

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

Description, Pages

1-54 as originally filed

Claims, Numbers

1-13 as originally filed

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 Clarification Request (Rule 63 EPC)

- 2.1 A clarification request under Rule 63 EPC has been issued on the ground that the Search Division was unable to identify the basis of the claims in the earlier application (Article 76(1) EPC).
- 2.2 In response thereto, the applicant has submitted revised claims and provided a basis for the claims. As correctly stated by the applicant, at this stage of the procedure, amendments may not be filed (Rule 137(1) EPC). The revised claims form the basis for the search and this opinion. Should the applicant wish to prosecute the application further based on the revised claims, then they are asked to file the revised claims as amendments under Rule 137(2) EPC.

3 Basis in the Earlier Application (Article 76(1) EPC)

- 3.1 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.
- 3.2 In his letter of reply to the communication under Rule 63 EPC, the applicant has identified par. 54, par. 91-93, par. 99 along with figures 7a-7d as a basis for the revised claim.
- 3.3 With regard to the claim, the cited passages disclose visual cues for unlocking (par. 54), transitioning the optical intensity of user-interface objects concurrent with a transition from a first user interface state to a second user interface state, with the example of an incoming call (par. 91), buttons appearing as the unlocking process progresses (par. 92), the completion of the unlock action (par. 93) and an unlock action using one of the multiple unlock images (par. 99).
- 3.4 From the indicated passages and from the remainder of the description, the Search Division has failed to identify a basis for the combination of features defined in the revised claim: First, there appears to be - at least in the claimed general nature - no disclosure of "a user interface that includes information about the received event". Second, the cited passages all relate to unlocking, as compared to the claimed "first user-interface state" and "second user-interface state". It is noted that par. 48 mentions other types of user-interface states, but the embodiments of par. 99ff all appear to relate to states related to unlocking. Third, there is no disclosure of "detecting a gesture on the

graphical, interactive user-interface object of the user interface on the touch-sensitive display", the graphical, interactive user-interface object being displayed in response to the event.

- 3.5 It is therefore held that the subject-matter of **claim 1** extends beyond the content of the earlier application as filed.
- 3.6 Due to the considerable doubts concerning the independent claim, an assessment of the dependent claims under Article 76(1) EPC is presently not meaningful.
- 3.7 Should the applicant disagree, then they are invited to provide a more detailed discussion of the basis of all claims. Should the claimed subject-matter amount to a generalization derived from the description, the applicant is also invited to comment on this issue under the framework of Guidelines H-V.3.2.1.

4 **Clarity and Conciseness (Art. 84 EPC)**

- 4.1 The application does not meet the requirements of Article 84 EPC, because **claim 1** is not clear.
- 4.2 **Claim 1** comprises the feature "receiving an event at the device". An "event" is commonly understood as "A thing that happens or takes place, especially one of importance". This definition appears also be congruent with (parts of) the description, see e.g. par. 53 ("events such as the elapsing of a predefined time of inactivity"). An event hence refers to something that happens, not to information about something. The claim states that an event is "received", which renders the scope of **claim 1** unclear.

5 **Novelty and Inventive Step (Art. 52(1), 54 and 56 EPC)**

- 5.1 The present application does not meet the requirements of Article 52(1) EPC because the subject-matter of **claim 1** is not new within the meaning of Article 54(1) and (2) EPC.
- 5.2 **D1** discloses (references between brackets refer to the passage in **D1**):

A method of controlling a device (**col. 1, line 45: "Palm(TM) 100"**) comprising a touch-sensitive display (**col. 6, lines 45-46: "large LCD screen 110 which is touch-sensitive and allows a user to enter and manipulate data"**), comprising:

receiving an event (**col. 6, line 37: "call received"**) at the device when the device is in a first user-interface state (**no note application is shown yet**), the event associated with an application (**col. 5, line 60: "note entry program"**) on the device;
in response to receiving the event (**it is considered implicit that a phone application is displayed in response to receiving a call, since the purpose of a phone application is to receive calls and since there are many applications on the phone**), displaying on the touch-sensitive display a user interface (**fig. 7 and col. 6, line 42: "phone application"**) that includes information about the received event (**col. 5, line 43: "the number"; the phone number of the received call is shown**) and a graphical, interactive user-interface object (**fig. 8: "Note"**) for accessing functionality associated with the received event;
detecting a gesture (**col. 4, lines 64-65: "While the user is on a call, if the user wishes to make a note, the user taps the note key 225 (step 400). Tapping is the preferred method of soft button selection on a touch sensitive screen"; tapping is a form of a gesture, a tapping gesture**) on the graphical, interactive user-interface object of the user interface on the touch-sensitive display (**col. 5, line 7: "tapping note key"**); and
in accordance with a determination that the detected gesture satisfies a predefined condition (**implicit from col. 5, line 7: "After", because booting after tapping implies that the tapping on the "Note" button has to be recognized**), transitioning to a second user-interface state (**a UI state in which the note application is shown**) and displaying an application interface (**col. 5, lines 8-9: "allows the user to make notes" and fig. 5; the UI of the note application is shown**) for the application associated with the received event (**col. 5, line 8: "boots a note entry program"**).

- 5.3 Independent **claims 12 and 13** express the features of **claim 1** in terms of an electronic device and a computer-readable storage medium, which are also disclosed by **D1**. For this reason and the arguments brought forward above, the subject-matter of **claims 12 and 13** is also not new (Article 54(1) and (2) EPC).
- 5.4 The present application does not meet the requirements of Article 52(1) EPC because the subject-matter of **claim 1** does not involve an inventive step within the meaning of Article 56 EPC vis-à-vis **D2**.

- 5.5 **D2** shows on pages 14-15 the process of answering a phone call by using touch screen gestures. It is understood that the "ANSWER" text on the phone screen is displayed in response to receiving a call (=event). The "ANSWER" text is "information about the received event", because it shows that a call is being received. The "ANSWER" text is also "a graphical, interactive user-interface object for accessing functionality associated with the received event", because it shows the user dynamically that a call may be accepted. The user has to perform a predefined gesture in order to receive the call. There are two user-interface states in **D2**, symbolized by the different icons in the background of the screen.
- 5.6 **D2** does not disclose the display of an application interface. This solves the problem of enabling the user to further react to the event. The display of a phone application upon answering a call is an obvious and commonly selected implementation option to solve this problem. Therefore, the subject-matter of **claim 1** does not involve an inventive step
- 5.7 It is at the present not apparent how the applicant will overcome the objections under Article 76(1) EPC and what the scope of new claims will be. For the sake of procedural efficiency, the applicant is pointed to documents **D3** and **D4**. These documents are presently considered less relevant than **D1**, but may become relevant for new claims.
- 5.8 **D3** discloses a slider toggle for a touch screen.
- 5.9 With regard to **D4**, it is noted that **D4** discloses pages 4-9 and fig. 2 a process of unlocking a phone with a touch screen by touching specific areas on the screen. There appears to be step of "displaying on the touch-sensitive display a user interface that includes information about the received event". However, in accordance with Guidelines G-II.3.7., subsection "What (which information) is presented", this feature may not be considered to contribute to a technical effect, because in a broad sense "event" does not have to relate to the internal state of the phone. It may relate to any kind of event, e.g. information about social events.
- 5.10 Dependent **claims 2-11** do not appear to contain any additional features which, in combination with the features of any claim to which they refer, meet the requirements of the EPC with respect to novelty (**claims 2-4, 7, 8**) or inventive step (**claims 5, 6, 9, 10, 11**).

- 5.11 Claims 2-4: See the discussion of claim 1 and the passages used therein. **D1** discloses to show the name/phone number of an incoming call (fig. 11). The "note entry program" is associated with the phone application, because the phone application starts the note entry program.
- 5.12 Claims 5, 6, 9: The additional features of claims 5 and 9 follow directly from adapting **D2** as discussed above. The use of a decline call user-interface object is considered a further obvious modification.
- 5.13 Claims 7, 8: **D1** discloses in fig. 12 to display non-identifiable incoming calls as "Not identifiable", which is a type of event.
- 5.14 Claims 10, 11: The movement of a point of contact, as defined by claims 10 and 11, is obvious in view of **D1** and the slider toggle of **D3**, when the person skilled in the art attempts to solve the problem of providing an alternative way of interacting with a touch screen.

6 Other Objections

- 6.1 To meet the requirements of Rule 42(1)(b) EPC, **D1-D2** should be identified in the description and its relevant contents should be briefly discussed.
- 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 Guidelines F-IV, 4.19).

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 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).
- 7.3 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**.
- 7.4 Furthermore, the applicant is invited to comment on the allowability of all claims in view of Article 76(1) EPC. This involves providing the basis for the claims in earlier application.
- 7.5 When amending independent **claim 1**, the claim should be brought into 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 closest prior art (**D1**) being placed in the preamble (Rule 43(1)(a) EPC) and the remaining features being included in the characterising part (Rule 43(1)(b) EPC).
- 7.6 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 of 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).