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Dear Sirs

European Patent Application No. 10194359.5
Unlocking A Device By Performing Gestures On An Unlock Image
Apple Inc.

This is a response to the examination report under Article 94(3) EPC dated 18 August 2015. We enclose an amended set of 15 claims, in clean and marked-up versions, to replace the claims currently on file. We also enclose replacement description pages 1, 2, 2a and 2b, again in clean and marked-up versions, to replace pages 1 and 2 of the description currently on file.

Claim Amendments and Basis

The claims have been amended only by the addition of parenthesised reference signs where appropriate.

Inventive Step

The Examiner objects that the subject matter of independent claims 1, 6 and 11 lacks an inventive step in view of the disclosure of the newly-cited prior art document D6 ("Touchscreen Toggle Design" by Plaisant *et al*). We respectfully submit that the claims do indeed define an invention that involves an inventive step over all of the available prior art, for the following reasons.

As indicated in the EPO Guidelines for Examination (*Guidelines G-VII-5)*, in order to assess inventive step in an objective and predictable manner, the problem and solution approach should be applied. Deviation from this approach should be exceptional. Accordingly, we shall now set out an assessment of inventive step based on the problem and solution approach, using the newly cited D6 prior art document as the closest prior art.

D6 discusses the problem of a lack of clarity between a state indication and a possible action label of a graphical toggle switch, and describes a number of different toggle designs which can be used on a touchscreen. The most relevant of these toggles is the slider toggle discussed in the left-hand column of page 668 of D6, which is said to require a sliding or dragging movement to change the position of a yellow pointer from one side of the toggle to another. A simple three step animation shows the movement of the pointer along the slide, and so provides an indication of progress towards satisfaction of a user input condition (i.e. switching the toggle between off and on positions). However, there is no disclosure, or even suggestion, that the optical intensity of the toggle or any part of it might change as the pointer moves along the slide.

Thus, D6 fails to disclose the feature of claim 1 of:

> "indicating progress towards satisfaction of the condition by transitioning an optical intensity of one or more user interface objects"

Further, the disclosure in the right-hand column of page 667 under the heading "Description of the Toggles" ("*A requirement imposed by our particular application was to design toggles allowing lists of devices or options to be presented on screen. This limited us to horizontal toggles (Figure 2) to increase the number of possible toggles and labels per page*"), suggests that the slider toggle must be present on screen at all times, and so the pointer of the slider toggle disclosed in D6 is associated with both first and second user interface states (the "on" and "off" conditions shown on the slider toggle control in Figure 2).

This contrasts with the requirement of claim 1 for

> "one or more user interface objects associated with the second user interface state without being associated with the first user interface state, wherein at least one of the one or more user interface objects associated with the second user interface state is not displayed prior to detecting progress toward satisfaction of the user input condition and wherein transitioning the optical intensity includes the one or more user interface objects associated with the second user-interface state appearing and increasing in optical intensity".

The Examiner indicates, in section 3.3.1 of the examination report, that "the intermediate user interface object of the animation series [is] associated with a transition state, not the first or second stable states". The Examiner appears to be arguing that the slider toggle at the transition position is a distinct user interface object from the slider toggle at the starting position (and thus is not displayed prior to detecting progress). This is an unreasonable construction of the term "user interface object" used in the claims of the present application. It is clear from the teaching of D6 that the yellow pointer of the slider toggle is a "user interface object" - "*In this toggle a sliding/dragging movement is required to change the position of the yellow pointer from one side of the toggle to the other... Users can then grab the pointer and slide it to the other side*". Thus, the pointer itself, regardless of its location, is a user interface object. To construe "user interface object" to include a combination of pointer and location of pointer is unreasonable.

The distinguishing features identified above are more than mere design choices, but instead provide a technical effect, as they provide an easily understood visual indication of progress towards satisfaction of the user input condition, thereby making it easier for a user to operate the user interface, and ultimately resulting in an improved man-machine interface.

Importantly, in contrast to the allegedly improved toggle switches of D6, the user interface of the present invention does not require any user interface element to be permanently visible on the screen to provide this visual indication of progress towards satisfaction of the user input condition, which permits more efficient use of limited screen real estate in a device such as a portable electronic device.

Accordingly, the objective technical problem may be framed as "how to provide a visual indication of progress towards satisfaction of a user input condition whilst making efficient use of screen real estate".

In seeking to address this problem, the skilled person would not modify the system taught by D6, as there is nothing in D6 that would motivate him to do so, particularly in view of the disclosure of the last paragraph in the right-hand column of page 667 ("*A requirement imposed by our particular application was to design toggles allowing lists of devices or options to be presented on the screen. This limited us to horizontal toggles (Figure 2) to increase the number of possible toggles and labels per page*"), which suggests that the issue of efficient use of screen real estate has been adequately considered.

In any event, even if the skilled person were motivated to attempt to modify the system taught by D6, he would not, indeed could not, use the teaching of any of the other cited prior art documents to arrive at the invention claimed in the present application, because none of those documents teaches the distinguishing features identified above, of

> "indicating progress towards satisfaction of the condition by transitioning an optical intensity of one or more user interface objects associated with the second user-interface state without being associated with the first user interface state, wherein at least one of the one or more user interface objects associated with the second user interface state is not displayed prior to detecting progress toward satisfaction of the user input condition and, wherein transitioning the optical intensity includes the one or more user interface objects associated with the second user-interface state appearing and increasing in optical intensity".

Accordingly, the claims of the present application define an invention that involves an inventive step over all of the available prior art.

Formal Issues

As indicated above, parenthesised reference signs have been added to the claims where appropriate, in accordance with the provisions of Rule 43(7) EPC. Additionally, to comply with Rule 42(1)(b) EPC, the prior art documents D1 - D7 have been identified and briefly discussed on the enclosed replacement description pages.

Concluding Remarks

It is submitted that the foregoing comments address all of the outstanding objections and place this application in condition for allowance. We therefore look forward to receiving a Communication pursuant to Rule 71(3) EPC in due course.

Nevertheless, if any deficiencies remain as an obstacle to grant of a patent, the Examiner is invited to contact the undersigned representative by telephone in order to resolve them as efficiently as possible.

As a precaution against summary refusal we hereby request oral proceedings in the event that the Examining Division is minded to refuse the application.

Yours faithfully

Matthew Howell
Professional Representative
WITHERS & ROGERS LLP