*).

6.   As per claim 6, Carlson teaches the user interface according to claim 1, characterised in, that, if said third function is activated, said display area is adapted to display a list with a library of available applications and files on said computer unit, that a selection of an application will start said application, and that a selection of a file will open said file in an application intended for said file (page 47, fig. 2.35).

7.   As per claim 7, Carlson teaches the user interface according to claim 6, characterised in, that a selection of an application or a file is done by moving said object so that the representation of desired application or file is highlighted, removing said object from said touch sensitive area, and then tapping on said touch sensitive area,

and that an application or file is highlighted by placing some kind of marking on the representation of said application or file (pages 26 & 27).

8.   As per claim 12, Carlson teaches the user interface according to Claim 1, characterised in, that an active application, function, service or setting is moved on one step by moving said object from the left of said display area to the right of said display area, and that the active application, function service or setting is closed or backed one step by moving said object from the right of said display area to the left of said display area (page 246, fig. 14.2, *Drag to scroll through file*).

9.   As per claim 15, Carlson teaches an enclosure adapted to cover a computer unit, said computer unit being adapted to present a user interface according Claim 1, characterised in, that said enclosure is provided with an opening for said display area, and that a representation of said menu area is printed on top of said enclosure (page 12, *Silkscreen Graffiti area* & fig. 1.10).

10.   As per claim 17, Carlson teaches a computer readable medium, with a computer program product stored therein, characterised in, that said computer program product comprises computer readable code, which, when read by a computer, will make it possible for said computer to present a user interface according to Claim 1 (page 25, *Palm OS*).

Claim Rejections - 35 USC § 103

11.   Claims 2 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Carlson ("Carlson", Carlson, Jeff. Visual Quickstart Guide Palm Organizers. Peachpit

Press. 2000. Berkeley, CA.) in view of Kopitzke et al. ("Kopitzke", US # 6,988,246 B2).

12.   As per claim 2, Carlson teaches the user interface according to claim 1,

characterized in, that, if said first function is activated, said display area is adapted to

display icons representing different services or settings depending on the current active

application (page 28, *the Menu icon*, fig. 2.4), and that, if no application is currently

active on said computer unit, said icons are adapted to represent services or settings of

the operations system of said computer unit (page 47, fig. 2.36, *12:11 am*).

However Carlson does not teach expressly the user interface according to claim

1, characterized in, that, if said first function is activated, said display area is adapted to

display icons representing different services or settings depending on the current active

application, that one of said icons always represents a "help"-service, regardless of

application.

Kopitzke teaches the user interface according to claim 1, characterised in, that

said display area is adapted to display icons representing different services or settings

depending on the current active application, that one of said icons always represents a

"help"-service, regardless of application (column 4, lines 36-53 & fig. 1, *Help key or

button* 6).

Carlson and Kopitzke are analogous art because they are in the same field of

endeavor, namely graphical user interfaces with touch sensitive displays.

At the time of the invention it would have been obvious to a person of ordinary skill in the art to provide the help function as taught by Kopitzke within the user interface of Carlson in order to provide context sensitive information.

As per claim 3, the modified Carlson teaches the user interface according to claim 2, characterised in, that a selection of a preferred service or setting is done by tapping on corresponding icon (Carlson, page 26, fig. 2.1 *Tapping just about any interface element in the Palm OS evokes a response*).

13.   Claims 8-11 and 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Carlson ("Carlson", Carlson, Jeff. Visual Quickstart Guide Palm Organizers. Peachpit Press. 2000. Berkeley, CA.) in view of Wynn et al. ("Wynn", US # 6,734,883 B1).

14.   As per claim 8, Carlson teaches the user interface according to claim 7. However Carlson does not teach expressly the user interface, characterised in, that said list is adapted to present only said files or only said applications, that the top area of said list presents a field through which the content of said list can be altered, that, if said list only presents files, said field displays a representation of a task manager and a selection of said field will cause said list to alter to present only applications, and that, if said list only presents applications, said field displays a representation of a file manager and a selection of said field will cause said list to alter and present only files.

Wynn teaches a user interface control, characterised in, that said list is adapted to present only said files or only said applications, that the top area of said list presents a field through which the content of said list can be altered (column 3, lines 4-8, *dialog*

box 32), that, if said list only presents files, said field displays a representation of a task

manager and a selection of said field will cause said list to alter to present only

applications, and that, if said list only presents applications, said field displays a

representation (column 3, lines 4-8, *label* 31) of a file manager and a selection of said

field will cause said list to alter and present only files (column 3, lines 15-31).

Carlson and Wynn are analogous art because they are in the same field of

endeavor, namely scrolling within graphical user interfaces with touch sensitive

displays.

At the time of the invention it would have been obvious to a person of ordinary

skill in the art to have the selection list format as taught by Wynn within the user

interface of Carlson in order to provide a conventional list format.

15.   As per claim 9, Carlson teaches the user interface according to claim 7,

characterised in, that, a navigation in said list is performed by moving said object in a

direction towards the top of said list or towards the bottom of said list, that the

movement of said object will cause said marking to move in the same direction (page

27, *a quicker way to view the full list is to tap and hold on the dark solid portion of the*

scroll bar, then drag it vertically).

However Carlson does not teach expressly that the speed of the movement of

said marking is lower than the speed of the movement of said object.

Wynn teaches a user interface control, characterised in, that, a navigation in said

list is performed by moving said object in a direction towards the top of said list or

towards the bottom of said list, that the movement of said object will cause said marking

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to move in the same direction (column 3, lines 32-39 & figs. 5) and that the speed of the

movement of said marking is lower than the speed of the movement of said object

(column 4, lines 24-30).

At the time of the invention it would have been obvious to a person of ordinary

skill in the art to have the scrolling function as taught by Wynn within the user interface

of Carlson in order to provide a conventional selection list.

16.   As per claim 10, the modified Carlson in view of Wynn teaches the user interface

according to claim 9, characterised in, that, if the number of applications and/or files in

said list exceeds the number of applications and files that can be presented on said

display area, and if said object is moved to the top or bottom position of said display

area, then lifted, replaced on said display area, and again moved to the top or bottom of

said display area, the content of said display area will be replaced one whole page,

meaning that if said object is positioned at the top of said display area, then lifted,

replaced on said display area, and then again moved to the top of said display area, the

content of said display area will be replaced by the preceding applications and/or files in

said list (Carlson, page 253, fig. 14.15 *Full Page Up*).

The modified Carlson in view of Wynn does not disclose expressly the user

interface, characterised in that if said object is positioned at the bottom of said display

area, then lifted, replaced on said display area, and then again moved to the bottom of

said display area, the content of said display area will be replaced by the following

applications and/or files in said list.

At the time of the invention, it would have been an obvious matter of design

choice to a person of ordinary skill in the art to modify the *Full Page Up* function

(Carlson, page 253, fig 14.15) to work as a Full Page Down function by tapping on the

bottom of the display area because Applicant has not disclosed that *if said object is*

positioned at the bottom of said display area, then lifted, replaced on said display area,

and then again moved to the bottom of said display area, the content of said display

area will be replaced by the following applications and/or files in said list provides an

advantage, is used for a particular purpose, or solves a stated problem. One of ordinary

skill in the art, furthermore, would have expected Applicant's invention to perform

equally well with the modified Full Page Up function as taught by Carlson because it

would only need to be implemented to scroll down instead of up, when the display area

is tapped on the bottom, instead of the top.

17.   As per claim 11, the modified Carlson in view of Wynn teaches the user interface

according to claim 10, characterised in, that if said object is removed from any first

position on said display area and then replaced on any second position on said display

area, said navigation can be continued from said second position (Carlson, page 253,

fig. 14.15).

Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Carlson

("Carlson", Carlson, Jeff. <u>Visual Quickstart Guide Palm Organizers</u>. Peachpit Press.

2000. Berkeley, CA.)

18.   As per claim 13, Carlson teaches the user interface according to Claim 1,

characterised in, that said menu area is positioned at the bottom of said touch sensitive

area, that said representation of said first function is positioned at the left side of said

menu area, and that said representation of said second function is positioned at the

middle of said menu area.

Carlson does not teach expressly that said representation of said third function is

positioned at the right side of said menu area.

At the time the invention was made, it would have been an obvious matter of

design choice to a person of ordinary skill in the art to place the third function on the

right side of the display area instead of the left, because Applicant has not disclosed

that *said representation of said third function is positioned at the right side of said menu

area* provides an advantage, is used for a particular purpose or solves a stated problem.

One of ordinary skill in the art, furthermore would have expected Applicant's invention to

perform equally well with the third function on the left side of the display area because

the placement of the representation would not change its functionality.

19.   Claims 14 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Carlson ("Carlson", Carlson, Jeff. Visual Quickstart Guide Palm Organizers.

Berkeley, CA: Peachpit Press, 2000) in view of Strietelmeier ("Strietelmeier",

Strietelmeier, Julie. "Palm m100." The Gadgeteer. 2000.

<http://www.the-gadgeteer.com/review/palm_m100_review>).

20.   As per claim 14, Carlson teaches the user interface according to Claim 1,

characterised in, that said user interface is adapted to a touch sensitive area and that

said user interface is adapted to be operated by one hand, where said object can be a

finger (page 12, *stylus...includes fingers*).

However Carlson does not teach expressly a touch sensitive area with a size that is in the order of 2-3 inches.

Strietelmeier teaches a user interface, characterised in, a touch sensitive area with a size that is in the order of 2-3 inches (page 4).

Carlson and Strietelmeier are analogous art because they are in the same field of endeavor, namely palm-sized computer organizers.

At the time of the invention it would have been obvious to a person of ordinary skill in the art to have the dimensions of a touch sensitive area as taught by Strietelmeier within the user interface of Carlson in order to provide a touch sensitive area with the manufacturer's dimensions.

21.   As per claim 16, Carlson teaches the enclosure according to claim 15. However, Carlson does not disclose the enclosure characterised in, that said enclosure is removable and exchangeable.

Strietelmeier teaches an enclosure characterised in, that said enclosure is removable and exchangeable (page 3, *you can also remove the entire face plate... there will be different face plates available*).

At the time of the invention it would have been obvious to a person of ordinary skill in the art to have the customizable enclosures as taught by Strietelmeier within the enclosure of Carlson in order to tailor an enclosure to a user's preferences.

22.   Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Carlson ("Carlson", Carlson, Jeff. <u>Visual Quickstart Guide Palm Organizers</u>. Berkeley, CA: Peachpit Press, 2000) in view of Chew et al. ("Chew", US # 6,727,917).

As per claim 18, Carlson teaches a computer readable medium according to claim 17.

However Carlson does not teach expressly, that said computer program product is adapted to function as a shell upon an operations system.

Chew teaches a user interface for a palm-sized computer device, characterised in, that said computer program product is adapted to function as a shell upon an operations system (column 2, lines 1-5).

Carlson and Chew are analogous art because they are in the same field of endeavor, namely graphical user interfaces for hand-held personal computing devices with touch sensitive displays.

At the time of the invention it would have been obvious to a person of ordinary skill in the art to modify the Carlson's program to function as shell as taught by Chew in order to efficiently display information.

Response to Arguments

23.   Applicant's arguments with respect to claims 2, 4, 6-8, 10, 12, 14-16, 18, 20, 22-24 in the Amendment have been fully considered but they are not persuasive.

Applicant argued the following:

(a) Carlson does not teach using a blunt object, whereby the user can operate the interface with one hand, where said object can be a finger.

(b) Carlson does not disclose the recited first, second, and third predefined functions represented in a menu area, or activating anyone one of these three functions

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by moving an object from a starting point within the representation of the function on the menu in a direction from the menu area to the display area.

The Examiner disagrees for the following reasons:

Per (a), The stylus is the main method of interacting, however anything including fingers can work (page 12). It is simply an allegation that Carlson is portraying the use of a finger in "a somewhat joking way". It is more likely that Carlson is portraying the use of a toe in "a somewhat joking way". However, joking or not, Carlson teaches the use of a finger or a toe as said object. Furthermore, Carlson states on page 26, "three basic methods of interacting within the Palm ... depend on the stylus." As disclosed earlier, Carlson teaches that a finger can work as the stylus (page 12, *Stylus*). Moreover, the basic methods of interacting depend on the stylus, does not imply that all methods of interacting depend on the stylus.

Per (b), during patent examination, the pending claims must be "given >their< broadest reasonable interpretation consistent with the specification." > In re Hyatt, 211 F.3d 1367, 1372, 54 USPQ2d 1664, 1667 (Fed. Cir. 2000). Despite the claims being interpreted in light of the specification, limitations from the specification are not being read into the claims. See In re Van Geuns, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Applicant always has the opportunity to amend the claims during prosecution, and broad interpretation by the examiner reduces the possibility that the claim, once issued,

will be interpreted more broadly than is justified. In re Prater, 415 F.2d 1393, 1404-05,

162 USPQ 541, 550-51 (CCPA 1969).

In this case, Carlson teaches the recited first (page 28, the *Menu icon*, fig. 2.4),

second (page 30, *either the abc or 123 dots in the lower corner of the Graffiti area*) and

third predefined functions (page 47, the *Applications screen* & fig. 2.35) represented in a

menu area (page 12, fig. 1.10 *silk screen graffiti area*). Furthermore, Carlson teaches

activating **anyone one of these three** functions by moving an object from a starting

point within the representation of the function on the menu in a direction from the menu

area to the display area. Carlson teaches activating the second function by moving an

object from a starting point within the representation of the function on the menu in a

direction from the menu area to the display area (page 40, *bottom-to-top screen stroke*

shortcut, fig. 2.22 & page 30, *to activate the keyboard ... drag the stylus vertically*

across the screen from bottom to top).

Conclusion

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Ian M. Purcell whose telephone number is (571) 272-

5755. The examiner can normally be reached on Monday - Friday 8:30 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Kristine Kincaid can be reached on (571) 272-4063. The fax phone number

for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Ian M. Purcell
Examiner

Kristine Kincaid
KRISTINE KINCAID
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100

Index of Claims	Application/Control No.	Applicant(s)/Patent under Reexamination
	10/315,250	GOERTZ, MAGNUS
	Examiner	Art Unit
	Ian M. Purcell	2174

√	Rejected	—	(Through numeral) Cancelled	N	Non-Elected	A	Appeal
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

GOERTZ	Atty. Ref.: 3682-32
Serial No.: 10/315,250	Group: 2174
Filed: December 10, 2002	Examiner: Purcell, Ian M.
For: USER INTERFACE	

* * * * * * * * * * *

August 22, 2006

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

AMENDMENT

Sir:

In response to the Office Action dated March 23, 2006, please amend the above-identified application as follows:

Amendments to the Title begin on page 2 of this paper.

Amendments to the Specification begin on page 3 of this paper.

Amendments to the Claims are reflected in the listing of claims which begins on page 4 of this paper.

Remarks/Arguments begin on page 10 of this paper.

1105263

GOERTZ
Serial No.: 10/315,250

AMENDMENTS TO THE TITLE

Please amend the title as follows:

USER INTERFACE FOR MOBILE HANDHELD COMPUTER UNIT

1105263

GOERTZ
Serial No.: 10/315,250

AMENDMENTS TO THE SPECIFICATION

On page 5 of the application, please add the following new paragraph after line 3,

as follows:

Figure 14 shows a computer readable medium in the form of a solid state memory.

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AMENDMENTS TO THE CLAIMS

This listing of claims will replace all prior versions, and listings, of claims in the application.

1. (Currently Amended) ~~User~~ A user interface for a mobile handheld computer unit, where said computer unit comprises a touch sensitive area, which touch sensitive area is divided into a menu area and a display area, where said computer unit is adapted to run several applications simultaneously, and to present an active application on top of any other application on said display area, characterised in, that said menu area is adapted to present a representation of a first, a second and a third predefined function, that said first function is a general application dependent function, that said second function is a keyboard function, that said third function is a task and file manager, and that any one of said three functions can be activated when said touch sensitive area detects a movement of an object with its starting point within the representation of said function on said menu area and with a direction from said menu area to said display area, said user interface allowing low precision navigation using a blunt object, whereby said user interface can be operated by one hand, where said object can be a finger.

2. (Currently Amended) ~~User~~ The user interface according to Claim 1, ~~characterised~~ characterized in, that, if said first function is activated, said display area is adapted to display icons representing different services or settings depending on the current active application, that one of said icons always represents a "help"-service, regardless of application, and that, if no application is currently active on said computer unit, said icons are adapted to represent services

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or settings of the operations system of said computer unit, ~~such as background picture, clock,~~

~~users, help, etc~~.

3. (Currently Amended) ~~User~~ The user interface according to Claim 2, characterised in,

that ~~that~~ a selection of a preferred service or setting is done by tapping on corresponding icon.

4. (Currently Amended) ~~User~~ The user interface according to Claim 1, characterised in,

- that, if said second function is activated, said display area is adapted to display a

keyboard and a text field,

- that, if a text passage in said active application is highlighted, said text passage is

displayed in said text field for editing through said keyboard and that said highlighted text

passage is replaced by said edited text passage when said second function is deactivated, and

- that if no text passage in said active application is highlighted, said text field is

available for inputting and editing of text through said keyboard.

5. (Currently Amended) ~~User~~ The user interface according to Claim 4, characterised in,

that if no text passage in said active application is highlighted, said text field is used for inputting

and editing of text through said keyboard, then

- said first function can be activated, or

- said second function can be closed, in which a choice of saving or deleting said

inputted text is given, where the choice of saving said inputted text results in an activation of said

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first function,

in which said first function will present services or settings available for said inputted

text, ~~such as saving said inputted text for later use, using said inputted text as telephone number~~

~~in a telephone application, or sending said inputted text as message in communications~~

~~application~~.

6. (Currently Amended) ~~User~~ The user interface according to Claim 1, characterised in,

that, if said third function is activated, said display area is adapted to display a list with a library

of available applications and files on said computer unit, that a selection of an application will

start said application, and that a selection of a file will open said file in an application intended

for said file.

7. (Currently Amended) ~~User~~ The user interface according to Claim 6, characterised in,

that a selection of an application or a file is done by moving said object so that the representation

of desired application or file is highlighted, removing said object from said touch sensitive area,

and then tapping on said touch sensitive area, and that an application or file is highlighted by

placing some kind of marking on the representation of said application or file, ~~such as~~

~~positioning a frame around the representation of said application or file or inverting the~~

~~representation of said application or file~~.

8. (Currently Amended) ~~User~~ The user interface according to Claim 7, characterised in,

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that said list is adapted to present only said files or only said applications, that the top area of said list presents a field through which the content ~~if~~of said list can be altered, that, if said list only presents files, said field displays a representation of a task manager and a selection of said field will cause said list to alter to present only applications, and that, if said list only presents applications, said field displays a representation of a file manager and a selection of said field will cause said list to alter and present only files.

9. (Currently Amended) ~~User~~The user interface according to Claim 7, characterised in, that, a navigation in said list is performed by moving said object in a direction towards the top of said list or towards the bottom of said list, that the movement of said object will cause said marking to move in the same direction, and that the speed of the movement of said marking is lower than the speed of the movement of said object.

10. (Currently Amended) ~~User~~The user interface according to Claim 9, characterised in, that, if the number of applications and/or files in said list exceeds the number of applications and files that can be presented on said display area, and if said object is moved to the top or bottom position of said display area, then lifted, replaced on said display area, and again moved to the top or bottom of said display area, the content of said display area will be replaced one whole page, meaning that if said object is positioned at the bottom of said display area, then lifted, replaced on said display area, and then again moved to the bottom of said display area, the content of said display area will be replaced by the following applications and/or files in said list,

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and if said object is position~~ed~~ at the top of said display area, then lifted, replaced on said display

area, and then again moved to the top of said display area, the content of said display area will be

replaced by the preceding applications and/or files in said list.

11. (Currently Amended) ~~User~~ The user interface according to Claim 10, characterised

in, that if said object is removed from a~~ny~~ first position on said display area and then replaced on

a~~ny~~ second position on said display area, said navigation can be continued from said second

position.

12. (Currently Amended) ~~User~~ The user interface according to Claim 1, characterised in,

that an active application, function, service or setting is moved on one step by moving said object

from the left of said display area to the right of said display area, and that the active application,

function, service or setting is closed or backed one step by moving said object from the right of

said display area to the left of said display area.

13. (Currently Amended) ~~User~~ The user interface according to Claim 1, characterised in,

that said menu area is positioned at the bottom of said touch sensitive area, that said

representation of said first function is positioned at the left side of said menu area, that said

representation of said second function is positioned at the middle of said menu area, and that said

representation of said third function is positioned at the right side of said menu area.

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14. (Currently Amended) ~~User~~ The user interface according to Claim 1, characterised in, that said user interface is adapted to a touch sensitive area with a size that is in the order of 2-3 inches, and that said user interface is adapted to be operated by one hand, where said object can be a finger~~, such as the thumb, or a user of said computer unit~~.

15. (Currently Amended) An enclosure adapted to cover a computer unit, said computer unit being adapted to present a user interface according to Claim 1, characterised in, that said enclosure is provided with an opening for said display area, and that a representation of said menu area is printed on top of said enclosure.

16. (Currently Amended) ~~Enclosure~~ The enclosure according to Claim 15, characterised in, that said enclosure is removable and exchangeable.

17. (Original) A computer readable medium, with a computer program product stored therein, characterised in, that said computer program product comprises computer readable code, which, when read by a computer, will make it possible for said computer to present a user interface according to Claim 1.

18. (Original) A computer readable medium according to Claim 17, characterised in, that said computer program product is adapted to function as a shell upon an operations system.

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REMARKS

Reconsideration of this application is respectfully requested.

Claims 1-18 are pending in the application. Upon entry of this Amendment, claims 1-16 will be amended to, *inter alia,* conform such claims to U.S. claim practice.

In the outstanding Office Action of March 23, 2006, the Examiner objected to the title of the invention as not being descriptive. The title of the invention has now been amended. Accordingly, the Examiner's objection to the title of the invention should now be withdrawn.

The Examiner objected to claims 3 and 8 because of certain informalities noted in these claims. The proposed amendments by the Examiner have now been made and, as such, the Examiner's objection to claims 3 and 8 should now be withdrawn.

The Examiner also objected to claim 11 under 37 CFR §1.75(c) as being of improper dependent form for failing to further limit the subject matter of a previous claim. In particular, the Examiner contends that claim 11 fails to further limit claim 10. Claim 11 has now been amended to clarify that the first and second positions on the display area can be any positions, as opposed to the top or bottom positions recited in claim 10. As such, the Examiner's objection to claim 11 should now be withdrawn.

The Examiner rejected claims 2, 5, 7 and 14 under 35 U.S.C. §112, second paragraph, as being indefinite, contending that the phrase "such as" and the following text in these claims renders the claims indefinite. Claims 2, 5, 7 and 14 have now been amended to delete the "such as" phrases. Accordingly, the Examiner's rejection of claims 2, 5, 7 and 14 under §112, second paragraph, should now be withdrawn.

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The Examiner also rejected claims 1, 4-7, 12, 15 and 17 under 35 U.S.C. §102(b) as being anticipated by Carlson (Carlson, Jeff, *Visual Quickstart Guide Palm Organizers,* Peachpit Press, 2000, Berkeley, CA; hereinafter "Carlson"). The Examiner further rejected, as being unpatentable under 35 U.S.C. §103(a), claims 2 and 3 over Carlson in view of Kopitzke (USP 6,988,246; hereinafter "Kopitzke"); claims 8-11 and 13 over Carlson in view of Wynn et al. (USP 6,734883; hereinafter Wynn); claim 13 over Carlson alone; claims 14 and 16 over Carlson in view of Strietelmeier (Strietelmeier, Julie, *Palm* m100, The Gadgeteer, 2000, http://www.the-gadgeteer.com/review/palm_m100_review; hereinafter Strietelmeier); and claim 18 over Carlson in view of Chew et al. (USP 6,727, 917; hereinafter Chew). The Examiner's rejections are respectfully traversed.

For a claimed invention to be anticipated by a prior art reference, every element of the claim must be disclosed in the reference. For a claimed invention to be obvious over a combination of prior art references, there must be some suggestion, motivation or teaching in the prior art that would have led one of ordinary skill in the art to combine the references to produce the claimed invention. *E.g., Ashland Oil, Inc. v. Delta Resins & Refracs.,* 776 F.2d 281, 293 (Fed. Cir. 1985). Here, the claimed invention of the present application is neither anticipated nor obvious over the cited references because such references do not disclose or suggest all of the limitations of the claimed invention. Even assuming, *arguendo,* that the Examiner properly combined the cited references, the resulting combination still would not be the claimed invention given the deficiencies noted below in the primary Carlson reference.

Amended independent claim 1 now recites a "user interface allowing low precision

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navigation using a blunt object, whereby said user interface can be operated by one hand, where said object can be a finger." Independent claim 17 describes a computer readable medium, with a computer program product stored therein that makes it possible for a computer to present a user interface according to Claim 1. Independent claims 1 and 17, and thus dependent claims 4-7, 12, and 15, which depend either directly or indirectly from claim 1, are not anticipated by Carlson because Carlson does not disclose this feature of the claimed invention.

The user interface described in the claims of the present invention is designed to be used with a user's hand and fingers, rather than any tools, such as the stylus used with a Palm Pilot. The user interface described in the claims of the present invention is designed to be navigated with a finger, and preferably using only one hand, holding the device with that hand and navigating with a user's thumb. This allows low precision navigation, with a blunt object, such as a finger, through the recognition of the finger's movements across a touch sensitive area. The claims of the present application describe movement patterns that allow such low resolution navigation using a blunt object, such as a finger. For example, claim 14 recites the feature of a one hand device and navigation through a finger.

The Palm Pilot device described in the cited Carlson reference is, in contrast, designed to navigate on small icons and buttons with a relatively sharp tip from a stylus or pen. The use of a stylus allows high precision navigation and, thus, the possibility of pressing a single button on a Palm Pilot screen. The Carlson reference purports to be a guide to Palm organizers. Although the Examiner notes that Carlson states, on page 12, that "anything that isn't sharper than a No. 2 pencil can work (that includes fingers and toes too!)", the navigation system in a Palm organizer

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is, in fact, designed to use the stylus mentioned in the Carlson reference. Using a Palm organizer

with a blunt object, such as a thumb, would give very limited use because of the lack of precision

available from using a thumb. Indeed, Carlson, in mentioning the use of a "finger or toe", does

so in a somewhat joking way, noting later that the "three basic methods of interacting within the

Palm OS, all . . . depend on the stylus (or a similar writing instrument)." *See, e.g.,* Carlson, page

26, paragraph titled "Navigating the Palm OS".

This is in sharp contrast to the menus and movements described in the claims of the

present application, which allow the use of a blunt object, such as a finger, for all navigation and

use of the claimed user interface. Thus, the movement patterns described in the claims of the

present application allow the use of the user interface with one hand only and navigation of the

user interface with the thumb of that hand.

Independent claim 1 of the present application also recites:

> [a] menu area . . . adapted to present a representation of a first, a
> second and a third predefined function, that said first function is a
> general application dependent function, that said second function is
> a keyboard function, that said third function is a task and file
> manager, and that any one of said three functions can be activated
> when said touch sensitive area detects a movement of an object
> with its starting point within the representation of said function on
> said menu area and with a direction from said menu area to said
> display area.

Independent claims 1 and 17, and dependent claims 4-7, 12, and 15, are also not anticipated by

Carlson because Carlson also does not disclose the recited first, second and third predefined

functions represented in a menu area, or activating any one of these three functions by moving an

object from a starting point within the representation of the function on the menu area in a

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direction from the menu area to the display area. One embodiment of this feature is depicted in Figures 1 and 2 of the present application.

Claim 1 describes the first function as a general application dependent function which, in the embodiment of the invention described in the application, are services or functions dependent upon a current active application. One of the services is described as a help service, regardless of the application. Others are described as "save to disk", "send as SMS", or "delete", or settings such as "resolution", "colour", or "brightness". If no application is active, the services or settings can be of the operations system, such as background picture, clock, alarm, users, help, etc. *See, e.g.*, Application, pages 5-6.

The Examiner looks to page 28 of Carlson and a "menu" icon shown in Figure 2.4 on page 28 of Carlson as meeting the first function feature recited in claim 1; however, what page 28 of Carlson shows is instructions for accessing menus in applications. In any event, no where does page 28 of Carlson show such menus as being selected by movement of an object, such as a finger, from a menu area to a display area, as recited in claim 1. Rather, Carlson discusses at page 28 using a stylus to tap "menu icons" and "words" to see drop-down menus.

Claim 1 also describes the second function as a keyboard function. The Examiner looks to page 30 of Carlson as showing the keyboard function. Page 30 of Carlson does describe an "onscreen keyboard". While page 30 of Carlson does mention accessing the keyboard by "drag[ging] the stylus vertically across the screen from bottom to top", it also mentions other methods, such as tapping on "abc" or "123" dots, selecting "Keyboard" from an Edit menu, or writing certain characters in a Graffiti area. In any event, no where does cited page 30 of Carlson

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show such keyboard as being selected by movement of an object, such as a finger, from a menu

area to a display area, as recited in claim 1.

Claim 1 describes the third function as a task and file manager. The Examiner looks to

page 47 of Carlson, and particularly the applications screen in Figure 2.35 of Carlson as meeting

this function. In the embodiment of the invention described in the present application, the third

function is described as displaying a list with a library of available applications and files on the

computer unit. *See, e.g.,* Application, page. 7. While page 47 of Carlson shows applications and

application icons, it describes launching applications by bringing up the Application screen by

tapping the "silkscreened Applications icon" first and then tapping a program's name or icon to

launch it. Nowhere does cited page 47 of Carlson show the applications as being selected by

movement of an object, such as a finger, from a menu area to a display area, as recited in claim 1.

Since Carlson shows different screens for the menu shown on page 28, the keyboard

shown on page 30, and the applications shown on page 47, Carlson also does not disclose a menu

area presenting a representation of first, second and third predefined functions, as recited in claim

1. In view of the foregoing, clearly, Carlson does not anticipate independent claims 1 and 17 or

dependent claims 4-7, 12, and 15.

Finally, because Carlson does not anticipate the claimed invention as recited in

independent claims 1 and 17 (which references claim 1), given the deficiencies noted above in

the teachings of the primary Carlson reference, the remaining claims rejected in the outstanding

Office Action under §103(a), *i.e.,* claims 2, 3, 8-11, 13, 14, 16 and 18, which depend either

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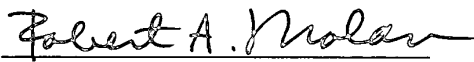
GOERTZ
Serial No.: 10/315,250

directly or indirectly from claim 1 or claim 17, are also not obvious over Carlson alone or in

combination with the other references cited by the Examiner.

In view of the foregoing, it is believed that all of the claims pending in the application,

i.e., claims 1 – 18, are now in condition for allowance, which action is earnestly solicited. If any

issues remain in this application, the Examiner is urged to contact the undersigned at the

telephone number listed below.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By: Robert A. Molan
Robert A. Molan
Reg. No. 29,834

RAM:jsm

901 North Glebe Road, 11th Floor
Arlington, VA 22203
Telephone: (703) 816-4000
Facsimile: (703) 816-4100

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

GOERTZ

Serial No. 10/315,250

Filed: December 10, 2002

Title: USER INTERFACE

Atty Dkt. 3682-32

C# M#

TC/A.U. 2174

Examiner: PURCELL, Ian M.

Date: August 22, 2006

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

RESPONSE/AMENDMENT/LETTER

This is a response/amendment/letter in the above-identified application and includes an attachment which is hereby incorporated by reference and the signature below serves as the signature to the attachment in the absence of any other signature thereon.

☐ **Correspondence Address Indication Form Attached.**

Fees are attached as calculated below:

Total effective claims after amendment **18** minus highest number previously paid for **20** (at least 20) = **0** x $50.00 $0.00 (1202)/$0.00 (2202) $

Independent claims after amendment **0** minus highest number previously paid for **3** (at least 3) = **0** x $200.00 $0.00 (1201)/$0.00 (2201) $

If proper multiple dependent claims now added for first time, (ignore improper); add
     $360.00 (1203)/$180.00 (2203) $

Petition is hereby made to extend the current due date so as to cover the filing date of this paper and attachment(s)
One Month Extension $120.00 (1251/$60.00 (2251)
Two Month Extensions $450.00 (1252/$225.00 (2252)
Three Month Extensions $1020.00 (1253/$510.00 (2253)
Four Month Extensions $1590.00 (1254/$795.00 (2254)
Five Month Extensions $2160.00 (1255/$1080.00 (2255) $ 450.00

Terminal disclaimer enclosed, add $130.00 (1814)/ $65.00 (2814) $

☐ Applicant claims "small entity" status.   ☐ Statement filed herewith

Rule 56 Information Disclosure Statement Filing Fee $180.00 (1806) $ 0.00

Assignment Recording Fee $40.00 (8021) $ 0.00

Other: $ **0.00**

TOTAL FEE ENCLOSED $ 450.00

The Commissioner is hereby authorized to charge any <u>deficiency</u>, or credit any overpayment, in the fee(s) filed, or asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Account No. 14-1140. A <u>duplicate</u> copy of this sheet is attached.

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NIXON & VANDERHYE P.C.
By Atty: Robert A. Molan, Reg. No. 29,834

Signature: _Robert A. Molan_

08/23/2006 FMETEKI1 00000023 10315250

01 FC:1252   450.00 OP

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PATENT APPLICATION FEE DETERMINATION RECORD
Effective October 1, 2001

Application or Docket Number

10315250

CLAIMS AS FILED - PART I

	(Column 1)	(Column 2)
TOTAL CLAIMS	18	
FOR	NUMBER FILED	NUMBER EXTRA
TOTAL CHARGEABLE CLAIMS	18 minus 20=	*
INDEPENDENT CLAIMS	1 minus 3 =	*
MULTIPLE DEPENDENT CLAIM PRESENT		☐

* If the difference in column 1 is less than zero, enter "0" in column 2

SMALL ENTITY TYPE ☐ OR **OTHER THAN SMALL ENTITY**

RATE	FEE		RATE	FEE
BASIC FEE	370.00	OR	BASIC FEE	740.00
X$ 9=		OR	X$18=	
X42=		OR	X84=	
+140=		OR	+280=	
TOTAL		OR	TOTAL	

CLAIMS AS AMENDED - PART II

SMALL ENTITY OR **OTHER THAN SMALL ENTITY**

AMENDMENT A

	(Column 1) CLAIMS REMAINING AFTER AMENDMENT		(Column 2) HIGHEST NUMBER PREVIOUSLY PAID FOR	(Column 3) PRESENT EXTRA	RATE	ADDI-TIONAL FEE		RATE	ADDI-TIONAL FEE
Total	* 18	Minus	** 20	=	X$ 9=		OR	X$18=	
Independent	* 1	Minus	*** 3	=	X42=		OR	X84=	
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM ☐					+140=		OR	+280=	
					TOTAL ADDIT. FEE		OR	TOTAL ADDIT. FEE	

AMENDMENT B

	(Column 1) CLAIMS REMAINING AFTER AMENDMENT		(Column 2) HIGHEST NUMBER PREVIOUSLY PAID FOR	(Column 3) PRESENT EXTRA	RATE	ADDI-TIONAL FEE		RATE	ADDI-TIONAL FEE
Total	*	Minus	**	=	X$ 9=		OR	X$18=	
Independent	*	Minus	***	=	X42=		OR	X84=	
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM ☐					+140=		OR	+280=	
					TOTAL ADDIT. FEE		OR	TOTAL ADDIT. FEE	

AMENDMENT C

	(Column 1) CLAIMS REMAINING AFTER AMENDMENT		(Column 2) HIGHEST NUMBER PREVIOUSLY PAID FOR	(Column 3) PRESENT EXTRA	RATE	ADDI-TIONAL FEE		RATE	ADDI-TIONAL FEE
Total	*	Minus	**	=	X$ 9=		OR	X$18=	
Independent	*	Minus	***	=	X42=		OR	X84=	
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM ☐					+140=		OR	+280=	
					TOTAL ADDIT. FEE		OR	TOTAL ADDIT. FEE	

* If the entry in column 1 is less than the entry in column 2, write "0" in column 3.
** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20."
*** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3."
The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.

In re Patent Application of:
GOERTZ
Serial No. 10/315,250
Filed: April 29, 2004
For: User Interface

[Stamp: O I P E / JUL 27 2006 / PATENT & TRADEMARK OFFICE]

Attention:
Atty. Dkt. 3682-32

Date: July 27, 2006

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

The attached <u>completes</u> filing of the above-identified patent application:

- ☐ **Correspondence Address Indication Form Attached.**
- ☐ Signed Rule 63 Declaration alone, ☐ Copy of Declaration from prior application alone, <u>OR</u>
- ☐ Signed Declaration plus attached copy of originally filed specification/drawings.
- ☐ **NOTICE TO FILE MISSING PARTS OF APPLICATION FILING DATE GRANTED** form.
- ☒ Record the attached change of name from Neonode Sweden AB to Neonode AB, Stockholm, Sweden and return to the undersigned.
- ☐ Attached is a Power of Attorney.
- ☐ Priority is hereby claimed under 35 U.S.C. § 119 based on the following foreign applications:

    Application Number   **Country**   **Day/Month/Year Filed**

respectively.
- ☐ Certified copy(ies) of foreign application(s) is/are attached.
- ☐ Certified copy(ies) filed on _____ in prior application no. _____, filed _____.
- ☐ Applicant claims "small entity" status. ☐ "Small entity" statement attached.
- ☐ Please enter the attached preliminary amendment <u>prior</u> to calculation of filing fee.
- ☒ Also attached: ☐ **Information Disclosure Statement;** ☐ **Nucleotide and/or Amino Acid Sequence Submission;** ☒ **Other: Notification of Change of Entitlement to Small Entity Status Pursuan tto 37 CFR 1.27(g)(2)**

Fees due are calculated below:

Basic filing fee	$300.00 (1011)/$)150.00 (2011)	$	
Search Fee	$500.00 (1111)/$250.00 (2111)	$	
Examination Fee	$200.00 (1311)/$100.00 (2311)	$	

Application Size Fee for each add'l 50 sheets that exceeds 100 sheets)
Total pages: 0-100 =   0.00   0 $0.00(1081)/ $0.00 (2081) $
Total effective claims 0   - 20 (at least 20) =   0   x $50.00 = $0.00 (1202)/$0.00 (2202) $
Independent claims 0   - 3 (at least 3) =   0   x $200.00 = $0.00 (1201)/$0.00 (2201) $
If any proper multiple dependent claims now added for first time (ignore improper), add
                                                     $360.00 (1203)/$180.00 (2203) $
Petition is hereby made to extend the current due date so as to cover the filing date of this paper and attachment(s)
                      One Month Extension $120.00 (1251)/$60.00 (2251)
                      Two Month Extensions $450.00 (1252)/$225.00 (2252)
                      Three Month Extensions $1020.00 (1253/$510.00 (2253)
                      Four Month Extensions $1590.00 (1254/$795.00 (2254)
                      Five Month Extensions $2160.00 (1255)/$1080.00 (2255) $
Surcharge if Declaration or filing fee first now submitted: $130.00 (1051)/$65.00 (2051) $
English translation of specification and claims $130.00 (1053) $
Assignment Recording Fee $40.00 (8021) $ 40.00
                                          TOTAL FEE DUE $ 40.00

☐ **CREDIT CARD PAYMENT FORM ATTACHED.**

Any future submission requiring an extension of time is hereby stated to include a petition for such time extension. The Commissioner is hereby authorized to charge any <u>deficiency</u>, or credit any overpayment, in the fee(s) filed, or asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our **Account No. 14-1140**. A <u>duplicate</u> copy of this sheet is attached.

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NIXON & VANDERHYE P.C.
By Atty: Robert A. Molan, Reg. No. 29,834

Signature: _Robert A. Molan_

1098992

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

GOERTZ   Atty. Ref.:   3682-32

Serial No.   10/315,250   Group: 2174

Filed: December 10, 2002   Examiner: Purcell, Ian M.

For: User Interface
                    *   *   *   *   *   *   *   *   *   *   *

                                                July 27, 2006

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

NOTIFICATION OF CHANGE OF ENTITLEMENT TO
SMALL ENTITY STATUS PURSUANT TO 37 CFR 1.27(g)(2)

Notification pursuant to 37 CFR 1.27(g)(2) is hereby given of a change in

entitlement to small entity status in the present application. In particular, Applicant

states that this application is no longer entitled to small entity status.

While it is believed that no additional large entity fees are due at this time,

nonetheless, the Commissioner is hereby authorized to charge any deficiency in the

1098996

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GOERTZ
Application Serial No. 10/315,250

fee(s) filed, or asserted to be filed, or which should have been filed herewith (or with

any paper previously filed in this application by this firm) to our **Account No. 14-1140.**

Respectfully submitted,

NIXON & VANDERHYE P.C.

By: _Robert A. Molan_

Robert A. Molan
Reg. No. 29,834

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1098996

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	Application No.	Applicant(s)
Office Action Summary	10/315,250	GOERTZ, MAGNUS
	Examiner	Art Unit	
	Ian M. Purcell	2174	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *10 December 2002*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-18* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-18* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *10 December 2002* is/are: a)☐ accepted or b)☒ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

Drawings

1.   The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5)

because they include the following reference character(s) not mentioned in the

description:

(a.) Fig. 14 is not mentioned in the Brief Description of the Drawings.

Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to

the specification to add the reference character(s) in the description in compliance with

37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the

application. Any amended replacement drawing sheet should include all of the figures

appearing on the immediate prior version of the sheet, even if only one figure is being

amended. Each drawing sheet submitted after the filing date of an application must be

labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37

CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be

notified and informed of any required corrective action in the next Office action. The

objection to the drawings will not be held in abeyance.

Specification

2.   The title of the invention is not descriptive. A new title is required that is clearly

indicative of the invention to which the claims are directed.

Claim Objections

3.   Claim 3 objected to because of the following informalities:

(a.) Claim 3 states "characterised in, that that a selection of a preferred service or setting is done tapping" and should be changed to --characterised in, that a selection of a preferred service or setting is done by tapping –

(b.) Claim 8 states "content if said list" should be changed to -content of said list -

Appropriate correction is required.

4.   Claim 11 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Claim 11 fails to further limit claim 10.

Claim Rejections - 35 USC § 112

5.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 2, 5, 7 and 14 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claims 2, 5, 7 and 14 the phrase "such as" renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

Claim Rejections - 35 USC § 102

6.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7.   Claims 1, 4-7, 12, 15 and 17 are rejected under 35 U.S.C. 102(b) as being

anticipated by Carlson ("Carlson", Carlson, Jeff. Visual Quickstart Guide Palm

Organizers. Peachpit Press. 2000. Berkeley, CA.).

8.   As per claim 1, Carlson teaches a user interface for a mobile handheld computer

unit (Introduction, page xiii), where said computer unit comprises a touch sensitive area

(page 26, *the screen is touch sensitive*), which touch sensitive area is divided into a

menu area (page 12, fig. 1.10 *silk screen graffiti area*) and a display area, where said

computer unit is adapted to run several applications simultaneously (page 47, *all of the*

applications are running concurrently), and to present an active application on top of

any other application on said display area, characterised in, that said menu area is

adapted to present a representation of a first, a second and a third predefined function,

that said first function is a general application dependent function (page 28, *the Menu*

icon, fig. 2.4), that said second function is a keyboard function (page 30, *either the abc*

or 123 dots in the lower corner of the Graffiti area), that said third function is a task and

file manager (page 47, *the Applications screen* & fig. 2.35), and that any one of said

three functions can be activated when said touch sensitive area detects a movement of

an object with its starting point within the representation of said function on said menu

area and with a direction from said menu area to said display area (page 40, *bottom-to-*

top screen stroke shortcut fig. 2.22 & page 30, *drag the stylus vertically across the*

screen from bottom to top).

9.   As per claim 4, Carlson teaches the user interface according to claim 1,

characterised in, that, if said second function is activated, said display area is adapted

to display a keyboard and a text field, that, if a text passage in said active application is

highlighted, said text passage is displayed in said text field for editing through said

keyboard and that said highlighted text passage is replaced by said edited text passage

when said second function is deactivated, and that, if no text passage in said active

application is highlighted, said text field is available for inputting and editing of text

through said keyboard (page 30, fig 2.7).

10.   As per claim 5. User interface according to claim 4, characterized in, that if no

text passage in said active application is highlighted, and said text field is used for

inputting and editing of text through said keyboard (page 30, fig 2.7), then said first

function can be activated, or said second function can be closed, in which a choice of

saving or deleting said inputted text is given, where the choice of saving said inputted

text results in an activation of said first function, in which said first function will present

services or settings available for said inputted text, such as saving said inputted text for

later use, using said inputted text as telephone number in a telephone application, or

sending said inputted text as message in communications application (page 28, fig. 2.4

Beam Memo).

11.   As per claim 6, Carlson teaches the user interface according to claim 1,

characterised in, that, if said third function is activated, said display area is adapted to

display a list with a library of available applications and files on said computer unit, that

a selection of an application will start said application, and that a selection of a file will

open said file in an application intended for said file (page 47, fig. 2.35).

12.   As per claim 7, Carlson teaches the user interface according to claim 6,

characterised in, that a selection of an application or a file is done by moving said object

so that the representation of desired application or file is highlighted, removing said

object from said touch sensitive area, and then tapping on said touch sensitive area,

and that an application or file is highlighted by placing some kind of marking on the

representation of said application or file, such as positioning a frame around the

representation of said application or file or inverting the representation of said

application or file (pages 26 & 27).

13.   As per claim 12, Carlson teaches the user interface according to Claim 1,

characterised in, that an active application, function, service or setting is moved on one .

step by moving said object from the left of said display area to the right of said display

area, and that the active application, function service or setting is closed or backed one

step by moving said object from the right of said display area to the left of said display

area (page 246, fig. 14.2, *Drag to scroll through file*).

14.   As per claim 15, Carlson teaches an enclosure adapted to cover a computer unit,

said computer unit being adapted to present a user interface according Claim 1,

characterised in, that said enclosure is provided with an opening for said display area,

and that a representation of said menu area is printed on top of said enclosure (page

12, *Silkscreen Graffiti area* & fig. 1.10).

15.   As per claim 17, Carlson teaches a computer readable medium, with a computer

program product stored therein, characterised in, that said computer program product

comprises computer readable code, which, when read by a computer, will make it

possible for said computer to present a user interface according to Claim 1 (page 25,

Palm OS).

Claim Rejections - 35 USC § 103

16.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

17.   Claims 2 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Carlson ("Carlson", Carlson, Jeff. Visual Quickstart Guide Palm Organizers. Peachpit

Press. 2000. Berkeley, CA.) in view of Kopitzke et al. ("Kopitzke", US # 6,988,246 B2).

18.   As per claim 2, Carlson teaches the user interface according to claim 1,

characterised in, that, if said first function is activated, said display area is adapted to

display icons representing different services or settings depending on the current active

application (page 28, *the Menu icon*, fig. 2.4), and that, if no application is currently

active on said computer unit, said icons are adapted to represent services or settings of

the operations system of said computer unit, such as background picture, clock (page

47, fig. 2.36, *12:11 am*), users, help, etc.

However Carlson does not teach expressly the user interface according to claim

1, characterised in, that, if said first function is activated, said display area is adapted to

display icons representing different services or settings depending on the current active

application, that one of said icons always represents a "help"-service, regardless of

application.

Kopitzke teaches the user interface according to claim 1, characterised in, that

said display area is adapted to display icons representing different services or settings

depending on the current active application, that one of said icons always represents a

"help"-service, regardless of application (column 4, lines 36-53 & fig. 1, *Help key or*

button 6).

Carlson and Kopitzke are analogous art because they are in the same field of

endeavor, namely graphical user interfaces with touch sensitive displays.

At the time of the invention it would have been obvious to a person of ordinary

skill in the art to provide the help function as taught by Kopitzke within the user interface

of Carlson in order to provide context sensitive information.

As per claim 3, the modified Carlson teaches the user interface according to

claim 2, characterised in, that a selection of a preferred service or setting is done by

tapping on corresponding icon (Carlson, page 26, fig. 2.1 *Tapping just about any*

interface element in the Palm OS evokes a response).

19.   Claims 8-11 and 13 is rejected under 35 U.S.C. 103(a) as being unpatentable

over Carlson ("Carlson", Carlson, Jeff. Visual Quickstart Guide Palm Organizers.

Peachpit Press. 2000. Berkeley, CA.) in view of Wynn et al. ("Wynn", US # 6,734,883

B1).

20.   As per claim 8, Carlson teaches the user interface according to claim 7.

However Carlson does not teach expressly the user interface, characterised in,

that said list is adapted to present only said files or only said applications, that the top

area of said list presents a field through which the content of said list can be altered,

that, if said list only presents files, said field displays a representation of a task manager

and a selection of said field will cause said list to alter to present only applications, and

that, if said list only presents applications, said field displays a representation of a file

manager and a selection of said field will cause said list to alter and present only files.

Wynn teaches a user interface control, characterised in, that said list is adapted

to present only said files or only said applications, that the top area of said list presents

a field through which the content of said list can be altered (column 3, lines 4-8, *dialog*

box 32), that, if said list only presents files, said field displays a representation of a task

manager and a selection of said field will cause said list to alter to present only

applications, and that, if said list only presents applications, said field displays a

representation (column 3, lines 4-8, *label* 31) of a file manager and a selection of said

field will cause said list to alter and present only files (column 3, lines 15-31).

Carlson and Wynn are analogous art because they are in the same field of endeavor, namely scrolling within graphical user interfaces with touch sensitive displays.

At the time of the invention it would have been obvious to a person of ordinary skill in the art to have the selection list format as taught by Wynn within the user interface of Carlson in order to provide a conventional list format.

21.   As per claim 9, Carlson teaches the user interface according to claim 7, characterised in, that, a navigation in said list is performed by moving said object in a direction towards the top of said list or towards the bottom of said list, that the movement of said object will cause said marking to move in the same direction (page 27, *a quicker way to view the full list is to tap and hold on the dark solid portion of the scroll bar, then drag it vertically*).

However Carlson does not teach expressly that the speed of the movement of said marking is lower than the speed of the movement of said object.

Wynn teaches a user interface control, characterised in, that, a navigation in said list is performed by moving said object in a direction towards the top of said list or towards the bottom of said list, that the movement of said object will cause said marking to move in the same direction (column 3, lines 32-39 & figs. 5) and that the speed of the movement of said marking is lower than the speed of the movement of said object (column 4, lines 24-30).

At the time of the invention it would have been obvious to a person of ordinary

skill in the art to have the scrolling function as taught by Wynn within the user interface

of Carlson in order to provide a conventional selection list.

22.   As per claim 10, the modified Carlson in view of Wynn teaches the user interface

according to claim 9, characterised in, that, if the number of applications and/or files in

said list exceeds the number of applications and files that can be presented on said

display area, and if said object is moved to the top or bottom position of said display

area, then lifted, replaced on said display area, and again moved to the top or bottom of

said display area, the content of said display area will be replaced one whole page,

meaning that if said object is position at the top of said display area, then lifted, replaced

on said display area, and then again moved to the top of said display area, the content

of said display area will be replaced by the preceding applications and/or files in said list

(Carlson, page 253, fig. 14.15 *Full Page Up*).

The modified Carlson in view of Wynn does not disclose expressly the user

interface, characterised in that if said object is position at the bottom of said display

area, then lifted, replaced on said display area, and then again moved to the bottom of

said display area, the content of said display area will be replaced by the following

applications and/or files in said list.

At the time of the invention, it would have been an obvious matter of design

choice to a person of ordinary skill in the art to modify the *Full Page Up* function

(Carlson, page 253, fig 14.15) to work as a Full Page Down function by tapping on the

bottom of the display area because Applicant has not disclosed that *if said object is*

position at the bottom of said display area, then lifted, replaced on said display area,

and then again moved to the bottom of said display area, the content of said display

area will be replaced by the following applications and/or files in said list provides an

advantage, is used for a particular purpose, or solves a stated problem. One of ordinary

skill in the art, furthermore, would have expected Applicant's invention to perform

equally well with the modified Full Page Up function as taught by Carlson because it

would only need to be implemented to scroll down instead of up, when the display area

is tapped on the bottom, instead of the top.

23.   As per claim 11, the modified Carlson in view of Wynn teaches the user interface

according to claim 10, characterised in, that if said object is removed from a first

position on said display area and then replaced on a second position on said display

area, said navigation can be continued from said second position (Carlson, page 253,

fig. 14.15).

Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Carlson

("Carlson", Carlson, Jeff. Visual Quickstart Guide Palm Organizers. Peachpit Press.

2000. Berkeley, CA.)

24.   As per claim 13, Carlson teaches the user interface according to Claim 1,

characterised in, that said menu area is positioned at the bottom of said touch sensitive

area, that said representation of said first function is positioned at the left side of said

menu area, and that said representation of said second function is positioned at the

middle of said menu area.

Carlson does not teach expressly that said representation of said third function is positioned at the right side of said menu area.

At the time the invention was made, it would have been an obvious matter of design choice to a person of ordinary skill in the art to place the third function on the right side of the display area instead of the left, because Applicant has not disclosed that *said representation of said third function is positioned at the right side of said menu area* provides an advantage, is used for a particular purpose or solves a stated problem. One of ordinary skill in the art, furthermore would have expected Applicant's invention to perform equally well with the third function on the left side of the display area because the placement of the representation would not change its functionality.

25.   Claims 14 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carlson ("Carlson", Carlson, Jeff. Visual Quickstart Guide Palm Organizers. Berkeley, CA: Peachpit Press, 2000) in view of Strietelmeier ("Strietelmeier", Strietelmeier, Julie. "Palm m100." The Gadgeteer. 2000. <http://www.the-gadgeteer.com/review/palm_m100_review>).

26.   As per claim 14, Carlson teaches the user interface according to Claim 1, characterised in, that said user interface is adapted to a touch sensitive area and that said user interface is adapted to be operated by one hand, where said object can be a finger, such as the thumb, of a user of said computer unit (page 12, *stylus...includes fingers*).

However Carlson does not teach expressly a touch sensitive area with a size that is in the order of 2-3 inches.

Strietelmeier teaches a user interface, characterised in, a touch sensitive area

with a size that is in the order of 2-3 inches (page 4).

Carlson and Strietelmeier are analogous art because they are in the same field of

endeavor, namely palm-sized computer organizers.

At the time of the invention it would have been obvious to a person of ordinary

skill in the art to have the dimensions of a touch sensitive area as taught by

Strietelmeier within the user interface of Carlson in order to provide a touch sensitive

area with the manufacturer's dimensions.

27.   As per claim 16, Carlson teaches an enclosure according to claim 15. However,

Carlson does not disclose an enclosure characterised in, that said enclosure is

removable and exchangeable.

Strietelmeier teaches an enclosure characterised in, that said enclosure is

removable and exchangeable (page 3, *you can also remove the entire face plate…*

there will be different face plates available).

At the time of the invention it would have been obvious to a person of ordinary

skill in the art to have the customizable enclosures as taught by Strietelmeier within the

enclosure of Carlson in order to tailor an enclosure to a user's preferences.

28.   Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Carlson

("Carlson", Carlson, Jeff. <u>Visual Quickstart Guide Palm Organizers</u>. Berkeley, CA:

Peachpit Press, 2000) in view of Chew et al. ("Chew", US # 6,727,917).

As per claim 18, Carlson teaches a computer readable medium according to

claim 17.

However Carlson does not teach expressly, that said computer program product is adapted to function as a shell upon an operations system.

Chew teaches a user interface for a palm-sized computer device, characterised in, that said computer program product is adapted to function as a shell upon an operations system (column 2, lines 1-5).

Carlson and Chew are analogous art because they are in the same field of endeavor, namely graphical user interfaces for hand-held personal computing devices with touch sensitive displays.

At the time of the invention it would have been obvious to a person of ordinary skill in the art to modify the Carlson's program to function as shell as taught by Chew in order to efficiently display information.

Conclusion

29.   The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Hirayama et al. (US # 5,406,307) teaches a method of activating functions.

Lui et al. (US # 6,833,827) teaches a keyboard function, a general application function and a file and task manager function.

Yonezawa (US # 6,542,191 B1) teaches a save function.

Friend et al. (US # 6,052,279) teaches a customizable hand-held computer.

30.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Ian M. Purcell whose telephone number is (571) 272-

5755. The examiner can normally be reached on Monday - Friday 8:30 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Kristine Kincaid can be reached on (571) 272-4063. The fax phone number

for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

Ian M. Purcell
Examiner

Kristine Kincaid
KRISTINE KINCAID
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100

		Application/Control No.	Applicant(s)/Patent Under Reexamination
Notice of References Cited		10/315,250	GOERTZ, MAGNUS
		Examiner	Art Unit	Page 1 of 1
		Ian M. Purcell	2174	

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
*	A	US-6,988,246 B2	01-2006	Kopitzke et al.	715/810
*	B	US-6,727,917 B1	04-2004	Chew et al.	715/765
*	C	US-6,734,883 B1	05-2004	Wynn et al.	715/830
*	D	US-6,052,279	04-2000	Friend et al.	361/686
*	E	US-6,542,191 B1	04-2003	Yonezawa, Hiroki	348/333.01
*	F	US-6,833,827 B2	12-2004	Lui et al.	345/173
*	G	US-5,406,307	04-1995	Hirayama et al.	715/800
	H	US-			
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			

FOREIGN PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N					
	O					
	P					
	Q					
	R					
	S					
	T					

NON-PATENT DOCUMENTS

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	Carlson, Jeff. Visual Quickstart Guide Palm Organizers. Peachpit Press. 2000. Berkeley, CA. Pages xiii, 12, 25, 26, 28-30, 40, 47, 246 and 253.
	V	Strietelmeier, Julie. "Palm m100." The Gadgeteer. 2000. <http://www.the-gadgeteer.com/review/palm_m100_review> Pages 1-8.
	W	
	X	

*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.

U.S. Patent and Trademark Office
PTO-892 (Rev. 01-2001)   **Notice of References Cited**   Part of Paper No. 20060308

Index of Claims

Application/Control No.	**Applicant(s)/Patent under Reexamination**
10/315,250	GOERTZ, MAGNUS
Examiner	**Art Unit**
Ian M. Purcell	2174

Symbol	Meaning	Symbol	Meaning	Symbol	Meaning	Symbol	Meaning
√	Rejected	−	(Through numeral) Cancelled	N	Non-Elected	A	Appeal
=	Allowed	÷	Restricted	I	Interference	O	Objected

Final	Original	3/16/06
	1	√
	2	√
	3	√
	4	√
	5	√
	6	√
	7	√
	8	√
	9	√
	10	√
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Claims 51–100 and 101–150: no entries.

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CONFIRMATION NO. 1226

Bib Data Sheet

SERIAL NUMBER 10/315,250	FILING DATE 12/10/2002 RULE	CLASS 345	GROUP ART UNIT 2174	ATTORNEY DOCKET NO. 3682-32

APPLICANTS

Magnus Goertz, Stockholm, SWEDEN;

** CONTINUING DATA ************************ None

** FOREIGN APPLICATIONS ******************* None

IF REQUIRED, FOREIGN FILING LICENSE GRANTED   ** SMALL ENTITY **
** 01/16/2003

Foreign Priority claimed ☐ yes ☒ no	STATE OR	SHEETS	TOTAL	INDEPENDENT
35 USC 119 (a-d) conditions met ☐ yes ☒ no ☐ Met after Allowance				
Verified and Acknowledged _____ Examiner's Signature _____ Initials	COUNTRY SWEDEN	DRAWING 4	CLAIMS 18	CLAIMS 1

ADDRESS
23117
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901 NORTH GLEBE ROAD, 11TH FLOOR
ARLINGTON , VA
22203

TITLE
User interface

FILING FEE RECEIVED 440	FEES: Authority has been given in Paper No. _____ to charge/credit DEPOSIT ACCOUNT No. _____ for following:	☐ All Fees
		☐ 1.16 Fees (Filing)
		☐ 1.17 Fees (Processing Ext. of time)
		☐ 1.18 Fees (Issue)
		☐ Other _____
		☐ Credit

Search Notes	Application/Control No.	Applicant(s)/Patent under Reexamination
	10/315,250	GOERTZ, MAGNUS
	Examiner	**Art Unit**
	Ian M. Purcell	2174

SEARCHED			
Class	Subclass	Date	Examiner
715	864	3/13/2006	IP
715	702	3/8/2006	IP

SEARCH NOTES (INCLUDING SEARCH STRATEGY)		
	DATE	EXMR
See EAST Search History	3/16/2006	IP

INTERFERENCE SEARCHED			
Class	Subclass	Date	Examiner

EAST Search History

Ref #	Hits	Search Query	DBs	Default Operator	Plurals	Time Stamp
S2	1	("20040109013").PN.	US-PGPUB; USPAT	OR	OFF	2006/03/15 10:39
S3	2	goertz-magnus.in.	US-PGPUB; USPAT	OR	ON	2006/03/08 17:25
S4	1	(((handheld adj computer)or pda) near2 enclosure).ti.	US-PGPUB; USPAT	OR	ON	2006/03/05 18:56
S5	22	(((handheld adj computer)or pda) near2 enclosure)	US-PGPUB; USPAT	OR	ON	2006/03/05 18:56
S6	50	("5671420" "5978568" "5905862" "4949248" "5367573" "5692191" "5983259" "6035303" "6098158" "4336458" "4357021" "4368669" "4503533" "4506336" "4782463" "5016308" "5178418" "5301269" "5392212" "5428744" "5442788" "5524199" "5524200" "5526018" "5533148" "5544301" "5546534" "5555369" "5555368" "5559903" "5561811" "5568770" "5570109" "5596639" "5598534" "5636133" "5642495" "5664208" "5677710" "5733278" "5740455" "5781901" "5793498" "5796402" "5796397" "5864848" "5870611" "5881286" "5881242" "5897644").pn.	US-PGPUB; USPAT	OR	ON	2006/03/08 16:39
S7	245	715/864.ccls.	US-PGPUB; USPAT	OR	ON	2006/03/09 15:23
S8	5702	S7 ((menu and display) with area)	US-PGPUB; USPAT	OR	ON	2006/03/08 17:28
S9	245	S8 and S7	US-PGPUB; USPAT	OR	ON	2006/03/08 17:28
S10	464	S7 ((menu and display) adj area)	US-PGPUB; USPAT	OR	ON	2006/03/08 17:28
S11	245	S10 and S7	US-PGPUB; USPAT	OR	ON	2006/03/08 17:30
S12	12754	(touch adj sensitive) or (tactile adj based)	US-PGPUB; USPAT	OR	ON	2006/03/08 17:31
S13	54	S12 and S7	US-PGPUB; USPAT	OR	ON	2006/03/08 18:00
S14	106	715/702.ccls.	US-PGPUB; USPAT	OR	ON	2006/03/08 18:00
S15	1	S14 and S7	US-PGPUB; USPAT	OR	ON	2006/03/08 18:01
S16	25	S14 and S12	US-PGPUB; USPAT	OR	ON	2006/03/08 18:01
S17	20	("5327161" | "5406307" | "5473745" | "5594471" | "5617526" | "5745109" | "5757368" | "5757371" | "5910802").PN. OR ("6304261"). URPN.	US-PGPUB; USPAT; USOCR	OR	ON	2006/03/08 18:11
S18	14	("4475239" | "4839634" | "4855725" | "4965558" | "5075675" | "5347628").PN. OR ("6100878").URPN.	US-PGPUB; USPAT; USOCR	OR	ON	2006/03/09 09:11

EAST Search History

S19	92	("3761877" | "3772685" | "3832693" | "3990070" | "4058849" | "4125873" | "4190833" | "4363029" | "4639720").PN. OR ("4839634"). URPN.	US-PGPUB; USPAT; USOCR	OR	ON	2006/03/09 09:14
S20	134	("3699439" | "3832693" | "4016542" | "4055726" | "4071691" | "4112415" | "4129747" | "4177354" | "4184147" | "4198539" | "4262281" | "4293734" | "4302011" | "4318096" | "4353552" | "4365235" | "4371746" | "4456787" | "4475239" | "4520357" | "4641354" | "4672677" | "4679241" | "4680430" | "4680804" | "4764885" | "4786765" | "4831556" | "4839634" | "4972496" | "5050105" | "5053758" | "5151950").PN. OR ("5347295"). URPN.	US-PGPUB; USPAT; USOCR	OR	ON	2006/03/09 09:52
S21	46	("3603983" | "3617666" | "3864024" | "3911215" | "4017858" | "4180711" | "4220815" | "4373124" | "4594482" | "4604605" | "4607147" | "4626961" | "4707570" | "4734218" | "4737310" | "4740781" | "4745241" | "4778619" | "4780531" | "4815826" | "4838660" | "4839634" | "4841290" | "Re28365").PN. OR ("4990900").URPN.	US-PGPUB; USPAT; USOCR	OR	ON	2006/03/09 09:55
S22	4	kang-beng-hong.in.	US-PGPUB; USPAT	OR	ON	2006/03/09 14:29
S23	247	715/864.ccls.	US-PGPUB; USPAT	OR	ON	2006/03/10 11:19
S24	37	S23 and drag$4	US-PGPUB; USPAT	OR	ON	2006/03/09 15:23
S25	34	hirayama-tomoshi.in.	US-PGPUB; USPAT	OR	ON	2006/03/09 16:30
S26	2	S25 and (display and menu and drag$4)	US-PGPUB; USPAT	OR	ON	2006/03/09 17:04
S27	5	S25 and (display and "45" and drag$4)	US-PGPUB; USPAT	OR	ON	2006/03/09 17:04

EAST Search History

S28	72	(US-20050229117-$ or US-20050120312-$ or US-20050114797-$ or US-20030007018-$ or US-20050102639-$ or US-20020060702-$ or US-20020078143-$ or US-20040160442-$ or US-20030005003-$ or US-20020050996-$ or US-20040109013-$ or US-20060010405-$ or US-20030081016-$ or US-20030081015-$ or US-20030001909-$ or US-20060026521-$ or US-20030231197-$).did. or (US-5949408-$ or US-5917493-$ or US-7007239-$ or US-6938220-$ or US-6956562-$ or US-6938222-$ or US-6801190-$ or US-6938221-$ or US-6876368-$ or US-6833827-$ or US-6356287-$ or US-6100878-$ or US-5406307-$ or US-5903268-$ or US-5424966-$ or US-5796397-$ or US-5677710-$ or US-5570109-$ or US-5555369-$ or US-4782463-$ or US-6980200-$ or US-6904570-$ or US-6882865-$ or US-6996784-$ or US-6741235-$ or US-6714220-$).did. or (US-6335725-$ or US-6304261-$ or US-5627567-$ or US-5821930-$ or US-5910802-$ or US-5757371-$ or US-5594471-$ or US-5327161-$ or US-4839634-$ or US-5757368-$ or US-6502114-$ or US-5453761-$ or US-5347295-$ or US-5570113-$ or US-6903730-$ or US-6664991-$ or US-6094197-$ or US-6262719-$ or US-6181344-$ or US-5798758-$ or US-5760773-$ or US-5726687-$ or US-5583543-$ or US-5523775-$ or US-5517578-$ or US-5502803-$ or US-4680804-$).did. or (US-5524201-$ or US-5483261-$).did.	US-PGPUB; USPAT	OR	ON	2006/03/10 09:06
S29	1	S28 and ((task adj manager) or (file adj manager))	US-PGPUB; USPAT	OR	ON	2006/03/10 11:24
S30	44	S28 and ((task) or (file))	US-PGPUB; USPAT	OR	ON	2006/03/10 09:08
S31	4	S28 and ((task) with (file))	US-PGPUB; USPAT	OR	ON	2006/03/10 09:09
S32	13	S28 and ((task or file) with manage$4)	US-PGPUB; USPAT	OR	ON	2006/03/10 12:05
S33	0	S28 and ((taskmanage$4 or filemanage$4))	US-PGPUB; USPAT	OR	ON	2006/03/10 11:32
S34	0	S28 and ((task-manage$4 or file-manage$4))	US-PGPUB; USPAT	OR	ON	2006/03/10 11:33
S35	247	715/864.ccls.	US-PGPUB; USPAT	OR	ON	2006/03/10 11:30
S36	1	S35 and ((task adj manager) or (file adj manager))	US-PGPUB; USPAT	OR	ON	2006/03/10 11:30
S37	0	S35 and ((taskmanage$4 or filemanage$4))	US-PGPUB; USPAT	OR	ON	2006/03/10 11:33
S38	0	S35 and ((task-manage$4 or file-manage$4))	US-PGPUB; USPAT	OR	ON	2006/03/10 11:33

EAST Search History

S39	18	S35 and ((task or file) with manage$4)	US-PGPUB; USPAT	OR	ON	2006/03/10 11:33
S40	72	(US-20050229117-$ or US-20050120312-$ or US-20050114797-$ or US-20030007018-$ or US-20050102639-$ or US-20020060702-$ or US-20020078143-$ or US-20040160442-$ or US-20030005003-$ or US-20020050996-$ or US-20040109013-$ or US-20060010405-$ or US-20030081016-$ or US-20030081015-$ or US-20030001909-$ or US-20060026521-$ or US-20030231197-$).did. or (US-5949408-$ or US-5917493-$ or US-7007239-$ or US-6938220-$ or US-6956562-$ or US-6938222-$ or US-6801190-$ or US-6938221-$ or US-6876368-$ or US-6833827-$ or US-6356287-$ or US-6100878-$ or US-5406307-$ or US-5903268-$ or US-5424966-$ or US-5796397-$ or US-5677710-$ or US-5570109-$ or US-5555369-$ or US-4782463-$ or US-6980200-$ or US-6904570-$ or US-6882865-$ or US-6996784-$ or US-6741235-$ or US-6714220-$).did. or (US-6335725-$ or US-6304261-$ or US-5627567-$ or US-5821930-$ or US-5910802-$ or US-5757371-$ or US-5594471-$ or US-5327161-$ or US-4839634-$ or US-5757368-$ or US-6502114-$ or US-5453761-$ or US-5347295-$ or US-5570113-$ or US-6903730-$ or US-6664991-$ or US-6094197-$ or US-6262719-$ or US-6181344-$ or US-5798758-$ or US-5760773-$ or US-5726687-$ or US-5583543-$ or US-5523775-$ or US-5517578-$ or US-5502803-$ or US-4680804-$).did. or (US-5524201-$ or US-5483261-$).did.	US-PGPUB; USPAT	OR	ON	2006/03/10 12:18
S41	13	S40 and ((task or file) with manage$4)	US-PGPUB; USPAT	OR	ON	2006/03/10 11:33
S42	13	S39 not S41	US-PGPUB; USPAT	OR	ON	2006/03/10 11:34
S43	18	S35 and ((task or file) with manage$4)	US-PGPUB; USPAT	OR	ON	2006/03/10 12:05
S44	5	S43 not S42	US-PGPUB; USPAT	OR	ON	2006/03/10 12:15
S45	1	S40 and (start adj menu)	US-PGPUB; USPAT	OR	ON	2006/03/10 12:38
S46	32	chew-chee-h.in.	US-PGPUB; USPAT	OR	ON	2006/03/10 12:38
S47	3	("5588105" | "5666438" | "6243071").PN. OR ("6727917").URPN.	US-PGPUB; USPAT; USOCR	OR	ON	2006/03/10 12:42

EAST Search History

| S48 | 80 | (US-20050216867-$ or US-20060010405-$ or US-20030001909-$ or US-20020078143-$ or US-20030007018-$ or US-20050229117-$ or US-20050120312-$ or US-20050114797-$ or US-20040160442-$ or US-20030231197-$ or US-20030081016-$ or US-20030081015-$ or US-20060026521-$ or US-20020060702-$ or US-20020050996-$ or US-20050102639-$ or US-20040109013-$ or US-20030005003-$).did. or (US-6674453-$ or US-5757371-$ or US-6996784-$ or US-7007239-$ or US-6956562-$ or US-6938221-$ or US-6938220-$ or US-6903730-$ or US-6882865-$ or US-6876368-$ or US-6801190-$ or US-6980200-$ or US-6741235-$ or US-6664991-$ or US-6938222-$ or US-6502114-$ or US-6356287-$ or US-6335725-$ or US-6904570-$ or US-6304261-$ or US-6262719-$ or US-6181344-$ or US-6833827-$ or US-6100878-$ or US-6094197-$ or US-5949408-$).did. or (US-6714220-$ or US-5917493-$ or US-5910802-$ or US-5903268-$ or US-5798758-$ or US-5796397-$ or US-5760773-$ or US-5757368-$ or US-5726687-$ or US-5677710-$ or US-5627567-$ or US-5594471-$ or US-5583543-$ or US-5570113-$ or US-5570109-$ or US-5555369-$ or US-5524201-$ or US-5821930-$ or US-5523775-$ or US-5517578-$ or US-5483261-$ or US-5453761-$ or US-5424966-$ or US-5347295-$ or US-5327161-$ or US-4839634-$ or US-4680804-$).did. or (US-6072486-$ or US-5502803-$ or US-5920316-$ or US-5680559-$ or US-5406307-$ or US-4782463-$ or US-6727917-$ or US-6008806-$ or US-5673406-$).did. | US-PGPUB; USPAT | OR | ON | 2006/03/13 10:16 |
| S49 | 27 | S48 and ((several or multiple or plurality) near2 (application or program or process or window)) | US-PGPUB; USPAT | OR | ON | 2006/03/13 10:17 |

EAST Search History

S50	80	(US-20050216867-$ or US-20060010405-$ or US-20030001909-$ or US-20020078143-$ or US-20030007018-$ or US-20050229117-$ or US-20050120312-$ or US-20050114797-$ or US-20040160442-$ or US-20030231197-$ or US-20030081016-$ or US-20030081015-$ or US-20060026521-$ or US-20020060702-$ or US-20020050996-$ or US-20050102639-$ or US-20040109013-$ or US-20030005003-$).did. or (US-6674453-$ or US-5757371-$ or US-6996784-$ or US-7007239-$ or US-6956562-$ or US-6938221-$ or US-6938220-$ or US-6903730-$ or US-6882865-$ or US-6876368-$ or US-6801190-$ or US-6980200-$ or US-6741235-$ or US-6664991-$ or US-6938222-$ or US-6502114-$ or US-6356287-$ or US-6335725-$ or US-6904570-$ or US-6304261-$ or US-6262719-$ or US-6181344-$ or US-6833827-$ or US-6100878-$ or US-6094197-$ or US-5949408-$).did. or (US-6714220-$ or US-5917493-$ or US-5910802-$ or US-5903268-$ or US-5798758-$ or US-5796397-$ or US-5760773-$ or US-5757368-$ or US-5726687-$ or US-5677710-$ or US-5627567-$ or US-5594471-$ or US-5583543-$ or US-5570113-$ or US-5570109-$ or US-5555369-$ or US-5524201-$ or US-5821930-$ or US-5523775-$ or US-5517578-$ or US-5483261-$ or US-5453761-$ or US-5424966-$ or US-5347295-$ or US-5327161-$ or US-4839634-$ or US-4680804-$).did. or (US-6072486-$ or US-5502803-$ or US-5920316-$ or US-5680559-$ or US-5406307-$ or US-4782463-$ or US-6727917-$ or US-6008806-$ or US-5673406-$).did.	US-PGPUB; USPAT	OR	ON	2006/03/13 11:55
S51	30	S50 and help	US-PGPUB; USPAT	OR	ON	2006/03/13 12:28
S52	247	715/864.ccls.	US-PGPUB; USPAT	OR	ON	2006/03/13 12:28
S53	67	S52 and help	US-PGPUB; USPAT	OR	ON	2006/03/13 12:53
S54	23811	"715"/$.ccls.	US-PGPUB; USPAT	OR	ON	2006/03/13 12:53
S55	5557	help near2 (button or menu or icon)	US-PGPUB; USPAT	OR	ON	2006/03/13 12:54
S56	1155	S54 and S55	US-PGPUB; USPAT	OR	ON	2006/03/13 12:54
S57	247	S54 and S52	US-PGPUB; USPAT	OR	ON	2006/03/13 12:54
S58	4116	help adj (button or menu or icon)	US-PGPUB; USPAT	OR	ON	2006/03/13 12:54

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EAST Search History

S59	15	S52 and S55	US-PGPUB; USPAT	OR	ON	2006/03/13 12:59
S60	467	S52 ((menu and display) adj area)	US-PGPUB; USPAT	OR	ON	2006/03/13 12:59
S61	247	S60 and S52	US-PGPUB; USPAT	OR	ON	2006/03/13 12:59
S62	106	715/702.ccls.	US-PGPUB; USPAT	OR	ON	2006/03/13 12:59
S63	1	S62 and S61	US-PGPUB; USPAT	OR	ON	2006/03/13 13:01
S64	2	S62 and S55	US-PGPUB; USPAT	OR	ON	2006/03/13 12:59
S65	0	S62 and S58	US-PGPUB; USPAT	OR	ON	2006/03/13 13:01
S66	25	S62 and help	US-PGPUB; USPAT	OR	ON	2006/03/13 14:30
S67	26	S50 and sav$3	US-PGPUB; USPAT	OR	ON	2006/03/13 15:37
S68	2	S52 and (sav$3 near2 text)	US-PGPUB; USPAT	OR	ON	2006/03/13 15:45
S69	7	S52 and (sav$3 with text)	US-PGPUB; USPAT	OR	ON	2006/03/13 15:51
S70	3	S62 and (sav$3 with text)	US-PGPUB; USPAT	OR	ON	2006/03/13 15:53
S71	41	S54 and (sav$3 with text with delet$3)	US-PGPUB; USPAT	OR	ON	2006/03/13 15:54
S72	18	S54 and ((sav$3 with text with delet$3) and (phone or telephone or (text adj message)))	US-PGPUB; USPAT	OR	ON	2006/03/13 15:55
S73	176	S54 and ((file adj (menu or button or icon)) with save)	US-PGPUB; USPAT	OR	ON	2006/03/13 16:25
S74	47	S54 and (((file adj (menu or button or icon)) with save) and (telephone or phone or (text adj message)))	US-PGPUB; USPAT	OR	ON	2006/03/13 16:25
S78	1	("6542191").PN.	US-PGPUB; USPAT	OR	OFF	2006/03/13 17:11
S79	1982	(remov$4 and exchang$4) same enclosure	US-PGPUB; USPAT	OR	ON	2006/03/13 18:32
S80	5	S54 and S79	US-PGPUB; USPAT	OR	ON	2006/03/13 18:30
S81	0	S80 and (hand or portable or pda)	US-PGPUB; USPAT	OR	ON	2006/03/13 18:31
S82	0	S80 and (handheld or hand-held or portable or pda or phone)	US-PGPUB; USPAT	OR	ON	2006/03/13 18:32
S83	0	S82 and S79	US-PGPUB; USPAT	OR	ON	2006/03/13 18:32
S84	302	S79 and (handheld or hand-held or portable or pda or phone)	US-PGPUB; USPAT	OR	ON	2006/03/13 18:33
S85	916	(remov$4 and exchang$4) with enclosure	US-PGPUB; USPAT	OR	ON	2006/03/13 18:38

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EAST Search History

S86	126	S85 and (handheld or hand-held or portable or pda or phone)	US-PGPUB; USPAT	OR	ON	2006/03/13 18:39
S87	0	(removable and exchangable) with enclosure	US-PGPUB; USPAT	OR	ON	2006/03/13 18:39
S88	4927	(removable or exchangable) with enclosure	US-PGPUB; USPAT	OR	ON	2006/03/13 18:40
S89	1144	S88 and (handheld or hand-held or portable or pda or phone)	US-PGPUB; USPAT	OR	ON	2006/03/13 18:39
S90	182	(removable or exchangable) with enclosure with (handheld or hand-held or portable or pda or phone or cellphone or telephone)	US-PGPUB; USPAT	OR	ON	2006/03/13 18:40
S91	9	("20010034250" | "5768100" | "6035214" | "6052279" | "6085112" | "6137686" | "6157533" | "6259932" | "6317315").PN.	US-PGPUB; USPAT; USOCR	OR	ON	2006/03/13 18:50
S92	120	715/823.ccls.	US-PGPUB; USPAT	OR	ON	2006/03/14 16:44
S93	399	((hard or physical or mechanical) adj (key or button)) with ((soft) adj (button or key))	US-PGPUB; USPAT	OR	ON	2006/03/14 16:46
S94	8	((hard or physical or mechanical) adj (key or button)) with ((soft) adj (button or key)) with (interchang$4 or instead)	US-PGPUB; USPAT	OR	ON	2006/03/14 16:50
S95	364236	S93 (portable or handheld or hand-held or pda)	US-PGPUB; USPAT	OR	ON	2006/03/14 16:50
S96	399	S93 and S95	US-PGPUB; USPAT	OR	ON	2006/03/14 16:51
S97	114	715/860.ccls.	US-PGPUB; USPAT	OR	ON	2006/03/15 10:39
S98	52	S97 and (speed or fast$2 or slow$2)	US-PGPUB; USPAT	OR	ON	2006/03/15 10:56
S99	0	((cursor or pointer or mouse) adj speed with (fast$2 or slow$2) with (highlight$3 or high-light$3))	US-PGPUB; USPAT	OR	ON	2006/03/15 10:55
S100	1	((cursor or pointer or mouse or marker) with speed with (fast$2 or slow$2 or low$2) with (highlight$3 or high-light$3))	US-PGPUB; USPAT	OR	ON	2006/03/15 10:56
S101	0	715/830.ccls	US-PGPUB; USPAT	OR	ON	2006/03/15 10:56
S102	55	715/830.ccls.	US-PGPUB; USPAT	OR	ON	2006/03/15 10:56
S103	42	S102 and (speed or fast$2 or slow$2 or low$2)	US-PGPUB; USPAT	OR	ON	2006/03/15 10:57
S104	9	("4879648" | "5363481" | "5721847" | "5790115" | "5844560" | "6144378" | "6295057" | "6300967" | "6388686").PN.	US-PGPUB; USPAT; USOCR	OR	ON	2006/03/15 12:15
S105	106	715/702.ccls.	US-PGPUB; USPAT; USOCR	OR	ON	2006/03/15 12:16
S106	28	S105 and ((cursor or marking or marker or pointer or mouse or stylus or finger) with (speed or low$2 or slow$2 or fast$2))	US-PGPUB; USPAT; USOCR	OR	ON	2006/03/15 12:17

S10 7	2	goertz-magnus.in.	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT ; IBM_TDB	OR	ON	2006/03/15 16:32

PLUS Search Results for S/N 10315250, Searched March 06, 2006

The Patent Linguistics Utility System (PLUS) is a USPTO automated search
system for U.S. Patents from 1971 to the present. PLUS is a
query-by-example search system which produces a list of patents that are
most closely related linguistically to the application searched. This
search was prepared by the staff of the Scientific and Technical
Information Center, SIRA.

5671420
5978568
5905862
4949248
5367573
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6035303
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4357021
4368669
4503533
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In re Patent Application of:

GOERTZ

Serial No. 10/315,250

Filed: December 10, 2002

For: USER INTERFACE

MAR 1 0 2003

Attention: A ....ation Branch

Atty. Dkt. 3682-32

Date: March 10, 2003

Assistant Commissioner for Patents
Washington, D.C. 20231

The attached **completes** filing of the above-identified patent application:

☒ **Correspondence Address Indication Form Attached.**

☒ Signed Rule 63 Declaration alone, ☐ Copy of Declaration from prior application alone, **OR**
☐ Signed Declaration plus attached copy of originally filed specification/drawings.
☒ **NOTICE TO FILE MISSING PARTS OF APPLICATION FILING DATE GRANTED** form.
☐ Record the attached assignment and return to the undersigned.
☐ Attached is a Power of Attorney.
☐ Priority is hereby claimed under 35 U.S.C. § 119 based on the following foreign applications:
   Application Number   Country   Day/Month/Year Filed

respectively.
☐ Certified copy(ies) of foreign application(s) is/are attached.
☐ Certified copy(ies) filed on _____ in prior application no. _____, filed _____.
☒ Applicant claims "small entity" status.   ☐ "Small entity" statement attached.
☐ Please enter the attached and/or below preliminary amendment **prior** to calculation of filing fee.
☐ Also attached: ☐ **Information Disclosure Statement;** ☐ **Nucleotide and/or Amino Acid**
   Sequence Submission; ☐ **Other:**

Fees due are calculated below:

Basic filing fee						$	750.00
Total Effective claims	18	- 20 =	0	x $	18.00	$	0.00
Independent claims	1	- 3 =	0	x $	84.00	$	0.00
If any proper multiple dependent claims now added for first time, add $280.00 (ignore improper)						$	0.00
					FILING FEE	$	750.00

Petition is hereby made to extend the current due date so as to cover the filing date of this paper
and attachment(s) ($110.00/1 month; $410.00/2 months; $930.00/3 months; $1450.00/4 months) $

Surcharge ($130.00) if Declaration or filing fee first now submitted $ 130.00
English translation of specification and claims ($130.00) $ 0.00

FIRST SUBTOTAL $ 880.00
If "small entity," enter half (½) of subtotal and subtract   -$ 440.00
SECOND SUBTOTAL $ 440.00
Assignment Recording Fee ($40.00) $ 0.00
TOTAL FEE DUE $ 440.00
Check enclosed (Pre-Bill)* $ 440.00
Check enclosed (non Pre-Bill)* $
TOTAL FEE ENCLOSED $ **440.00**

Any future submission requiring an extension of time is hereby stated to include a petition for such time extension.
The Commissioner is hereby authorized to charge any **deficiency**, or credit any overpayment, in the fee(s) filed, or
asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application
by this firm) to our **Account No. 14-1140.** A **duplicate** copy of this sheet is attached.

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NIXON & VANDERHYE P.C.
By Atty: Richard G. Besha, Reg. No. 22,770

Signature: _Richard Besha_

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UNITED STATES PATENT AND TRADEMARK OFFICE

MAR 1 0 2003

Commissioner for Patents
Washington, DC 20231
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/315,250	12/10/2002	Magnus Goertz	3682-32

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8th Floor
1100 North Glebe Road
Arlington, VA 22201

CONFIRMATION NO. 1226
FORMALITIES LETTER

OC000000009390646

Date Mailed: 01/16/2003

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.
  Applicant must submit $ 370 to complete the basic filing fee for a small entity.
- The oath or declaration is missing.
  A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of $65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.

SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is $435 for a Small Entity

- $370 Statutory basic filing fee.
- $65 Late oath or declaration Surcharge.

03/13/2003 BNGUYEN1 00000018 10315250

01 FC:2001   375.00 OP
02 FC:2051   65.00 OP

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PART 2 - COPY TO BE RETURNED WITH RESPONSE

#3

3682-32
P02-700/UK/MLE

Nixon & Vanderhye P.C. (10/99)
(Domestic Non-Assigned/Foreign) Page 1

RULE 63 (37 C.F.R. 1.63)
INVENTORS DECLARATION FOR PATENT APPLICATION
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

As a below named inventor, I hereby declare that my residence, mailing address and citizenship are as stated below next to my name, and I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the Invention entitled:

USER INTERFACE

the specification of which (check applicable box(s)):
[ ] is attached hereto
[X] was filed on   December 10, 2002   as U.S. Application Serial No.   Unassigned   (Atty. Dkt. No. 3682-32)
[ ] was filed as PCT International application No.   on
and (if applicable to U.S. or PCT application) was amended on

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above. I acknowledge the duty to disclose to the Patent Office all information known to me to be material to patentability as defined in 37 C.F.R. 1.56. I hereby claim foreign priority benefits under 35 U.S.C. 119/365 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed or, if no priority is claimed, before the filing date of this application:

Priority Foreign Application(s):

Application Number	Country	Day/Month/Year Filed

I hereby claim the benefit under 35 U.S.C. §119(e) of any United States provisional application(s) listed below.

Application Number	Date/Month/Year Filed

I hereby claim the benefit under 35 U.S.C. 120/365 of all prior United States and PCT international applications listed above or below:

Prior U.S./PCT Application(s): Application Serial No.	Day/Month/Year Filed	Status: patented pending, abandoned

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon. And on behalf of the owner(s) hereof, I hereby appoint NIXON & VANDERHYE P.C., 1100 North Glebe Rd., 8th Floor, Arlington, VA 22201-4714, telephone number (703) 816-4000 (to whom all communications are to be directed), and the following attorneys thereof (of the same address) individually and collectively owner's/owners' attorneys to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith and with the resulting patent: Larry S. Nixon, 25640; Arthur R. Crawford, 25327; James T. Hosmer, 30184; Robert W. Faris, 31352; Richard G. Besha, 22770; Mark E. Nusbaum, 32348; Michael J. Keenan, 32106; Bryan H. Davidson, 30251; Stanley C. Spooner, 27393; Leonard C. Mitchard, 29009; Duane M. Byers, 33363; Jeffry H. Nelson, 30481; John R. Lastova, 33149; H. Warren Burnam, Jr. 29366; Mary J. Wilson, 32955; J. Scott Davidson, 33489; Alan M. Kagen, 36178; Robert A. Molan, 29834; B. J. Sadoff, 36663; James D. Berquist, 34776; Updeep S. Gill, 37334; Michael J. Shea, 34725; Donald L. Jackson, 41090; Michelle N. Lester, 32331; Frank P. Presta, 19828; Joseph S. Presta, 35329; Joseph A. Rhoa, 37515; Raymond Y. Mah, 41426; Chris Comuntzis, 31097; Gary R. Tanigawa, 43180. I also authorize Nixon & Vanderhye to delete any attorney names/numbers no longer with the firm and to act and rely solely on instructions directly communicated from the person, assignee, attorney, firm, or other organization sending instructions to Nixon & Vanderhye on behalf of the owner(s).

1. Inventor's Signature: _____   Date: 2003-03-05
    Inventor: (Magnus)   MI   BOERTZ   Swedish
              (first)   (last)   (citizenship)
    Residence: (city) Stockholm   (state/country) SWEDEN
    Mailing Address: Engelbrektsgatan 14A, Stockholm, SWEDEN
    (Zip Code) SE-114 32

2. Inventor's Signature: _____   Date: _____
    Inventor:
              (first)   MI   (last)   (citizenship)
    Residence: (city) _____ (state/country) _____
    Mailing Address:
    (Zip Code)

[ ] *See attached sheet(s) for additional inventor(s) information!!*

Please type a plus sign (+) inside this box → +

#4 3682-32

PTO/SB/121 (10-00)
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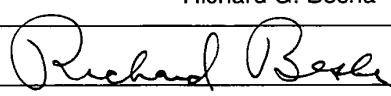
Direct all correspondence to:

☒ **Customer Number:** **23117**

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OR

Type Customer Number here

☐ Request for Customer Number (PTO/SB/125) submitted herewith.

in the following listed application(s) or patent(s):

Patent Number (if appropriate)	Application Number	Patent Date (if appropriate)	U.S. Filing Date
	10/315,250		December 10, 2002

		(check one)
Typed or Printed Name	Richard G. Besha	☐ Applicant or Patentee
Signature	*(signature) Richard Besha*	☐ Assignee of record of the entire interest. Statement under 37 C.F.R. § 3.73(b) is enclosed. (Form PTO/SB/96)
Date	March 10, 2003	
Address of signer:	1100 North Glebe Road, 8th Floor Arlington, VA 22202	☒ Attorney or Agent of record ___22,770___ (Reg. No.)

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.

☒ | *Total of | 1 | forms are submitted.

717321

**UNITED STATES
PATENT AND
TRADEMARK OFFICE**

Commissioner for Patents
Washington, DC 20231
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APPLICATION NUMBER	FILING RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/315,250	12/10/2002	Magnus Goertz	3682-32

CONFIRMATION NO. 1226

NIXON & VANDERHYE P.C.
8th Floor
1100 North Glebe Road
Arlington, VA 22201

FORMALITIES LETTER

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SUMMARY OF FEES DUE:

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- $370 Statutory basic filing fee.
- $65 Late oath or declaration Surcharge.

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PART 3 - OFFICE COPY

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
REQUEST FOR FILING APPLICATION UNDER 37 C.F.R. 1.53(b)
WITHOUT FILING FEE *AND/OR* WITHOUT EXECUTED INVENTOR'S DECLARATION

Assistant Commissioner for Patents
Washington, DC 20231

Atty. Dkt. 3682-32

Date: December 10, 2002

is a request for filing a new PATENT APPLICATION under Rule 53(b) entitled:

USER INTERFACE

without a filing fee and/or without an executed inventor's oath/declaration.
This application is made by the below identified inventor(s). Attached hereto are the following papers:
☐ Newly executed Declaration, ☐ Copy of Declaration from prior application, ☒ Abstract
pages of specification and claims (including 18 numbered claims), and
4 sheets of accompanying drawing/s.
☐ Record the attached assignment and return to the undersigned.
☐ Attached is a Power of Attorney.
☐ Priority is hereby claimed under 35 U.S.C. § 119 based on the following foreign applications:
Application Number   **Country**   **Day/Month/Year Filed**

, respectively, the entire content of which is hereby incorporated by reference in this application..
☐ Certified copy(ies) of foreign application(s) is/are attached.
☐ Certified copy(ies) filed on _____ in prior application no. _____ filed _____
☐ Please amend the specification by inserting the following paragraph before the first line: --This application claims the benefit of Provisional Application No. , filed , the entire content of which is hereby incorporated by reference in this application.--
☐ Please amend the specification by inserting the following paragraph before the first line: --This application is a ☐ continuation/☐ division/☐ continuation-in-part of Application No. , filed , , the entire content of which is hereby incorporated by reference in this application.--
☐ Petition filed in prior application to extend its life to insure co-pendency.
☐ The prior application is assigned to .
☐ It is hereby requested that the Examiner consider the art cited in the above parent application(s) by applicant and/or the Examiner for the reasons stated therein. A listing of that art is attached, but pursuant to Rule 98(d) copies are not required.
☒ Applicant claims "small entity" status. ☐ "Small entity" statement attached.
☒ Please enter the attached and/or below preliminary amendment **prior** to calculation of filing fee:

☐ Also attached:☐ **Information Disclosure Statement**; ☐ **Non-Publication Request**; ☐ **Nucleotide and/or Amino Acid Sequence Submission**; ☐ **Statement deleting Inventor(s) named in prior application**; ☐ **Other:**

1.   Inventor: Magnus   MI   GOERTZ   Swedish
        (first)   (last)   (citizenship)
  Residence: (city)   Stockholm   (state/country) SWEDEN
  Mailing Address: Engelbrektsgatan 14A, Stockholm, SWEDEN
        (Zip Code) SE-114 32

2.   Inventor:
        (first)   MI   (last)   (citizenship)
  Residence: (city)   (state/country)
  Mailing Address:
        (Zip Code)

☐ *See attached sheet(s) for additional inventor(s) information!!*

Address all future communications to NIXON & VANDERHYE P.C., 1100 North Glebe Road, 8th Floor, Arlington, VA 22201.

1100 North Glebe Road, 8th Floor
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NIXON & VANDERHYE P.C.
By Atty: Richard G. Besha, Reg. No. 22,770

Signature: _Richard Besha_

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

Magnus GOERTZ   Atty. Ref.: 3682-32

Serial No. Unassigned   Group:

Filed: December 10, 2002   Examiner:

For: USER INTERFACE

*   *   *   *   *   *   *   *   *   *   *

December 10, 2002

Assistant Commissioner for Patents
Washington, DC 20231

Sir:

PRELIMINARY AMENDMENT

In order to place the above-identified application in better condition for

examination, please amend the application as follows:

IN THE CLAIMS

Please substitute the following amended claim(s) for corresponding claim(s)

previously presented. A copy of the amended claim(s) showing current revisions is

attached.

9.   (Amended) User interface according to Claim 7, characterised in, that, a

navigation in said list is performed by moving said object in a direction towards the top

of said list or towards the bottom of said list, that the movement of said object will cause

said marking to move in the same direction, and that the speed of the movement of said

marking is lower than the speed of the movement of said object.

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12.   (Amended) User interface according to Claim 1, characterised in, that an active application, function, service or setting is moved on one step by moving said object from the left of said display area to the right of said display area, and that the active application, function, service or setting is closed or backed one step by moving said object from the right of said display area to the left of said display area.

13.   (Amended) User interface according to Claim 1, characterised in, that said menu area is positioned at the bottom of said touch sensitive area, that said representation of said first function is positioned at the left side of said menu area, that said representation of said second function is positioned at the middle of said menu area, and that said representation of said third function is positioned at the right side of said menu area.

14.   (Amended) User interface according to Claim 1, characterised in, that said user interface is adapted to a touch sensitive area with a size that is in the order of 2-3 inches, and that said user interface is adapted to be operated by one hand, where said object can be a finger, such as the thumb, or a user of said computer unit.

15.   (Amended) An enclosure adapted to cover a computer unit, said computer unit being adapted to present a user interface according to Claim 1, characterised in, that

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said enclosure is provided with an opening for said display area, and that a representation

of said menu area is printed on top of said enclosure.

    17.   (Amended) A computer readable medium, with a computer program

product stored therein, characterised in, that said computer program product comprises

computer readable code, which, when read by a computer, will make it possible for said

computer to present a user interface according to Claim 1.

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REMARKS

This Preliminary Amendment has been presented to place the claims in condition for allowance.

Attached hereto is a marked-up version of the changes made to the specification and claim(s) by the current amendment. The attached page(s) is captioned **"Version With Markings To Show Changes Made."**

Respectfully submitted,

NIXON & VANDERHYE P.C.

By: _____
Richard G. Besha
Reg. No. 22,770

RGB:lhl
1100 North Glebe Road, 8th Floor
Arlington, VA 22201-4714
Telephone: (703) 816-4000
Facsimile: (703) 816-4100

- 4 -

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VERSION WITH MARKINGS TO SHOW CHANGES MADE

IN THE CLAIMS

9.   (Amended) User interface according to Claim 7 [or 8], characterised in, that, a navigation in said list is performed by moving said object in a direction towards the top of said list or towards the bottom of said list, that the movement of said object will cause said marking to move in the same direction, and that the speed of the movement of said marking is lower than the speed of the movement of said object.

12.   (Amended) User interface according to [any preceding] Claim 1, characterised in, that an active application, function, service or setting is moved on one step by moving said object from the left of said display area to the right of said display area, and that the active application, function, service or setting is closed or backed one step by moving said object from the right of said display area to the left of said display area.

13.   (Amended) User interface according to [any preceding] Claim 1, characterised in, that said menu area is positioned at the bottom of said touch sensitive area, that said representation of said first function is positioned at the left side of said menu area, that said representation of said second function is positioned at the middle of said menu area, and that said representation of said third function is positioned at the right side of said menu area.

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14.   (Amended) User interface according to [any preceding] Claim 1, characterised in, that said user interface is adapted to a touch sensitive area with a size that is in the order of 2-3 inches, and that said user interface is adapted to be operated by one hand, where said object can be a finger, such as the thumb, or a user of said computer unit.

15.   (Amended) An enclosure adapted to cover a computer unit, said computer unit being adapted to present a user interface according to [any of Claims] Claim 1 [to 14], characterised in, that said enclosure is provided with an opening for said display area, and that a representation of said menu area is printed on top of said enclosure.

17.   (Amended) A computer readable medium, with a computer program product stored therein, characterised in, that said computer program product comprises computer readable code, which, when read by a computer, will make it possible for said computer to present a user interface according to [any of Claims] Claim 1 [to 14].

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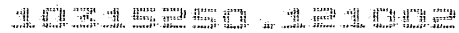
USER INTERFACE

Technical field

The present invention relates to a user interface for a mobile handheld

5   computer unit, which computer unit comprises a touch sensitive area, and which touch sensitive area is divided into a menu area and a display area.

The computer unit is adapted to run several applications simultaneously and to present any active application on top of any other application on the display area.

10   The present invention also relates to an enclosure for a handheld computer unit.

The present invention also relates to a computer readable medium. A computer program product with computer program code is stored within the computer readable medium, which code, when read by a computer, will make it

15   possible for this computer to present a user interface according to the invention.

Description of background art

Mobile handheld computers are known in various embodiments. One kind of handheld computer is the personal digital assistant (PDA), which is getting more

20   and more powerful.

Another kind of handheld computer unit is the mobile phone, which also is getting more and more powerful. There are also examples of where the mobile phone and the PDA are merging into one unit.

A third kind of handheld computer is the laptop computer, which is getting

25   smaller and smaller, even competing in size with the PDA's.

The need to manage more information has led the development towards new solutions regarding user interfaces and navigation. The PDA's and mobile phones are getting larger and larger in order to provide a user-friendly interface.

Since the users have gotten used to small handheld units, it is hard to

30   move towards larger units. This has led to foldable keyboards, different kinds if joy sticks and different kinds of touch sensitive displays and pads intended to help in providing a user interface that is suitable for small handheld compute units.

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Summary of the present invention

Technical problems

It is a problem to provide a user-friendly interface that is adapted to handle

5   large amount of information and different kinds of traditional computer-related applications on a small handheld computer unit.

It is a problem to provide a user interface that is simple to use, even for inexperienced users of computers or handheld devices.

It is a problem to provide a small handheld computer unit with an easily

10   accessible text input function.

It is also a problem to provide a simple way to make the most commonly used functions for navigation and management available in the environment of a small handheld computer unit.

15   ### Solution

Taking these problems into consideration, and with the staring point from a user interface for a mobile handheld computer unit, which computer unit comprises a touch sensitive area, which touch sensitive area is divided into a menu area and a display area, which computer unit is adapted to run several applications'

20   simultaneously and to present an active application on top of any other application on the display area, the present invention teaches that the menu area is adapted to present a representation of a first, a second and a third predefined function, where the first function is a general application dependent function, the second function is a keyboard function, and the third function is a task and file manager.

25   The present invention also teaches that any one of these three functions can be activated when the touch sensitive area detects a movement of an object with its starting point within the representation of the function on the menu area and with a direction from the menu area to the display area.

With the purpose of providing a simple way of managing any application or

30   the operations system, the present invention teaches that if the first function is activated, the display area is adapted to display icons representing services or settings, depending on the current active application. One of the icons always represents a "help"-service, regardless of application. The icons are adapted to represent services or settings of the operations system of said computer unit, such

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as background picture, clock, users, help, etc. if no application is currently active on the computer unit.

Selections of preferred service or setting is done by tapping on corresponding icon.

5   With the purpose of providing the access to a text input function in any application in the computer unit, the present invention teaches that when the second function is activated, the display area is adapted to display a keyboard and a text field,

If a text passage in an active application is highlighted, then this text

10   passage is displayed in the text field for editing through the keyboard and that the highlighted text passage is replaced by the edited text passage when the second function is deactivated.

If no text passage in an active application is highlighted, then the text field is available for inputting and editing of text through the keyboard.

15   In the case of the latter the first function can be activated, or the second function can be closed, in which a choice of saving or deleting the inputted text is given. The choice of saving the inputted text results in an activation of the first function. In this case the first function will present services or settings available for the inputted text, such as saving the inputted text for later use, using the inputted

20   text as telephone number in a telephone application, or sending the inputted text as message in communications application.

In order to provide a task and file management in a user interface for a handheld mobile computer, the present invention teaches that, if the third function is activated, the display area is adapted to display a list with a library of available

25   applications and files on the computer unit A selection of an application will start the application, and a selection of a file will open the file in an application intended for the file.

A selection of an application or a file is done by moving the object so that the representation of desired application or file is highlighted, removing the object

30   from the touch sensitive area, and then tapping on the touch sensitive area.

According to the present invention a navigation in the list is performed by moving the object in a direction towards the top of the list or towards the bottom of the list. This will cause the marking to move in the same direction. The speed of

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the movement of the marking is lower than the speed of the movement of the object, with the purpose of making the navigation easier.

The user interface of the present invention is specifically adapted to be used with a small computer unit where the size of the touch sensitive area is in the

5   order of 2-3 inches, The user interface is also adapted to be operated by one hand, where the object can be a finger, such as the thumb, of a user of the computer unit.

Advantages

10   Those advantages that can be primarily associated with a user interface or a computer readable medium according to the present invention reside in the ability to establish a user-friendly interface for small handheld computers, both regarding general application set-up functions, text input functions, and file and task management.

15 **Brief description of the drawings**

The present invention will now be described in more detail with reference to the accompanying drawings, in which

Figure 1   is a schematic and highly simplified view of a touch sensitive area on a mobile handheld computer unit;

20   Figure 2   is a schematic side view illustrating the activation of a function;

Figure 3   is a schematic illustration of a first function;

Figure 4   is a schematic side view illustrating the selection of a service or setting represented by an icon;

Figure 5   is a schematic illustration of a second function;

25   Figure 6   is a schematic side view illustrating the selection of a third function;

Figure 7   is a schematic illustration of an application or file;

Figure 8   is a schematic illustration on how navigation is performed;

Figure 9   is a schematic illustration of how the content of the display are

30   is changed;

Figure 10 is a schematic side view further illustrating how navigation is performed;

Figure 11 is a schematic illustration of moving forwards in an application;

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Figure 12 is a schematic illustration of moving backwards in, or closing,
an application;

Figure 13 is a schematic illustration of an enclosure

Description of embodiments at present preferred

5   Figure 1 illustrates a user interface for a mobile handheld computer unit.
The user interface according to the present invention is specifically adapted to
computer units comprising a touch sensitive area 1, which is divided into a menu
area 2 and a display area 3. It should be understood that there are several
different kinds of known touch sensitive displays and that the present invention

10   does not depend on what kind of touch sensitive display that is used in relation to
the inventive user interface.

The computer unit is adapted to run several applications simultaneously
and to present an active application on top of any other application on the display
area 3. It should be understood that by simultaneously it is meant any technology

15   that will make it appear to a user of the computer unit that applications are run
simultaneously and that the present invention does not depend on how this is
realised, whether it is through time-sharing of one processor, parallel use of
several processors, or any other technique.

According to the present invention the menu area 2 is adapted to present

20   a representation of a first 21, a second 22 and a third 23 predefined function.

The first function 21 is a general application dependent function, the
second function 22 is a keyboard function, and the third function 23 is a task and
file manager.

Figure 2 shows that any one of these three functions 21, 22, 23 can be

25   activated when the touch sensitive area 1 detects a movement of an object 4 with
its starting point A within the representation of a function on the menu area 2 and
with a direction B from the menu area 2 to the display area 3.

Figure 3 shows that if the first function 21 is activated, then the display
area 3 is adapted to display icons 211, 212, 213, 214, 215, 216 representing

30   services or functions depending on the current active application. One of the icons,
in the figure exemplified by icon 211, always represents a "help"-service,
regardless of application. Any key that, because of lack of space on the display
area, or because the key should be hidden from the active application, or because

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of any other reason is not shown on the display area of an active application, can be represented by one of the icons 212, 213, 214, 215, 216 that is shown when the first function 21 is activated.

If for instance the active application handles a picture, then the icons that
5   are shown when the first function is activated can be services such as "save to disk", "send as SMS", or "delete" and they can be settings such as "resolution", "colour", or "brightness".

If no application is currently active on the computer unit, then the icons 211, 212, 213, 214, 215, 216 are adapted to represent services or settings of the
10   operations system of the computer unit, such as background picture, clock, alarm 215, users 213, help 211, etc.

Figure 4 shows that selection of a preferred service or setting is done by tapping C, D on corresponding icon 213.

Figure 5 shows that if the second function 22 is activated, then the display
15   area 3 is adapted to display a keyboard 221 and a text field 222.

Two different scenarios can be at hand when this function key is activated. A first scenario can be that a text passage in the active application is highlighted as the second function is activated. If this is the case then the highlighted text passage is displayed in the text field 222 for editing through the
20   keyboard 221.

The highlighted text passage is replaced by the edited text passage when the second function 21 is deactivated.

A second scenario can be that no text passage in the active application is highlighted. If this is the case then the text field 222 is available for inputting and
25   editing of text through the keyboard 221.

In the case of the latter scenario, the first function 21 can be activated, or the second function 22 can be closed. If the second function 22 is closed then a choice of saving or deleting the inputted text is given, where the choice of saving the inputted text results in an activation of the first function 21.
30   As the first function 21 is activated with the second function 22 as currently active application the first function 21 will present services or settings available for the inputted text, such as saving the inputted text for later use, using the inputted text as telephone number in a telephone application, or sending the inputted text as message in communications application, such as e-mail, SMS, or fax.

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Figure 6 shows that if the third function 23 is activated, then the display area 3 is adapted to display a list 231 with a library of available applications and files on the computer unit.

A selection of an application will start the application, and a selection of a
5 file will open the file in an application intended for the file. The name of a selected file can be edited by activation of the second function 22 as the file is highlighted.

Figure 7 shows that a selection of an application or a file is done by moving E the object 4 so that the representation of desired application or file is highlighted, removing F the object 4 from the touch sensitive area 1, and then
10 tapping G, H on the touch sensitive area 1.

An application or file is highlighted by placing some kind of marking 232 on the representation of the application or file. This marking can be done in different ways, for example by putting a frame around the representation of the application or file, as shown in the figure, or by inverting the representation of the application
15 or file.

It should b understood that all lists in the computer unit, such as a list of contact information in an address book, a list of e-mail messages in a mailbox, or a telephone log, can be managed in the above described manner.

The list 231 can be adapted to present only files or only applications. In
20 this case, the top area of the list 231 can present a field 233 through which the content if the list 231 can be altered. If the list only presents files, then the field 233 can display a representation of a task manager and a selection of the field 233 will cause the list 231 to alter to present only applications, and if the list 231 only presents applications, then the field 233 displays a representation of a file
25 manager and a selection of the field 233 will cause the list 231 to alter and present only files.

Figure 8 shows that navigation in the list is performed by moving the object 4 in a direction I towards the top 231a of the list 231 or towards J the bottom 231b of the list 231. This movement I, J of the object 4 will cause the marking 232
30 to move K, L in the same direction. The speed of the movement K, L of the marking 232 is lower than the speed of the movement I, J of the object 4.

Figure 9 shows that if the number of applications and/or files in the list 231 exceeds the number of applications and/or files that can be presented on the display area 3, and if the object 4 is moved to the top or bottom position of the

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display area, then lifted, replaced on the display area, and then again moved to the top or bottom of the display area, then the content of the display area will be replaced one whole page, meaning that if the object 4 is positioned N at the bottom 3b of the display area 3, then lifted, replaced on the display area 3, and

5   then again moved M to the bottom 3b of the display area 3, then the content 31 of the display area 3 will be replaced P by the following applications and/or files 32 in the list 231. In the same way, but not shown in the figure, if the object is position at the top of the display area, then lifted, replaced on the display area 3, and then again moved to the top of the display area, the content of the display area will be

10   replaced by the preceding applications and/or files in the list.

Figure 10 shows that if the object 4 is removed Q from a first position 33 on the display area 3 and then replaced R, S on a second position 34 on the display area 3, then the navigation can be continued T from the second position 34.

15   Figure 11 shows that moving U the object 4 from the left of the display area 3 to the right of the display area 3 moves the active application, function, service or setting on one step forwards. Figure 12 shows that, in a similar manner, the active application, function, service or setting is closed or backed one step by moving V the object 4 from the right of the display area 3 to the left of the display

20   area 3.

As shown in figure 1, the menu area 2 is positioned at the bottom of the touch sensitive area 1. The representation of the first function 21 is positioned at the left side of the menu area 2, the representation of the second function 22 is positioned at the middle of the menu area 2, and the representation of the third

25   function 23 is positioned at the right side of the menu area 2.

As shown in figure 13, the present invention relates to a user interface for a hand held mobile unit that preferably can be manageable with one hand. Hence the present invention teaches that the user interface is adapted to a touch sensitive area 1 with a size that is in the order of 2-3 inches, meaning the diagonal

30   distance W between two corners of the touch sensitive area 1.

The user interface is adapted to be operated by one hand, where the object 4 can be a finger, such as the thumb shown in the figures, of a user of the computer unit. It should be understood though that the present invention might also be used with another object, such as a pen or other pointing device.

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According to one preferred embodiment of the present invention the computer unit is covered with an enclosure 5, which is provided with an opening 51 for the display area 3, and where the representations of the menu area 2 is printed on top of the enclosure 5. It should be understood that the opening 51

5   might be a transparent part of the enclosure 5 or that it might be an open aperture depending on among other things technical considerations pertaining to the touch sensitive area 1.

This makes it possible to allow the enclosure 5 to be removable and exchangeable.

10   Figure 14 shows a computer readable medium, in the figure schematically shown as a solid-state memory 61. A computer program product is stored within the computer readable medium. This computer program product comprises computer readable code 62, which, when read by a computer 6, will make it possible for the computer 6 to present a user interface according to the present

15   invention.

The present invention also teaches that the computer program product is adapted to function as a shell upon an operations system.

It will be understood that the invention is not restricted to the aforedescribed and illustrated exemplifying embodiments thereof, and that these

20   embodiments can be modified within the scope of the inventive concept illustrated in the accompanying Claims.

10

CLAIMS

1.   User interface for a mobile handheld computer unit, where said computer unit comprises a touch sensitive area, which touch sensitive area is divided into a

5   menu area and a display area, where said computer unit is adapted to run several applications simultaneously, and to present an active application on top of any other application on said display area, **characterised** in, that said menu area is adapted to present a representation of a first, a second and a third predefined function, that said first function is a general application dependent function, that

10   said second function is a keyboard function, that said third function is a task and file manager, and that any one of said three functions can be activated when said touch sensitive area detects a movement of an object with its starting point within the representation of said function on said menu area and with a direction from said menu area to said display area.

15

2.   User interface according to Claim 1, **characterised** in, that, if said first function is activated, said display area is adapted to display icons representing different services or settings depending on the current active application, that one of said icons always represents a "help"-service, regardless of application, and

20   that, if no application is currently active on said computer unit, said icons are adapted to represent services or settings of the operations system of said computer unit, such as background picture, clock, users, help, etc.

3.   User interface according to Claim 2, **characterised** in, that that a selection

25   of a preferred service or setting is done tapping on corresponding icon.

4.   User interface according to Claim 1, **characterised** in, that, if said second function is activated, said display area is adapted to display a keyboard and a text field,

30   - that, if a text passage in said active application is highlighted, said text passage is displayed in said text field for editing through said keyboard and that said highlighted text passage is replaced by said edited text passage when said second function is deactivated, and

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- that, if no text passage in said active application is highlighted, said text field is available for inputting and editing of text through said keyboard.

5.   User interface according to Claim 4, **characterised** in, that if no text
5   passage in said active application is highlighted, and said text field is used for inputting and editing of text through said keyboard, then
- said first function can be activated, or
- said second function can be closed, in which a choice of saving or deleting said inputted text is given, where the choice of saving said inputted text results in an
10   activation of said first function,
in which said first function will present services or settings available for said inputted text, such as saving said inputted text for later use, using said inputted text as telephone number in a telephone application, or sending said inputted text as message in communications application.

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6.   User interface according to Claim 1, **characterised** in, that, if said third function is activated, said display area is adapted to display a list with a library of available applications and files on said computer unit, that a selection of an application will start said application, and that a selection of a file will open said file
20   in an application intended for said file.

7.   User interface according to Claim 6, **characterised** in, that a selection of an application or a file is done by moving said object so that the representation of desired application or file is highlighted, removing said object from said touch
25   sensitive area, and then tapping on said touch sensitive area, and that an application or file is highlighted by placing some kind of marking on the representation of said application or file, such as positioning a frame around the representation of said application or file or inverting the representation of said application or file.

30

8.   User interface according to Claim 7, **characterised** in, that said list is adapted to present only said files or only said applications, that the top area of said list presents a field through which the content if said list can be altered, that, if said list only presents files, said field displays a representation of a task manager

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and a selection of said field will cause said list to alter to present only applications, and that, if said list only presents applications, said field displays a representation of a file manager and a selection of said field will cause said list to alter and present only files.

9.   User interface according to Claim 7 or 8, **characterised** in, that, a navigation in said list is performed by moving said object in a direction towards the top of said list or towards the bottom of said list, that the movement of said object will cause said marking to move in the same direction, and that the speed of the movement of said marking is lower than the speed of the movement of said object.

10.   User interface according to Claim 9, **characterised** in, that, if the number of applications and/or files in said list exceeds the number of applications and files that can be presented on said display area, and if said object is moved to the top or bottom position of said display area, then lifted, replaced on said display area, and again moved to the top or bottom of said display area, the content of said display area will be replaced one whole page, meaning that if said object is position at the bottom of said display area, then lifted, replaced on said display area, and then again moved to the bottom of said display area, the content of said display area will be replaced by the following applications and/or files in said list, and if said object is position at the top of said display area, then lifted, replaced on said display area, and then again moved to the top of said display area, the content of said display area will be replaced by the preceding applications and/or files in said list.

11.   User interface according to Claim 10, **characterised** in, that if said object is removed from a first position on said display area and then replaced on a second position on said display area, said navigation can be continued from said second position.

12.   User interface according to any preceding Claim, **characterised** in, that an active application, function, service or setting is moved on one step by moving said object from the left of said display area to the right of said display area, and that the active application, function service or setting is closed or backed one step

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by moving said object from the right of said display area to the left of said display area.

13.   User interface according to any preceding Claim, **characterised** in, that said menu area is positioned at the bottom of said touch sensitive area, that said representation of said first function is positioned at the left side of said menu area, that said representation of said second function is positioned at the middle of said menu area, and that said representation of said third function is positioned at the right side of said menu area.

14.   User interface according to any preceding Claim, **characterised** in, that said user interface is adapted to a touch sensitive area with a size that is in the order of 2-3 inches, and that said user interface is adapted to be operated by one hand, where said object can be a finger, such as the thumb, of a user of said computer unit.

15.   An enclosure adapted to cover a computer unit, said computer unit being adapted to present a user interface according to any of Claims 1 to 14, **characterised** in, that said enclosure is provided with an opening for said display area, and that a representation of said menu area is printed on top of said enclosure.

16.   Enclosure according to Claim 15, **characterised** in, that said enclosure is removable and exchangeable.

17.   A computer readable medium, with a computer program product stored therein, **characterised** in, that said computer program product comprises computer readable code, which, when read by a computer, will make it possible for said computer to present a user interface according to any of Claims 1 to 14.

18.   A computer readable medium according to Claim 17, **characterised** in, that said computer program product is adapted to function as a shell upon an operations system.

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ABSTRACT

The present invention relates to a user interface for a mobile handheld
computer unit, which computer unit comprises a touch sensitive area (1), which is

5   divided into a menu area (2) and a display area (3). The computer unit is adapted
to run several applications simultaneously and to present an active application on
top of any other application on the display area (3). The menu area (2) is adapted
to present a representation of a first (21), a second (22) and a third predefined (23)
function. The first function (21) is a general application dependent function, the

10   second function (22) is a keyboard function, and the third function (23) is a task
and file manager. Any one of these three functions can be activated when the
touch sensitive area (1) detects a movement of an object with its starting point
within the representation of the function on the menu area (2) and with a direction
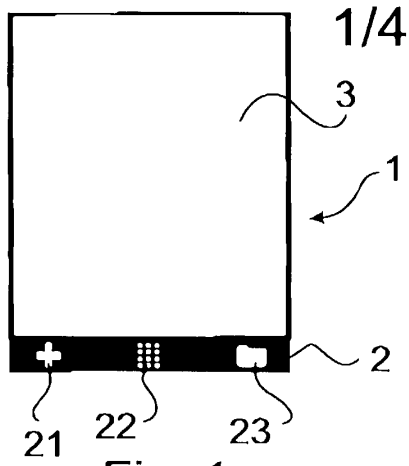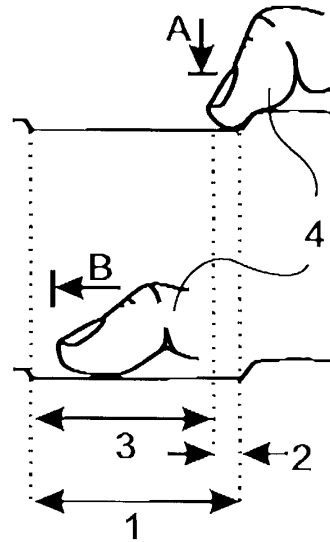from the menu area (2) to the display area (3).
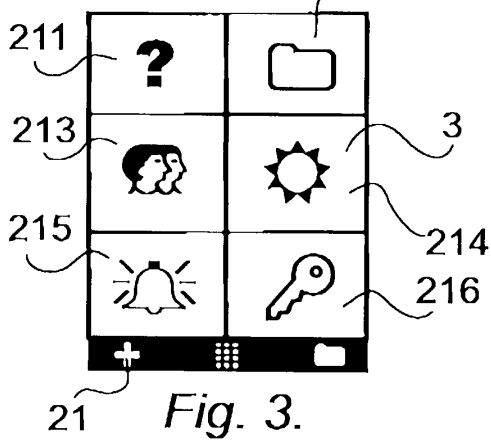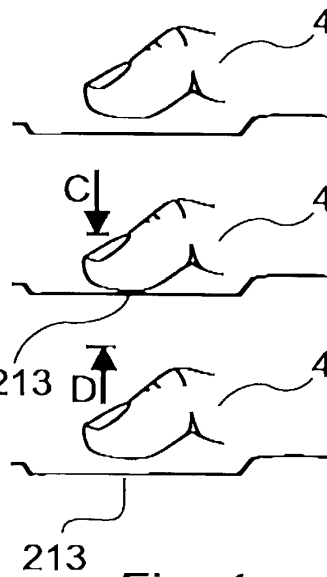
15

(Fig. 1)

Fig. 1.

Fig. 2.

Fig. 3.

Fig. 4.

Fig. 5.

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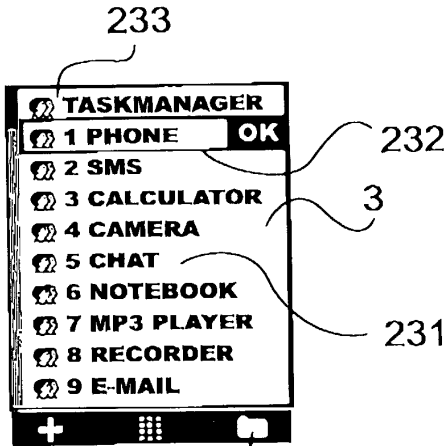**233**

TASKMANAGER
1 PHONE   **OK**   **232**
2 SMS
3 CALCULATOR   **3**
4 CAMERA
5 CHAT
6 NOTEBOOK
7 MP3 PLAYER   **231**
8 RECORDER
9 E-MAIL

Fig. 6.

23

Fig. 7.

231   **231a**

231
232

K

I

L   **J**

232   **4**   **231b**   **4**

Fig. 8.

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Fig. 9.

Fig. 10.

Fig. 11.

Fig. 12.

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Fig. 13.

Fig. 14.

PATENT APPLICATION FEE DETERMINATION RECORD
Effective October 1, 2001

Application or Docket Number

1 0 3 1 5 2 5 0

CLAIMS AS FILED - PART I

	(Column 1)	(Column 2)
TOTAL CLAIMS	18	
FOR	NUMBER FILED	NUMBER EXTRA
TOTAL CHARGEABLE CLAIMS	18 minus 20=	*
INDEPENDENT CLAIMS	1 minus 3 =	*
MULTIPLE DEPENDENT CLAIM PRESENT		☐

SMALL ENTITY TYPE ☐		OR	OTHER THAN SMALL ENTITY	
RATE	FEE		RATE	FEE
BASIC FEE	370.00	OR	BASIC FEE	740.00
X$ 9=		OR	X$18=	
X42=		OR	X84=	
+140=		OR	+280=	
TOTAL		OR	TOTAL	

* If the difference in column 1 is less than zero, enter "0" in column 2
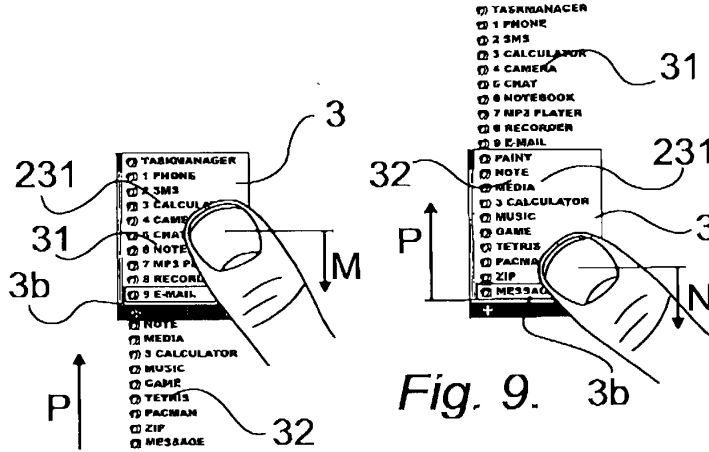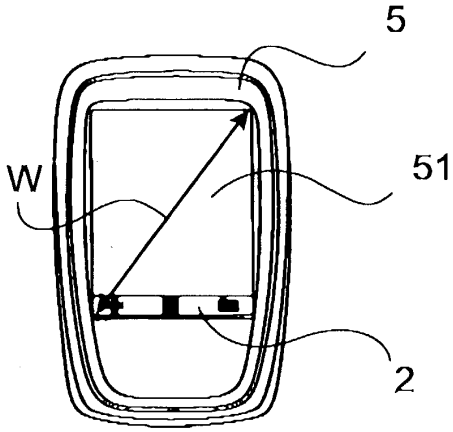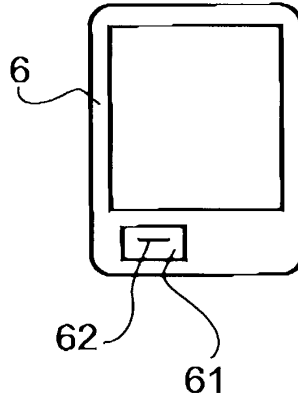
CLAIMS AS AMENDED - PART II

AMENDMENT A

	(Column 1) CLAIMS REMAINING AFTER AMENDMENT		(Column 2) HIGHEST NUMBER PREVIOUSLY PAID FOR	(Column 3) PRESENT EXTRA
Total	*	Minus	**	=
Independent	*	Minus	***	=
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM ☐				

SMALL ENTITY		OR	OTHER THAN SMALL ENTITY	
RATE	ADDITIONAL FEE		RATE	ADDITIONAL FEE
X$ 9=		OR	X$18=	
X42=		OR	X84=	
+140=		OR	+280=	
TOTAL ADDIT. FEE		OR	TOTAL ADDIT. FEE	

AMENDMENT B

	(Column 1) CLAIMS REMAINING AFTER AMENDMENT		(Column 2) HIGHEST NUMBER PREVIOUSLY PAID FOR	(Column 3) PRESENT EXTRA
Total	*	Minus	**	=
Independent	*	Minus	***	=
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM ☐				

RATE	ADDITIONAL FEE		RATE	ADDITIONAL FEE
X$ 9=		OR	X$18=	
X42=		OR	X84=	
+140=		OR	+280=	
TOTAL ADDIT. FEE		OR	TOTAL ADDIT. FEE	

AMENDMENT C

	(Column 1) CLAIMS REMAINING AFTER AMENDMENT		(Column 2) HIGHEST NUMBER PREVIOUSLY PAID FOR	(Column 3) PRESENT EXTRA
Total	*	Minus	**	=
Independent	*	Minus	***	=
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM ☐				

RATE	ADDITIONAL FEE		RATE	ADDITIONAL FEE
X$ 9=		OR	X$18=	
X42=		OR	X84=	
+140=		OR	+280=	
TOTAL ADDIT. FEE		OR	TOTAL ADDIT. FEE	

* If the entry in column 1 is less than the entry in column 2, write "0" in column 3.
** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20."
*** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3."
   The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.

MULTIPLE DEPENDENT CLAIM
FEE CALCULATION SHEET
(FOR USE WITH FORM PTO-875)

SERIAL NO.	FILING DATE
10315250	12/10/02

APPLICANT(S)

CLAIMS

	AS FILED		AFTER 1st AMENDMENT		AFTER 2nd AMENDMENT			*		*		*	
	IND.	DEP.	IND.	DEP.	IND.	DEP.		IND.	DEP.	IND.	DEP.	IND.	DEP.
1							51						
2							52						
3							53						
4							54						
5							55						
6							56						
7							57						
8							58						
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12							62						
13							63						
14							64						
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16							66						
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42							92						
43							93						
44							94						
45							95						
46							96						
47							97						
48							98						
49							99						
50							100						
TOTAL IND.							TOTAL IND.						
TOTAL DEP.			17				TOTAL DEP.						
TOTAL CLAIMS			18				TOTAL CLAIMS						

PTO-1360 (3-78)   *MAY BE USED FOR ADDITIONAL CLAIMS OR AMENDMENTS   U.S. DEPARTMENT of COMMERCE
Patent and Trademark Office