

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

Description, Pages

1-40 as originally filed

Claims, Numbers

1-12 as originally filed

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 A1 (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]; PICKOVER CLIFFORD ALAN [US]) 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]; ITOH AKIHISA [JP]) 25 May 1999 (1999-05-25)
- 2 The present application does not meet the requirements of Article 76(1) EPC because it introduces subject-matter which extends beyond the content of the parent application as filed.
- 2.1 Pages 27-33 of the description are comprised of the claims of the priority document as published, transformed into enumerated further embodiments. These pages formed no part of the parent application EP 06 846 405.6 from which the current application is divided. The applicant should therefore excise these pages of the application to remedy this.
- 3 Since it has been assumed that the non-compliance with Article 76(1) EPC may be resolved in a relatively straightforward manner, the examining division has been prepared to continue with other aspects of substantive examination.
- 4 Claims 7 and 11 have been drafted as separate independent device claims.

According to Article 84 in combination with Rule 43(2) EPC an application may contain more than one independent claim in a particular category only if the subject-matter claimed falls within one or more of the exceptional situations set out in paragraphs (a), (b) or (c) of Rule 43(2) EPC. This is not the case here, as it would be appropriate to cover the subject-matter, as disclosed in these independent claims, by a single claim (see the Guidelines, C - III, 3.2).

The applicant should submit an amended set of claims which complies with Rule 43(2) EPC, i.e. comprising one independent claim in each category. If the applicant is of the opinion that more than one independent claim in any category is justifiable, he/she is invited to demonstrate convincingly that such claims fall under one of the exceptions explicitly given in this rule.

- 5 The present application does not meet the requirements of Article 84 EPC in that the matter for which protection is sought is not clearly defined and lacks support.
- 5.1 Claim(s) 1-6 cannot find support in the description as required by Article 84 EPC, the scope being broader than justified by the description and drawings.
- 5.1.1 Claim(s) 1-6 simply designate(s) a method of unlocking. It is clear from the description that there is lack of support for claims expressed in such general terms. One independent claim in this category may therefore be amended to **computer-implemented method** (see the Guidelines, C - III, 6.3).
- 5.2 There is inconsistency of terminology between each of claims 1, 7 and 12 and the description, and within claim 7, concerning the use of the terms **hand-held electronic device** and **portable electronic device**. This inconsistency leads to doubt concerning the matter for which protection is sought, thereby rendering the claims unclear (Article 84 EPC). The applicant should amend the claims to remedy this (see the Guidelines, C - III, 4.3).
- 6 The present application does not meet the requirements of Article 52(1) EPC, as the subject-matter of independent claim(s) 1, 7, 11 and 12 does not involve an inventive step in the sense of Article 56 EPC, for the following reasons:
- 6.1 Document (D2) discloses the following features of independent claim 1: a method of unlocking a **function on an** electronic device, the device including a touch-sensitive display (abstract, and "code ... input", column 2, lines 29-31), the method comprising: detecting a contact with the touch-sensitive display at a first predefined location corresponding to an unlock image; moving the unlock image on the touch-sensitive display in accordance with movement of the contact while continuous contact with the touch screen is maintained ("code ... input", column 2, lines 29-31); and unlocking the **function on the** electronic device if the moving the unlock image on the touch-sensitive display results in movement of the unlock image from the first predefined location to a predefined unlock region on the touch-sensitive display (figure 8, and "act of dragging ... position", column 7, lines 52-58).

- 6.2 The subject-matter of independent claim 1 differs from the disclosure of D2 in:
- 6.2.1 the specific term **hand-held** (or **portable**) electronic device, and
- 6.2.2 unlocking **an** electronic device as such, rather than unlocking a **function on an** electronic device.
- 6.3 These differences merely comprise an aggregation or juxtaposition of features, in that their interaction produces no synergistic effect. The problems to be solved by the present invention may thus be regarded respectively as:
- 6.3.1 applying (de-)activation techniques to a portable electronic device, and
- 6.3.2 providing a more user-friendly (de-)activation arrangement.
- 6.4 The skilled person would understand that it is normal practice, in the field of controlling electronic devices, to provide functionality for their (de-)activation, and would furthermore realise,
- 6.4.1 with respect to applying (de-)activation techniques to a portable electronic device:
adding a plurality of known features does not require inventive skill, and this technique is well-known (see, for example, D1 or D4), obvious to the skilled person and, therefore, considered not to involve an inventive step in the sense of Article 56 EPC, and
- 6.4.2 with respect to providing a more user-friendly (de-)activation arrangement:
at least a part of any electronic device must remain in an active state in order to recognise an activation command,
the resources required to unlock a complete electronic device are the same as those required to unlock a particular function on said electronic device, and
the exploitation of the features referred to in paragraph 6.1 above is described in document (D2) as a method of unlocking part of an electronic device via a touch-sensitive display, thus providing the same advantages as in the present application. The skilled person would thus regard it as part of normal design practice to select, in an obvious manner, from these implementational options and, therefore, this is also considered not to involve an inventive step in the sense of Article 56 EPC.
- 6.5 Nevertheless, in order to be satisfied fully, when confronted with the above problems the person skilled in the art would seek teaching on how such methods of unlocking an electronic device may be enacted in a user-friendly way. Within the prior art of such systems he/she would find document (D1) and realise that a method of unlocking a **portable** electronic device wherein **contact areas ... may be denoted on the touch screen ... using outlining**, as shown in D1 (abstract, and page 9, lines 11-12), would be the most effective solution to both the first and second problems.

- 6.6 The same reasoning as stated with respect to claim 1 applies, *mutatis mutandis*, to the subject-matter of corresponding independent claim(s) 7, 11 and 12, also considered not to involve an inventive step in the sense of Article 56 EPC.
- 7 Dependent claim(s) 2-6 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 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.
- 8 The form and content of the claims require further amendment:
- 8.1 Independent claims are currently not in the two part form in accordance with Rule 43(1) EPC, which in the present case would be appropriate, with those features known in combination from the prior art (document D2) being placed in the preamble (Rule 43(1)(a) EPC) and with novel features being included in the characterising part (Rule 43(1)(b) EPC).
- If, however, the applicant is of the opinion that the two part form would be inappropriate, then reasons therefor should be provided in the letter of reply. In addition, the applicant should ensure that it is clear from the description which features of the subject-matter of claim 1 are already known in combination from the document D2 (see the Guidelines, C - III, 2.3.2).
- 8.2 The features of the claims should be provided with reference signs placed in parentheses to increase the intelligibility of the claims (Rule 43(7) EPC). This applies to both the preamble and characterising portion (see the Guidelines, C - III, 4.19).
- 9 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:
- 9.1 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.
- 9.2 The applicant should specify in an accompanying letter the difference between the independent claim 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.
- 9.3 The applicant should respect the principle that two patents cannot be granted to the same applicant for one invention (see the Guidelines, C - IV, 7.4).

In the case of a divisional application, the parent and the divisional application may not claim the same subject-matter (see the Guidelines, C - VI, 9.1.6). 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.

- 9.4 When filing amended claims the applicant should at the same time bring the description into conformity with the amended claims. Care should be taken during revision, especially of the introductory portion and any statements of problem or advantage, not to add subject-matter which extends beyond the content of the application as originally filed (Article 123(2) EPC).
- 9.5 To meet the requirements of Rule 42(1)(b) EPC, the document(s) D1 and D2 should be identified in the description and the relevant background art disclosed therein should be briefly discussed.
- 9.6 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, E - II, 1).
- 9.7 Any information the applicant may wish to file 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 and the Guidelines, C - VI, 5.3.4 to 5.3.8).

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