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

**Description, Pages**

| 1, 4-54 | as originally filed | |
|---|---|---|
| 2, 3 | filed in electronic form on | 04-03-2020 |

**Claims, Numbers**

| 1-13 | filed in electronic form on | 04-03-2020 |
|---|---|---|

**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    US 6 442 251 B1 (MAES STEPHANE [US] ET AL) 27 August 2002 (2002-08-27)

D2    "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]

D3    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,

D4    WO 2004/001560 A1 (NOKIA CORP [FI]; RYTIVAARA MARKKU
[FI] ET AL.) 31 December 2003 (2003-12-31)

2    **Basis in the Earlier Application (Article 76(1) EPC)**

2.1    Under the provisions of Article 76(1) EPC, a European divisional application may be filed only in respect of subject-matter which does not extend beyond the content of the earlier application as filed. The present application has been filed as a divisional application of the earlier application EP10194359.

2.2    In their letter, the applicant indicated paragraphs 54 and 91-93 as the basis for the subject-matter of claim 1.

2.3    In the division's opinion, paragraph 54 discloses to that "visual cues are displayed upon particular events occurring while the device is locked", and mentions incoming calls as example of events. Paragraphs 91-93 disclose further details about unlocking the phone upon detecting an incoming call.

2.4    Claim 1 defines several features, which cannot be derived unambiguously from said passages, or as far as the division could determine upon careful reading of the earlier application, from other passages.

2.5    Claim 1 defines "interactive user-interface object (710) for accessing functionality associated with the event". The limitation to "accessing functionality associated with the event" allows for situations in which the device is not actually unlocked, but in which the device may be operated while still being in locked state. This cannot be derived from paragraphs 54 and 91-93.

2.6    Furthermore, paragraph 54 mentions displaying a "visual cue" in response to the incoming call. Also figures 7A-7D consistently depict a visual cue. However, claim 1 lacks displaying a visual cue, thereby extracting features from the description in an unallowable, generalizing way.

2.7    Moreover, claim 1 merely defines "transitioning the device from a first user-interface state to a second user-interface state", while the indicated passages consistently discuss transitioning from a locked state to an <u>unlocked state</u>. Since claim 1 does not define transitioning to an unlocked state, but only to a generic "second user-interface state", the subject-matter of claim 1 amounts to an unallowable generalization.

2.8    Claim 1 defines "displaying an application interface (708) for the application associated with the event", i.e. at least encompassing the case in which the application interface is displayed in response to the unlocking gesture. Paragraphs 91-93 merely state that the call can be accepted or rejected, but fail to discuss whether a call application interface is shown <u>after unlocking</u>. There is also no further disclosure of a <u>general</u> application interface for <u>general</u> events in this context. It is noted that par. 99ff and figure 9 disclose transitioning directly to an application interface after unlocking. However, this is only disclosed in the

context of at least <u>two</u> unlock images associated with two applications/events. Hence, the subject-matter of claim 1 w.r.t. to displaying the unlock image is also not derivable from the earlier application.

2.9    The description of the present application as filed and the description of the earlier application as filed are identical with respect to the indicated passages. Therefore, an analogous objection against claim 1 under Article 123(2) EPC applies.

## 3      Clarity and Conciseness (Art. 84 EPC)

3.1    The application does not meet the requirements of Article 84 EPC, because **claim 1** is not clear.

3.2    Claim 1 defines that the device is in a locked state, but then continues to define transitioning the device from <u>a first user-interface state</u> to a second user-interface state. It is unclear as to whether the first user-interface state is different from the locked state or not.

## 4      Novelty and Inventive Step (Art. 52(1), 54 and 56 EPC)

4.1    Considering the severe deficiencies under Articles 76(1) EPC and 123(2) EPC, a detailed assessment of the inventive merits of the present claims appears not meaningful.

4.2    To assist the applicant in the further prosecution, the following considerations may be relevant: Based on filed claim 1, and a (potential future) claim formulation which is likely to be allowable under Articles 76(1) EPC and 123(2) EPC, **D2** appears to be the closest prior art, since it also deals with unlocking an electronic device.

4.3    The applicant notes that in **D2** there is no suggestion that the call is received, and the text "Answer" displayed, whilst the device is in a locked state, as required by the amended claim.

The examining division cannot agree with this. By their very nature, the time at which an incoming call is received cannot be anticipated. Applying a common understanding how mobile phones work, a call therefore needs to be receivable while a phone is locked. Therefore, the only meaningful way to understand page 14 of **D2** is that also in a locked state, the "ANSWER" text may be displayed.

Therefore, the examining division considers the feature in question to be disclosed by **D2**.

4.4 The applicant argues that **D2** does not disclose any specific interaction of the user with the "ANSWER" text, as required by the feature "detecting a gesture on the graphical, interactive user-interface object of the user interface on the touch-sensitive display".

The examining division cannot agree with this argument either. The feature is not necessarily to be understood such that specifically a gesture on the interactive user-interface object (i.e. the "ANSWER" text) is detected, i.e. that is has to be determine that the gesture is made on the interactive user-interface object, and not outside the interactive user-interface object. In a broad sense, it is sufficient that when a gesture is made on the interactive user-interface object, this gesture is detected, while the detection itself can be agnostic of the interactive user-interface object. This is disclosed by **D2** (see the finger moving along the ANSWER text).

When applying a narrower reading (as suggested by the applicant), **D2** may indeed not disclose the feature. However, the examining division is presently not convinced that a technical contribution is made by this feature (see Guidelines G-II.3.7.1.), because the purpose of the using the interactive user-interface object for gesture input appears to be only addressing subjective user preferences, rather than a technical problem.

Furthermore, such user interface objects are known from **D3**.

4.5 The applicant provides further arguments related to the direct access to the application. As these arguments are based on features introducing non-disclosed subject matter (see above), they are not further discussed here.

5 **Procedure**

5.1 It is not at present apparent which part of the application could serve as a basis for a new, allowable claim. Should the applicant nevertheless regard some particular matter as patentable, an independent claim should be filed taking account of Rule 43(1) EPC. The applicant should also indicate how the subject-matter of the new claim differs from the state of the art and the significance thereof.

To aid the examination procedure, the applicant may:
- Indicate which cited document should be considered as the <u>closest prior art</u>
- Indicate the <u>difference</u> of the claimed subject-matter over the closest prior art
- Demonstrate the <u>technical effect(s)</u> achieved by determined difference
- Provide a formulation of the <u>objective technical problem</u> based on the technical effect(s) in view of the closest prior art
- Comment why the claimed solution of the objective technical problem is <u>non-obvious</u>.


5.2     The attention of the applicant is drawn to the fact that the application may not be amended in such a way that it contains subject-matter which extends beyond the content of the application as filed (Article 123(2) EPC).

5.3     In order to comply with the requirements of Rule 137(4) EPC, the applicant should clearly identify the amendments made, irrespective of whether they concern amendments by addition, replacement or deletion, and indicate the passages of the application as filed on which these amendments are based (see Guidelines H III, 2.1). In the present case, the application as filed is the version from **19-09-2018**.

5.4     Furthermore, the applicant is invited to comment on the allowability of <u>all claims</u> in view of Article 76(1) EPC. This involves providing the basis for the claims in <u>earlier application</u>.