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**SIGNED AND SENT  
ELECTRONICALLY**

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Dear Sirs

**European Patent Application No. 18195407.4  
based on PCT/US2006/061370  
Unlocking A Device By Performing Gestures On An Unlock Image  
Apple Inc.**

This is a response to the communication pursuant to Article 94(3) EPC dated 26 September 2019.

We enclose a complete set of revised claims 1-9 on pages 55-56 intended to replace the claims currently on file. A reference copy of these revised claims is also enclosed, on which amendments with respect to the claims on file are indicated.

#### **Amendments and basis**

Claim 1 has been amended to specify that the gesture is detected remote from the unlock image and from a visual cue distinct from the unlock image; and that the unlock image is modified in accordance with the predefined gesture and the visual cue. Basis for this amendment may be found for example in paragraphs [0054], [0062], [0071], and [0073] of the description as filed.

New claim 7 has been added. Subsequent claims and references to claims have been renumbered accordingly. Basis for this new claim may be found for example in paragraph [0071] of the application as filed.

#### **Added matter (Article 76 EPC)**

The examiner objected that claim 1 adds matter, considering that the feature of making contact at a location remote from the unlock image was only disclosed in combination with a channel. In particular, the examiner suggested that the disclosure of the remote gesture location in paragraph [0078] was inextricably tied to the discussion of a channel in paragraphs [0074]-[0079].

Claim 1 has now been amended to include a visual cue. Paragraph [0073] makes clear that specific embodiment of a channel is merely one example of a visual cue that may be used in conjunction with an unlock image to assist the user in unlocking the device. This paragraph refers to the channel 404 shown in figures 4A and 4B. The exact same channel 404 is discussed in paragraphs [0074]-[0079], to which the examiner referred - in this case in relation to figures 5A-5D which illustrate

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the performance of the unlock image on the GUI shown in figures 4A-4B. In other words, figures 4A-4B and 5A-5D (and associated paragraphs [0071]-[0079]) are all part of the same embodiment; an embodiment in which it is explicitly disclosed that the channel 404 can be replaced with any other visual cue. Claim 1, as amended, therefore has clear basis in the application as filed.

Furthermore, it is readily apparent that the use specifically of a channel, as opposed to any other visual cue, is entirely unrelated to the gesture being detected at a remote location - clearly the fact that the gesture doesn't touch the visual cue has nothing to do with the form of that visual cue. The examiner argued that "the free choice of contact...is inextricably linked with the user of a channel. In particular, pars. 74-79 discuss different options of implementing the channel and the specific problems that may arise therefore. Par. 78 then discloses that in this context a user may not necessarily interact directly with the channel/unlock image". The examiner appears to imply that making the gesture away remote from the unlock image is disclosed as solving a problem specific to a channel. However, paragraphs [0074]-[0079] do not discuss channel-specific problems as the examiner suggested. They merely describe ways in which the gesture can be performed and visual feedback provided, via the illustrated example of a channel. If anything, these paragraphs discuss problems relating to the user's performance of the gesture (or failure thereof), unrelated to the channel. Thus there is nothing in these paragraphs to justify the suggestion that the channel is inextricably linked to the "contact anywhere" feature; especially in light of the explicit teaching as part of the same embodiment that any visual cue can be used.

The use of "visual cue", as opposed to specifically a "channel" in claim 1 therefore does not amount to an intermediate generalisation.

### **Inventive step**

The examiner objected that claim 1 lacked an inventive step over D1. In particular, the examiner admitted that D1 does not disclose "continuously modifying the unlock image on the touch-sensitive display in accordance with the predefined gesture", but considered that this feature did not provided a technical effect.

Claim 1 has now been amended to include a visual cue, as well as the unlock image. A predefined gesture is detected at a location remote from the unlock image and the visual cue; and the unlock image is continuously modified in accordance with the predefined gesture and the visual cue. D1 does not disclose these features.

D1 does not disclose these features. Indeed, D1 does not disclose an unlock image and a visual cue at all. The examiner alleged that the text "Right sweep to unlock" in D1 amounted to an unlock image. However, this is not an unlock image within the meaning of the present invention - the simple text instruction is not something that can be modified in accordance with the gesture and with a visual cue. Moreover, even if the text is taken to be an unlock image, there is no disclosure of a visual cue.

D1 therefore does not disclose at least:

" while the electronic device is in a first user-interface state, 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;  
 in response to detecting that the predefined gesture ends after moving to at least a predetermined location:  
ceasing to display the unlock image".

These features provide guidance to the user to help complete the gesture. The modification of the unlock image illustrates the progress of the gesture; and the visual cue guides the user in how to continue the gesture (see e.g. paragraph [0054] of the present application). By allowing the gesture to be performed remotely of the unlock image, the user does not have to interact precisely with

the device. Together, therefore, these features facilitate the user's continued interaction with the device in performing the gesture.

A technical problem to be solved is how to assist a user in performing a change of state gesture on an electronic device.

D1 at most discloses a swipe gesture across a screen, with an unchanging text instruction. There is no interactive user guidance at all, let alone an unlock image that is continuously modified in accordance with the gesture and the visual cue. Starting from D1, there is no reason that the skilled person would implement any kind of guidance mechanism, let alone a guidance mechanism in which the gesture can be performed remotely of the guidance mechanism. The un inventive skilled person therefore would not reach the solution of claim 1 based on the teaching of D1.

The examiner argued that the unlock image of previous claim 1 provided only "reassuring feedback". Amended claim 1 clarifies that the unlock image is not simply confirming what has been done; it guides the user in continued interaction. The unlock image and visual cue of amended claim 1 provide an indication to the user as to whether further input (and how much) is needed to achieve the transition to the second UI state. Contrary to providing feedback, the visual cue and location of the unlock image along the channel can be used to further guide the user to perform the gesture required to transition the UI state of the device. As is well settled case law, guiding continued human-machine interaction is a technical effect (see Guidelines at G II 3.7).

Furthermore, by detecting the gesture remotely of the unlock image and visual cue, the invention provides the further technical effect of allowing the user to be less precise about the positioning of the gesture, whilst still providing feedback to guide the interaction. The examiner argued that this technical effect could not be derived in the present case, arguing that "D1 does not require the user starts the gesture at a specific point". However, this is because D1 does not provide any guidance mechanism. If (which we do not concede) the skilled person, despite any suggestion in the prior art, decided to implement the unlock image and visual cue in the device of D1, the obvious implementation would be to require the user to contact the unlock image. To go from such a modified version of D1 to a method in which the gesture can be detected remotely of the unlock image and visual cue would require a further inventive step, and would provide the technical effect of allowing imprecise inputs. In other words, in denying the technical effect of imprecise inputs, the examiner is wrongly ignoring the impact of modifying D1 to include an unlock image and visual cue.

None of the other cited documents disclose the solution of claim 1, and so could not be combined with D1 to solve the technical problem.

Claim 1 is therefore inventive over D1. A similar argument applies for independent claims 8 and 9. The dependent claims are inventive at least because of their dependency upon the independent claims.

### **Concluding remarks**

If there are any points which the examiner wishes to raise which could be dealt with over the telephone, I should be grateful if the examiner would contact me. In the unlikely event that the examiner contemplates refusing this application, I should appreciate the opportunity of an informal interview either by telephone or in person beforehand, and as a precaution, I hereby request Oral Proceedings in accordance with Article 116 EPC.

Any amendment is not to be construed as an abandonment of subject-matter.

Yours faithfully

**M P Gillard**  
**Professional Representative**

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