

After the identity of the representative Mr Matthew Gillard was verified, the oral proceedings were opened at 9h04.

The chairman noted that the applicant had not provided any amendments or further arguments in response to the summons to attend Oral Proceedings and asked whether the representative wanted to file any new submissions.

The representative did not file any new submissions.

The chairman remarked that objections under Article 76(1) EPC and Article 56 EPC were raised in the summons to oral proceedings.

The first examiner briefly presented the objections under Article 76(1) EPC. These objections concerned the following features of claim 1:

- detecting a predefined gesture on the touch-sensitive display at a location remote from an unlock image (402) and remote from a visual cue (404) distinct from the unlock image;
- continuously modifying the unlock image on the touch-sensitive display in accordance with the predefined gesture and the visual cue;

From 9h15 onwards, the representative provided arguments in response to these objections. He referred to §0048 for support for generic first and second interface states, and that the invention should therefore not be restricted to a locked and unlock state. He referred to §0055 for support for a generic predetermined gesture on a touch screen, and that the invention should therefore not be restricted to a particular embodiment discussed in the description, e.g. the one in displayed in Figure 4a. He referred to §0071 and §0073 for support for a generic visual cue, and that the invention therefore need not be restricted to, for instance, a channel. He referred to §0078 for support that the gesture can be detected remote from the unlock image and visual cue, because contact can be made anywhere on the screen, and the paragraph reads "as if one is following the channel". The skilled person would derive from the term "as if" that the gesture is not on the visual cue.

From 9h26 onwards, further discussion between the examining division and the representative took place.

At 9h37, the oral proceedings were adjourned in order for the examining division to discuss the objections under Article 76 EPC.

At 10h22, the oral proceedings were resumed. The first examiner presented the remaining objections under Article 76 EPC, and further discussion took place.

At 10h28, the oral proceedings were interrupted for 10 minutes, for technical reasons.

At 10h54, the oral proceedings were adjourned in order for the examining division to discuss the remaining objections under Article 76 EPC.

At 11h07, the oral proceedings were resumed. The chairman informed the applicant that the examining division has come to the conclusion that the subject-matter of claim 1 does not satisfy the requirements of Article 76(1) EPC. The first examiner briefly presented the remaining objections.

The chairman then asked the representative whether he wanted to file any new requests. The representative stated that he would not file any new requests.

The chairman asked the representative whether he felt that the oral proceedings had run in a technically sufficiently good manner so that he felt that he had been properly heard. The representative answered affirmatively.

The chairman then announced that the examining division decided to refuse the applicant under Article 76(1) EPC.