

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

Description, Pages

1-40, 42, 48-50 as originally filed
41, 43-47 filed with telefax on 23-09-2011

Claims, Numbers

1-15 filed with telefax on 23-09-2011

Drawings, Sheets

1/15-15/15 as originally filed

1 Reference is made to the following document(s); 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)

- 2 The applicant's reasoning received on 23-09-2011 has been considered carefully. However, the Examining Division is not minded to issue an intention to grant a patent for the reasons given below:
- 3 The present application does not meet the requirements of Article 52(1) EPC, as the subject-matter of independent claim(s) 1, 6 and 11 does not involve an inventive step in the sense of Article 56 EPC, for the following reasons:
- 3.1 The current application is directed to a computer-implemented arrangement addressing the technical problem of how to provide sensory feedback to the user of an electronic device engaged in submitting an input condition thereto.
- 3.2 Document (D6) discloses a computer-implemented method, comprising:
while an electronic device is in a first user-interface state, detecting progress towards satisfaction of a user input condition needed to transition to a second user-interface state;
while the device is in the first user-interface state, indicating progress towards satisfaction of the condition by transitioning an optical intensity of one or more user interface objects associated with the **transition to 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 **transition to 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~~
("slider toggle ... other side", page 668, left column paragraph 1, lines 20-25);
and transitioning the device to the second user-interface state if the condition is satisfied
("slider toggle ... position", page 668, left column paragraph 1, lines 20-27).
- 3.3 The remaining features of independent claim 1 comprise (a) common, but necessary, elements to establish the environment within which the alleged invention may be practised, and (b) the natural consequence(s) of embodying the features cited above in an apparatus or method within said environment.
In particular, the skilled person would understand that each of the following comments refers to a well-known feature or normal practice in the field of information and communications technology:

- 3.3.1 the recognition of the problem to signal to the user the activity necessary to perform the desired action (D6, page 667, left column paragraph 2) and its solution (D6, page 668, left column paragraph 1) discloses an arrangement for providing sensory feedback to the user of an electronic device engaged in submitting an input condition thereto,
- 3.3.2 indicating progress towards satisfaction of the condition by transitioning an optical intensity of one or more user interface objects associated with the **transition to the** second user-interface state is accomplished in D6 by the simple three step animation showing the movement of a pointer along a slide, the intermediate user interface object of the animation series being associated with a transition state, not the first or second stable states, said association being the result of a design choice,
- 3.3.3 modulating the optical intensity of one or more of the displayed set of objects on the user interface is also a design choice in the presentation of the data available to the operating system of said electronic device,
- 3.3.4 employing (a) separate images for locking and unlocking, or (b) a single **lock or** unlock image being a graphical, interactive user-interface object with which a user interacts in order to **lock or** unlock the device is a design choice, and
- 3.3.5 providing particular visual clues, differing in style from those of D6, would be a further design choice.
- 3.4 The reader of independent claim 1 **would** recognise that said intermediate user interface object is **not** displayed prior to detecting progress towards satisfaction of the user input condition, but
would **not** deduce whether certain user interface objects were obscured or not by the user's finger(s).
- 3.5 Therefore, the exploitation of the features noted above and their associated technical effects are described in document (D6) as providing means to solve the problem posed above (see, for example, the passages in the previous paragraph), thus providing the same advantages as the arrangement of the present application. The skilled person would therefore regard it as part of normal design practice to select, in an obvious manner, from these implementational options.
- 3.6 The same reasoning as stated with respect to claim 1 applies, mutatis mutandis, to the subject-matter of corresponding independent claim(s) 6 and 11, also considered not inventive in the sense of Article 56 EPC.

- 4 Dependent claim(s) 2-5, 7-10 and 12-15 do not contain any features which, in combination with the features of any claim to which they refer, meet the requirements of the EPC in respect of inventive step (Article 56 EPC), the subject-matter therein relating to well-known equivalents, straightforward refinements and/or mere design choices, see the document(s) and the corresponding passages cited in the search report.
- 5 Although it is not apparent which part of the application could serve as a basis for a new, allowable claim, the applicant may nevertheless regard particular matter as patentable and worthy of pursuit. In that case, claims should be filed taking account of Rule 43(1) EPC and the following requirements:
- 5.1 The application may not be amended such that it contains subject-matter extending beyond the content of the application as filed (Article 123(2) EPC).
This also applies to previously undisclosed combinations of claimed features.
- 5.2 The applicant should specify in an accompanying letter the difference between the independent claim(s) and the prior art, **the technical problem to be solved** by said difference, and why the proposed solution would not be obvious to the skilled person.
- 5.3 The applicant should also respect the basic principle that two patents cannot be granted to the same applicant for one invention (Guidelines, G-IV, 5.4).
In the case of a divisional application, the parent and the divisional application may not claim the same subject-matter (see the Guidelines, C-IX, 1.6). This means not only that they must not contain claims of substantially identical scope, but also that one application must not claim the subject-matter claimed in the other, even in different words. The applicant should ensure that the difference between the claimed subject-matter of the present application is clearly distinguishable from that of the parent application as granted.
- 5.4 In order to facilitate the examination of the conformity of the amended application with the requirements of Article 123(2) EPC, the applicant should clearly identify any amendments, whether by addition, replacement or deletion, and indicate the passages of the **application as filed** on which these amendments are based (see the Guidelines, H-III, 2.1).
An incremental comparison with text filed more recently would not suffice.
- 5.5 Any information concerning the subject-matter of the invention, for example further details of its advantages or of the problem it solves, and for which there is no basis in the application as filed, should be confined to the letter of reply and not be incorporated into the application (Article 123(2) EPC).