

The examination is being carried out on the **following application documents**

Main Request

Description, Pages

3-40, 42, 48-50	as originally filed		
41, 43-47	received on	26-09-2011	with letter of 23-09-2011
1, 2, 2a	filed in electronic form on		22-01-2016
2b	filed in electronic form on		25-04-2017

Claims, Numbers

1-15	filed in electronic form on	25-04-2017
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Drawings, Sheets

1/15-15/15	as originally filed
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Auxiliary Request 1

Description, Pages

3-40, 42, 48-50	as originally filed		
41, 43-47	received on	26-09-2011	with letter of 23-09-2011
1, 2, 2a	filed in electronic form on		22-01-2016
2b	filed in electronic form on		25-04-2017

Claims, Numbers

1-15	filed in electronic form on	25-04-2017
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Datum
Date 29.05.2017
Date

Blatt
Sheet 2
Feuille

Anmelde-Nr:
Application No: 10 194 359.5
Demande n°:

Drawings, Sheets

1/15-15/15 as originally filed

Auxiliary Request 2

Description, Pages

3-40, 42, 48-50 as originally filed

41, 43-47 received on 26-09-2011 with letter of 23-09-2011

1, 2, 2a filed in electronic form on 22-01-2016

2b filed in electronic form on 25-04-2017

Claims, Numbers

1-9 filed in electronic form on 25-04-2017

Drawings, Sheets

1/15-15/15 as originally filed

Auxiliary Request 3

Description, Pages

3-40, 42, 48-50 as originally filed

41, 43-47 received on 26-09-2011 with letter of 23-09-2011

1, 2, 2a filed in electronic form on 22-01-2016

2b filed in electronic form on 25-04-2017

Claims, Numbers

1-9 filed in electronic form on 25-04-2017

Drawings, Sheets

1/15-15/15 as originally filed

1 Reference is made to the following documents; the numbering will be adhered to in the rest of the procedure.

D1 WO 2004/001560 A (NOKIA CORP [FI]; RYTIVAARA MARKKU [FI]; MUSTONEN MIKA [FI]; TOKKONEN T) 31 December 2003 (2003-12-31)

D2 US 5 821 933 A (KELLER NEAL MARTIN [US] ET AL) 13 October 1998 (1998-10-13)

D3 "ACCESS/CONTROL ICONS (ICON KEYS)",
IBM TECHNICAL DISCLOSURE BULLETIN, IBM CORP. NEW YORK, US,
vol. 38, no. 4, 1 April 1995 (1995-04-01), pages 407-409,
XP000516196,
ISSN: 0018-8689

D4 US 5 907 327 A (OGURA TSUYOSHI [JP] ET AL) 25 May 1999 (1999-05-25)

D5 WO 01/77792 A2 (RSA SECURITY INC [US]) 18 October 2001 (2001-10-18)

D6 PLAISANT C ET AL: "TOUCHSCREEN TOGGLE DESIGN",
STRIKING A BALANCE. MONTEREY, MAY 3 - 7, 1992;
[PROCEEDINGS OF THE CONFERENCE ON HUMAN FACTORS IN COMPUTING SYSTEMS], READING, ADDISON WESLEY, US,
vol. -, 3 May 1992 (1992-05-03), page 667/668, XP000426849,

D7 US 2002/191029 A1 (GILLESPIE DAVID W [US] ET AL) 19
December 2002 (2002-12-19)

The following document is cited by the Examiner. A copy of the document is annexed to the communication and the numbering will be adhered to in the rest of the procedure.

D8 "N1 Quick Start Guide",
, 29 July 2004 (2004-07-29), XP055249230,
Retrieved from the Internet:
URL:http://www.instructionsmanuals.com/download/telefonos_movil/Neonode-N1-en.pdf
[retrieved on 2016-02-11]

2 Main Request

- 2.1 The applicant was informed that the present application does not meet the requirements of Article 52(1) EPC because the subject-matter of **claims 1-15** does not involve an inventive step within the meaning of Article 56 EPC.
- 2.2 The subject-matter of claim 1 does not involve an inventive step in view of **D8**, when combined with **D5**. In particular, **D5** already discloses to give feedback about the progress of a gesture by highlighting a toggle, once it is touched (page 668, right-hand column).
- 2.3 The combination of **D8** and **D5** therefore already solves the problem of providing feedback about the transition between a first and a second user interface state. Contrary to the arguments on page 6 of the applicant's letter filed in response to the summons for oral proceedings, **D5** therefore discloses to indicate progress.
- 2.4 Showing user interface elements, and transitioning the optical intensity is merely a matter of graphical design and does not contribute to an inventive step.
- 2.5 The dependent claims do not appear to contain any additional features which, in combination with the features of any claim to which they refer, meet the requirements of the EPC with respect to inventive step. In particular, the dependent claims only specify additional graphical design aspects.

2.6 Furthermore, the application does not meet the requirements of Article 84 EPC, because claim 1 is not clear. In particular, claim 1 states the one of the one or more user interface elements are not shown prior to detecting progress, i.e. allowing a second user interface element to be shown prior to detecting progress. Claim 1 also states the all of the one or more user interface elements are appearing. This contradiction leads to a lack of clarity of claim 1.

2.7 The objections and arguments above also apply to the other independent claims.

3 **Auxiliary requests**

3.1 Compared to the main request, the auxiliary requests are mainly concerned with additional graphical design aspects, which do not further contribute to the inventive step. Auxiliary request 3 furthermore specifies a locked and an unlocked state, which is known from **D8**.

4 **Procedure**

4.1 It appears the the application as originally filed contains no further subject-matter, which could be used to render the independent claims inventive over the prior art. A refusal of the application under Article 97(2) EPC is therefore to be expected.

4.2 If the applicant should decide to renounce the oral proceedings, he is asked to inform the office at the earliest possible.

4.3 The applicant's attention is drawn to the fact that if a party duly summoned does not appear as summoned, the proceedings may continue in absentiam (Rule 115(2) EPC).