

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

Description, Pages

1-50 as originally filed

Claims, Numbers

1-15 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 A (NOKIA CORP [FI]; RYTIVAARA MARKKU [FI] ET AL) 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 CONF ON HUMAN FACTORS IN COMPUTING SYSTEMS], READING, ADDISON WESLEY, US, 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 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 The following sections of the description correspond to amended claims 2, 9, 13, 15, 17 and 19 in the parent application EP 06 846 405.6, filed with its entry into the regional phase before the EPO, which introduced subject-matter which extended beyond the content of the parent application as filed, contrary to Article 123(2) EPC, and to which an objection has been raised.
- 2.2 Said amended claims of the parent application, transformed into enumerated embodiments, 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 sections of the current application to remedy this:
page 41, line 20-page 42, line 5,
page 43, lines 5-25,
page 44, lines 11-27,
page 45, lines 9-25,
page 46, lines 6-21, and
page 47, lines 2-17.
- 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 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:
- 4.1 Document (D6) discloses the following features of independent claim 1: 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 second user-interface state without being associated with the first user interface state, 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; and transitioning the device to the second user-interface state if the condition is satisfied (figure 2, page 667, right-hand column, paragraphs 1 and 2, page 668, left-hand column, paragraphs 2 and 5, and page 668, right-hand column, paragraph 1).

- 4.2 The subject-matter of independent claim 1 differs with respect to D6 in that the computer-implemented method is accomplished by **at least one of the one or more user interface objects associated with the second user interface state being not displayed prior to detecting progress toward satisfaction of the user input condition.**
- 4.3 The technical problem to be solved, derived from the distinguishing feature(s) above, can be summarised as how to conceal one or more user interface objects and reveal said one or more user interface objects.
- 4.4 Concealing and revealing one or more user interface objects lies within the general technical knowledge of the person skilled in the art, who would know that these operations are achieved by a method comprising setting the optical intensity to a minimum value. Document (D6) provides hints to this technique ("background", page 668, left-hand column, paragraphs 2, and "animation", page 668, left-hand column, paragraph 5).
- 4.5 Since all of the above differences lie within the general technical knowledge of the person skilled in the art in the sense of Article 56 EPC, independent claim 1 is considered not to involve an inventive step in the sense of Article 56 EPC.
- 4.6 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 to involve an inventive step in the sense of Article 56 EPC.
- 5 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.
- 6 The form and content of the claims require further amendment:
- 6.1 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 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 prior art (see the Guidelines, C-III, 2.3.2).

- 6.2 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).
- 7 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:
- 7.1 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.
- 7.2 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.
- 7.3 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.
- 7.4 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).
- 7.5 To meet the requirements of Rule 42(1)(b) EPC, the document(s) D6 should be identified in the description and the relevant background art disclosed therein should be briefly discussed.

- 7.6 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).
- 7.7 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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