

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**

1-15	filed in electronic form on	04-06-2021
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**Drawings, Sheets**

1/15-15/15	as originally filed
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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](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 Oral proceedings according to Article 116(1) EPC are convened at the applicant's request, since the arguments submitted on 27-04-2022 do not put the application in a state for grant. Based on the present state of the file, a refusal of the application is to be expected. The Examining Division intends to arrive at a decision at the end of the oral proceedings (Rule 111(1) EPC) without granting further extension of time to file additional arguments or evidence.
- 3 Considering that the EPO aims in the interest of the public to bring the proceedings to a conclusion as rapidly as possible and to avoid unnecessary costs, the Applicant is invited to declare within the given time limit whether, in view of the provisional conclusion set forth herein above, the request for Oral Proceedings is maintained. His attention is drawn to the fact that a decision according to the state of the file can be requested, which can be appealed before a higher instance (see Articles 106-109 EPC and Guidelines C-V, 15). However, such a request can only be honoured if the applicant at the same time withdraws his request for Oral Proceedings and refrains from filing further amendments and arguments.
- 4 At least the following points will need to be discussed during the oral proceedings:
- 5 **Basis in the Earlier Application (Article 76(1) EPC)**
- 5.1 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.
- 5.2 In their letter, the applicant has indicated paragraph 99 of the description. However, upon reading paragraph 99 and the explanations provided by the applicant in their letter, the examining division still considers the subject-matter of **claim 1** not to be directly and unambiguously derivable from the earlier application. The reasons are the following:
- 5.3 **Claim 1** defines "the event associated with an application on the device" and "displaying an application interface for the application associated with the event".

According to the letter, this is disclosed by:

- page 30, lines 4-5: "while locked, the device may continue to receive events, such as incoming calls, messages, voicemail notifications, and so forth", and

- page 30, lines 6-7: "[t]he device may display multiple unlock images on the touch screen, each unlock image corresponding to an active application or incoming event".

5.4 However, according to these passages and paragraph 99 as a whole, a distinction is made between applications and events. As stated, "Performing the unlock action using one of the multiple unlock images unlocks the device and displays the application and/or event corresponding to the unlock image". Also paragraph 100 distinguishes between active applications and events. In other words, if an unlock action is performed on a unlock image corresponding to an application, the active application (running before the device was locked) is shown. If an unlock action is performed on an unlock image corresponding to an event, the event is shown. For example, paragraph 106-107 disclose "the event corresponding to the second unlock image is an incoming text message event and a prompt for the user to read it" and "the application corresponding to the first unlock image is a music player application".

5.5 Moreover, **claim 1** only requires one "user interface that includes information about the event and a graphical, interactive user-interface object for accessing functionality associated with the event".

The applicant notes in their letter: "Hence, it is foreseeable that only one active application is running (the description above states "one or more", so one is an option). As also stated above, each unlock image corresponds to an active application or incoming event, so if there is only one active application, and the device receives an event associated with that application, there will only be one unlock image."

It appears that the applicant misinterprets the description and figures. It is firstly noted that figures 9-11F all have at least two unlock images. Also paragraph 99 consistently mentions multiple unlock images. Thus the only way to understand the statement "the device may have one or more active applications running when the device becomes locked" is that in the case of only one active application, there must be a second unlock image corresponding to an event.

5.6 **Claim 2** defines "wherein the application interface is associated with a phone application". For analogous reasons as provided above, also this feature is not derivable from the earlier application.

5.7 **Claims 3-8** define further details about the events and the event information that is displayed. So far, the applicant has not provided a basis for these claims. The earlier application seems not to talk at all about "identifier of the incoming phone call" (**claim 4**) and "information about the event identifies the type of event" (claim 7), or provide general examples of the features defined in the other claims.

## 6 **Clarity and Conciseness (Art. 84 EPC)**

6.1 The application does not meet the requirements of Article 84 EPC, because **claim 9** is not clear.

6.2 In **claim 9**, the terms "the first user-interface state" and "the second user-interface state" lack an antecedent basis.

## 7 **Procedure**

7.1 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 closest prior art
- Indicate the difference of the claimed subject-matter over the closest prior art
- Demonstrate the technical effect(s) achieved by determined difference
- Provide a formulation of the objective technical problem based on the technical effect(s) in view of the closest prior art
- Comment why the claimed solution of the objective technical problem is non-obvious.

- 7.2 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 as filed in front of the ISA.
- 7.3 If the applicant should decide to renounce the oral proceedings, he is asked to inform the office at the earliest possible.
- 7.4 The applicant's attention is drawn to the fact that if a party duly summoned does not appear as summoned, the proceedings may continue in absentiam (Rule 115(2) EPC).
- 7.5 During the oral proceedings, in addition to the above topics, compliance with the EPC will be subject to discussion in view of any amendment filed before or during the oral proceedings.