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Responsive to the Communication pursuant to R. 70(2) and 70a (2) EPC, dated March 28, 2011

I. Amendments

1. Applicant submits, without prejudice, a new set of claims 1 to 15 as the basis for further proceedings and to replace the claims currently on file. The new claims are essentially identical to the claims on file and have only been amended by bringing the independent claims 1, 11 and 15 into the two-part form as suggested under item 6.1 of the Communication.

2. In view of the objection raised with respect to Article 76 (1) EPC under item 2 of the Communication, the affected sections of the **description** cited in item 2.2 of the Communication have been amended such, that now the respective embodiments are limited to relate to a *portable electronic device* instead of previously and *electronic device*.

3. Support for these amendments can be found throughout both the parent application and the present application as filed, e.g. in their corresponding paragraphs [0002], [0011] and [0026] of the description. Since similar amendments successfully overcame the respective objection in the parent case EP 06 846 405.6 to which item 2.1 of the Communication refers, in applicant's view the objection is thus rendered moot.

II. Novelty and Inventive Step

1. The novelty of the set of claims currently on file, and thus also of the new claims, has already been acknowledged in the Communication. Particularly, it was acknowledged that the following feature is not disclosed by the cited prior art:

> *(A) at least one of the one or more user interface objects associated with the second user interface state being not displayed prior to detecting progress toward satisfaction of the user input condition;*

However, also the following distinguishing feature is not disclosed in the cited prior art:

> *(B) while the device is in the first user-interface state, indicating progress towards satisfaction of the condition by transitioning an optical intensity of one or more user interface objects associated with the second user-interface state without being associated with the first user interface state, wherein transitioning the optical intensity includes the one or more user interface objects associated with the second user-interface state appearing and increasing in optical intensity;*

In contrast, **D6** discloses amongst others a virtual switch, particularly the so-called "Words" toggle in the upper right corner of Figure 2, where the state of the switch, i.e. whether it is currently switched *on* or *off*, is indicated to the user by a bright green background behind the corresponding

ON-label respectively OFF-label of the switch (cf. page 668, left column, second paragraph and Figure 2). However, there is no disclosure whatsoever of an appearing and increasing in optical intensity of the user interface object, even if one identified the background of the above labels as such an interface object. All that happens at the switch of D6 is that if the state of the switch changes, e.g. from "ON" to "OFF", instantaneously (because the related switching itself is essentially instantaneous) the green background moves from the "ON"-side of the switch to the "OFF"-side. Thus, as in D6 there is no increasing of optical intensity of the user interface object associated with the second user-interface state (e.g. "OFF") there is also no indication of progress towards satisfaction of the user input condition as required by **Feature (B)**.

Therefore, the new claims are novel in the sense of Article 54 EPC.

2. The **technical effect** achieved by the above distinguishing features (A) and (B) is that once progress toward satisfaction of the user input condition is detected one or more user interface objects appear which were not present before, thus indicating that the action of transitioning from one state to another has begun, and that the optical intensity of this respectively these interface objects increases in order to provide a feedback to the user indicating the progress towards the satisfaction of the condition. In summary, these features indicate both the start and the progress of the transition from one state to another. Moreover, as both the start and the progress are indicated by a user interface that "appears" once progress has been detected, i.e. once the user has touched the touch screen and initiated the gesture corresponding to the desired transition, this means that the user-interface object appears at a location on the touch screen visible to the user in spite of his finger being in contact with the touchscreen. Consequently, the gesture does not interfere with the indication to the user (cf. Figures 7A-7D).

The **technical problem** to be solved can thus be summarized as how to effectively provide a sensory feedback to the user regarding the beginning of a transition from one user-interface state to another and regarding the progress toward satisfaction of a user input condition that is required for this transition to occur (cf. paragraph [0006] and the headline before paragraph [0080] of the description as filed).

The **solution** to this problem, i.e. introducing features (A) and (B), is set out in the independent new claims 1, 6 and 11.

3. Applicant respectfully disagrees with the examiner's finding that **D6** itself allegedly comprises a hint to such a solution.

Firstly, the bright green background mentioned in D6 does not show the appearing and increasing in optical intensity of the user interface objects in question, as has a ready been discussed above. In contrast, all that is disclosed as an (instantaneous) switching on or off of the background.

Secondly, paragraph 5 on the left column of page 668 of D6 is related to a totally different type of switch, namely a slider toggle being depicted in the lower left corner of Figure 2 of D6, and what is animated there is exactly not the optical intensity of any user-interface object but instead a *motion* of a pointer from left to right (or vice versa). Thus, even if one combined the teaching of these two different toggle designs, for which actually no motivation can be recognized, then this combined teaching would lead away from the invention as claimed, because it suggests changing the position of the user interface object rather than its optical intensity in order to indicate progress of an ongoing transition between states of the user-interface.

Finally, D6 suggests that the user touches the touch screen at the very position where also the green background is displayed. Accordingly, these background features can then no longer be used to indicate progress towards satisfaction of the user input condition, i.e. at a time where this condition is not yet met, but all it can provide is an indication of a successful transition once it is completed and the finger is left off from the touchscreen.

Also the other cited prior art document **D7** does not show or point to the missing limitations and thus even a combination of D6 and D7 cannot render the present invention obvious.

4. Therefore, the present invention as reflected in the new claims involves an inventive step in the sense of Article 56 EPC.

III. Double Patenting

1. Applicant is aware of the provisions the Guidelines, C-IV, 7.4. However, obviously the subject matter of the parent application is granted according to its independent claims is substantially different from the subject matter of the new claims of the present divisional application. While the parent application is directed to a method and apparatus for transitioning a device from a locked user-interface state to an unlocked user-interface state and is mainly defined by the necessary user input gestures and a sensory feedback in the form of the position of an unlock image, the present invention is directed to optimizing the sensory feedback to the user and suggests having one or more additional user interface objects appear and increase their optical density as the user input progresses towards satisfaction of the input condition.

2. In applicants view, the parent patent and the present application do therefore not claim the same subject matter but, with respect to the sensory feedback, rather two separate alternatives. If, however, the Examining Division still sees a problem in this regard, then a more detailed explanation of these concerns would be highly appreciated.

IV. Requests

1. It is respectfully requested to grant a patent on the basis of the new claims.

2. It is respectfully requested to be allowed to postpone the further adaptation of the description and the addition of reference signs to the claims until an allowable set of claims is agreed upon.

3. Auxiliary, if there are still substantive objections with respect to the patentability of the present invention, it is requested to perform oral proceedings according to Article 116 EPC.

4. Since the applicant is interested in an expedited examination, the undersigned representative of the applicant would be pleased to discuss the present case with the Primary Examiner in a telephone conversation or a personal interview. Furthermore, an employee of the applicant could join such conversation in order to quickly obtain an agreement of the applicant.

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Enclosures
- New set of claims 1 to 15
- The same new set of claims with amendments highlighted
- Amended pages 41 and 43 to 47 of the description