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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	EXAMINER	
NIXON & VANDERHYE, PC 901 NORTH GLEBE ROAD, 11TH FLOOR ARLINGTON, VA 22203			PITARO, RYAN F	
			ART UNIT	PAPER NUMBER
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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.

Office Action Summary	Application No. 10/315,250	Applicant(s) GOERTZ, MAGNUS	
	Examiner RYAN F. PITARO	Art Unit 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 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4a) Of the above claim(s) 19-47 is/are withdrawn from consideration.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) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> 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 negated 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

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