

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

**Description, Pages**

1-26 as published

**Claims, Numbers**

1-20 filed with entry into the regional phase before the EPO

**Drawings, Sheets**

1/15-15/15 as published

1. The following documents (D) may be referred to in the examination procedure; the following numbering will be adhered to:

- 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)

- 2.1 The amendments filed with entry into the regional phase before the EPO introduce subject-matter which extends beyond the content of the application as filed, contrary to Article 123(2) EPC.

- 2.2 Claims 2, 9, 13, 15, 17 and 19 have been amended by removing the feature **portable**. This appears to have no basis in the description, as support can only be found for a **portable electronic device**. The claims should be amended to remedy this.
3. Since it has been assumed that the non-compliance with Article 123(2) EPC may be resolved in the relatively straightforward manner above, the examining division has been prepared to continue with other aspects of substantive examination.
4. Claims 1, 8, 12, 14, 16 and 18 have been drafted as separate independent method claims. In addition, claims 2, 9, 13, 15, 17 and 19 have been drafted as separate independent apparatus claims.

Under 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 in the present application, however, 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 file 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.

- 5.1 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.
- 5.2 The use of the expression **at** to introduce claims 1, 8, 12, 14, 16 and 18 makes it unclear whether protection is sought for the method only or for all the features defined in the claim. The claims should be amended to **computer-implemented method of controlling an electronic device comprising a touch-sensitive display, comprising: ...** (see the Guidelines, C-III, 4.15).
- 6.1 The present application does not meet the requirements of Article 52(1) EPC, as the subject-matter of independent claims 1, 2, 8, 9 and 12-20 does not involve an inventive step in the sense of Article 56 EPC, for the following reasons:

- 6.2 Document (D1) discloses the following features of independent claim 1: a computer-implemented method **of controlling an electronic device comprising 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); moving **said contact** along a predetermined displayed path on the touch-sensitive display in accordance with the contact ("control ... touch", page 4, lines 23-36, "contact ... outlining", page 9, lines 9-12, and "specification of background images ... images", page 10, lines 33-35); transitioning the device to a 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 ... detected", page 8, lines 7-14).
- 6.3 The subject-matter of independent claim 1 differs from the disclosure of D1 in that the method of controlling an electronic device is accomplished by moving **an unlock image ... on the touch-sensitive display ..., wherein the unlock image is a graphical, interactive user-interface object with which the user interacts in order to unlock the device.**
- 6.4 The problem to be solved by the present invention may therefore be regarded as providing a device control method with visual feedback.
- 6.5 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 ... icons", column 2, lines 20-34, and "the act of dragging ... position", column 7, lines 51-58), would be the most effective solution.
- 6.6 The same reasoning as stated with respect to claim 1 applies, mutatis mutandis, to the subject-matter of corresponding independent claims 2, 8, 9 and 12-20, which therefore does not involve an inventive step in the sense of Article 56 EPC.
7. Dependent claims 3-7, 10 and 11 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.

- 8.1 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 D1) 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 D1 (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).

- 9.1 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 some particular matter as patentable and worthy of pursuit. Should he/she so decide, claims should be filed taking account of Rule 43(1) EPC and the following requirements:

- 9.2 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). This also applies to previously undisclosed combinations of claimed features.

- 9.3 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.

- 9.4 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 documents 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 submit 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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