

# PATENT COOPERATION TREATY

# PCT

## INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter I of the Patent Cooperation Treaty)

(PCT Rule 44bis)

Applicant's or agent's file reference 63266-5007WO	<b>FOR FURTHER ACTION</b>	See item 4 below
International application No. PCT/US2006/061370	International filing date ( <i>day/month/year</i> ) 30 November 2006 (30.11.2006)	Priority date ( <i>day/month/year</i> ) 23 December 2005 (23.12.2005)
International Patent Classification (8th edition unless older edition indicated) See relevant information in Form PCT/ISA/237		
Applicant APPLE INC.		

1.	This international preliminary report on patentability (Chapter I) is issued by the International Bureau on behalf of the International Searching Authority under Rule 44 <i>bis</i> .1(a).																								
2.	This REPORT consists of a total of 7 sheets, including this cover sheet.																								
In the attached sheets, any reference to the written opinion of the International Searching Authority should be read as a reference to the international preliminary report on patentability (Chapter I) instead.																									
3.	<p>This report contains indications relating to the following items:</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 10%; text-align: center;"><input checked="" type="checkbox"/></td> <td style="width: 30%;">Box No. I</td> <td style="width: 80%;">Basis of the report</td> </tr> <tr> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td>Box No. II</td> <td>Priority</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>Box No. III</td> <td>Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>Box No. IV</td> <td>Lack of unity of invention</td> </tr> <tr> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td>Box No. V</td> <td>Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>Box No. VI</td> <td>Certain documents cited</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>Box No. VII</td> <td>Certain defects in the international application</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>Box No. VIII</td> <td>Certain observations on the international application</td> </tr> </table>	<input checked="" type="checkbox"/>	Box No. I	Basis of the report	<input checked="" type="checkbox"/>	Box No. II	Priority	<input type="checkbox"/>	Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability	<input type="checkbox"/>	Box No. IV	Lack of unity of invention	<input checked="" type="checkbox"/>	Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement	<input type="checkbox"/>	Box No. VI	Certain documents cited	<input type="checkbox"/>	Box No. VII	Certain defects in the international application	<input type="checkbox"/>	Box No. VIII	Certain observations on the international application
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<input type="checkbox"/>	Box No. VIII	Certain observations on the international application																							
4.	The International Bureau will communicate this report to designated Offices in accordance with Rules 44bis.3(c) and 93bis.1 but not, except where the applicant makes an express request under Article 23(2), before the expiration of 30 months from the priority date (Rule 44bis .2).																								

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland	Date of issuance of this report 24 June 2008 (24.06.2008)
Facsimile No. +41 22 338 82 70	Authorized officer  <div style="text-align: center; font-weight: bold; font-size: 1.2em;">Simin Baharlou</div> e-mail: pt09.pct@wipo.int

# PATENT COOPERATION TREATY

From the  
INTERNATIONAL SEARCHING AUTHORITY

# PCT

To:

see form PCT/ISA/220

## WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY (PCT Rule 43bis.1)

Date of mailing  
(day/month/year) see form PCT/ISA/210 (second sheet)

Applicant's or agent's file reference  
see form PCT/ISA/220

**FOR FURTHER ACTION**  
See paragraph 2 below

International application No.  
PCT/US2006/061370

International filing date (day/month/year)  
30.11.2006

Priority date (day/month/year)  
23.12.2005

International Patent Classification (IPC) or both national classification and IPC  
INV. G06F21/20 G06F3/048

Applicant  
APPLE COMPUTER, INC.

### 1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☒ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

### 2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

### 3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA:



European Patent Office - P.B. 5818 Patentlaag 2  
NL-2280 HV Rijswijk - Pays Bas  
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Date of completion of  
this opinion

see form  
PCT/ISA/210

Authorized Officer

Powell, David

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**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY**

International application No.  
PCT/US2006/061370

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**Box No. I Basis of the opinion**

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1. With regard to the **language**, this opinion has been established on the basis of:
  - ☒ the international application in the language in which it was filed
  - ☐ a translation of the international application into , which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1 (b)).
2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
  - a. type of material:
    - ☐ a sequence listing
    - ☐ table(s) related to the sequence listing
  - b. format of material:
    - ☐ on paper
    - ☐ in electronic form
  - c. time of filing/furnishing:
    - ☐ contained in the international application as filed.
    - ☐ filed together with the international application in electronic form.
    - ☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

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**Box No. II Priority**

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1. ☒ The validity of the priority claim has not been considered because the International Searching Authority does not have in its possession a copy of the earlier application whose priority has been claimed or, where required, a translation of that earlier application. This opinion has nevertheless been established on the assumption that the relevant date (Rules 43*bis*.1 and 64.1) is the claimed priority date.
2. ☐ This opinion has been established as if no priority had been claimed due to the fact that the priority claim has been found invalid (Rules 43*bis*.1 and 64.1). Thus for the purposes of this opinion, the international filing date indicated above is considered to be the relevant date.
3. Additional observations, if necessary:

**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY**

International application No.  
PCT/US2006/061370

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**Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

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1. Statement

Novelty (N)	Yes: Claims	<u>1-23</u>
	No: Claims	
Inventive step (IS)	Yes: Claims	
	No: Claims	<u>1-23</u>
Industrial applicability (IA)	Yes: Claims	<u>1-23</u>
	No: Claims	

2. Citations and explanations

see separate sheet

Re Item V

**Reasoned statement with regard to novelty, inventive step or industrial applicability;  
citations and explanations supporting such statement**

1. The following documents are referred to in this communication:

- D1: WO 2004/001560 A (NOKIA CORP [FI]; RYTIVAARA MARKKU [FI];  
MUSTONEN MIKA [FI]; TOKKONEN T) 31 December 2003 (2003-12-31)  
D2: US-A-5 821 933 (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-A-5 907 327 (OGURA TSUYOSHI [JP] ET AL) 25 May 1999 (1999-05-25)

2. INDEPENDENT CLAIM 1

2.1 The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claim 1 does not involve an inventive step in the sense of Article 33(3)PCT.

2.2 Document D1, considered to represent the most relevant state of the art to the subject-matter of claim 1, discloses (the references in parentheses applying to this document): a method of controlling an electronic device with a touch-sensitive display (abstract), comprising: detecting contact with the touch-sensitive display while the device is in a user-interface lock state (figure 2, and abstract); **detecting a plurality of separate or gliding touches in a predetermined order corresponding to a user-interface unlocking procedure** ("if certain ... touch", page 4, lines 25-36); transitioning the device to the user-interface unlock state if the detected contact corresponds to a predefined gesture ("if ... deactivated", page 8, lines 4-6); and maintaining the device in the user-interface lock state if the detected contact does not correspond to the predefined gesture (figure 2, and "if it is detected ... deactivated", page 8, lines 7-21).

- 2.3 The subject-matter of independent claim 1 differs from the disclosure of D1 in that controlling an electronic device is accomplished by **moving an image corresponding to a user-interface unlock state of the device in accordance with the (detected) contact**.
- 2.4 The problem to be solved by the present invention may therefore be regarded as providing a device control method with visual feedback.
- 2.5 When confronted with the above problem the person skilled in the art would seek teaching on how such a device control method may be enacted. Within the prior art of such systems he/she would find document (D2) and realise that a device control method achieved by dragging and dropping code icons, selected by touch input, as shown in D2 ("access ... means", column 2, lines 20-30), would be the most effective solution.
3. INDEPENDENT CLAIMS 4, 7 AND 11
- 3.1 The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claims 4, 7 and 11 does not involve an inventive step in the sense of Article 33(3)PCT.
- 3.2 Document D2 also discloses the additional features of claim 4, with respect to claim 1 (the references in parentheses applying to this document): a method comprising: transitioning ... if ... corresponds to moving the image to a predefined location on the touch-sensitive display ("code ... icons", column 2, lines 28-34, and "the act of dragging ... filled", column 7, lines 51-56).
- 3.3 Document D2 also discloses the additional features of claim 7, with respect to claim 1: a method comprising: transitioning ... if ... corresponds to moving the image on the touch-sensitive display according to a predefined path on the touch-sensitive display ("further ... position", column 2, lines 56-58).

The skilled person would understand that a plurality of dragging and dropping operations constitutes a predefined path in this context.

3.4 Document D2 also discloses the additional features of claim 11, with respect to claim 1: a method comprising: touch-sensitive display while the device is in a user-interface lock state; transitioning the device to a first active state corresponding to the first image if the detected contact corresponds to a predefined gesture with respect to the first image; and transitioning the device to a second active state distinct from the first active state if the detected contact corresponds to a predefined gesture with respect to the second image ("selecting two or more icons ... iconic password sequence", column 2, lines 23-24, and "access ... functions", column 2, lines 20-21).

4. INDEPENDENT CLAIMS 12-23

4.1 The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claims 12-23 does not involve an inventive step in the sense of Article 33(3) PCT.

4.2 The same reasoning as stated with respect to claims 1, 4, 7 and 11 applies, mutatis mutandis, to the subject-matter of the corresponding independent claims 12-23, which therefore is also considered not inventive.

5. DEPENDENT CLAIMS 2, 3, 5, 6 AND 8-10

Dependent claims 2, 3, 5, 6 and 8-10 do not contain any features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT in respect of inventive step (Article 33(3) PCT), see the document(s) and the corresponding passages cited in the search report.