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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/604,942	09/06/2012	Yoshie Maeda	0124/0141	7388
21395 7590 07/16/2015 LOUIS WOO LAW OFFICE OF LOUIS WOO 717 NORTH FAYETTE STREET ALEXANDRIA, VA 22314			EXAMINER LEE, NICHOLAS J	
			ART UNIT 2626	PAPER NUMBER
			MAIL DATE 07/16/2015	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 13/604,942	Applicant(s) MAEDA, YOSHIE	
	Examiner NICHOLAS LEE	Art Unit 2626	AIA (First Inventor to File) Status No

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTHS FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 4/17/2015.
☐ A declaration(s)/affidavit(s) under **37 CFR 1.130(b)** was/were filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ An election was made by the applicant in response to a restriction requirement set forth during the interview on ____; the restriction requirement and election have been incorporated into this action.
- 4) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims*

- 5) ☒ Claim(s) 1-13 is/are pending in the application.
5a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 6) ☐ Claim(s) ____ is/are allowed.
- 7) ☒ Claim(s) 1,3,5,12 and 13 is/are rejected.
- 8) ☒ Claim(s) 2,4 and 6-11 is/are objected to.
- 9) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

* If any claims have been determined allowable, you may be eligible to benefit from the **Patent Prosecution Highway** program at a participating intellectual property office for the corresponding application. For more information, please see http://www.uspto.gov/patents/init_events/pph/index.jsp or send an inquiry to PPHfeedback@uspto.gov.

Application Papers

- 10) ☐ The specification is objected to by the Examiner.
- 11) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

Certified copies:

- a) ☐ All b) ☐ Some** c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

** See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) ☐ Notice of References Cited (PTO-892) | 3) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) ☒ Information Disclosure Statement(s) (PTO/SB/08a and/or PTO/SB/08b)
Paper No(s)/Mail Date ____ | 4) ☐ Other: ____ |

DETAILED ACTION

Allowable Subject Matter

4. Claims 2, 4 and 6-11 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim Rejections - 35 USC § 103

5. The following is a quotation of pre-AIA 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1 and 12-13 are rejected under pre-AIA 35 U.S.C. 103(a) as being unpatentable over US Patent Pub. 2007/0229471 A1 to Kim et al ("Kim") in view of US Patent Pub. 2008/0168403 A1 to Westerman et al ("Westerman").

As to claim 1, Kim discloses an electronic apparatus (**See Fig. 1**) comprising:

a display (**120**);
an indicating section for indicating objects on the display (**See Fig. 2A**);
a touch panel superposed on the display (**¶ 0044, "touch screen"**);
an acquiring section for detecting user's touches to the touch panel and acquiring positions of the user's touches to the touch panel as touch positions

(**See Fig. 2B; ¶ 0052**); and

the selecting section being further for setting a rectangular area with respect to the display and selecting an object or objects contained in the rectangular area (**See Fig. 2C**);

wherein two opposite corners of the rectangular area are respectively coincident with the first and second touch positions occurring at an initial stage of the user's touches to the touch panel (**See Fig. 2C, first point and second point**).

Kim fails to disclose a selecting section for deciding whether or not first and second touch positions are acquired by the acquiring section, for calculating a distance between the first and second touch positions, and for deciding whether or not the calculated distance between the first and second touch positions decreases in accordance with the lapse of time.

Westerman discloses a method for deciding whether or not first and second touch positions are acquired by the acquiring section, for calculating a distance between the first and second touch positions, and for deciding whether or not the calculated distance between the first and second touch positions decreases in accordance with the lapse of time (**See Fig. 12**).

At the time of the invention, it would have been obvious to one of ordinary skill in the art to have modified Kim with the teachings of Westerman for deciding whether or not first and second touch positions are acquired by the acquiring section, for calculating a distance between the first and second touch positions,

and for deciding whether or not the calculated distance between the first and second touch positions decreases in accordance with the lapse of time, as suggested by Westerman thereby using known configurations for detecting gesture input by two fingers for controlling a graphical user interface.

As to claim 12, the same rejection or discussion is used as in the rejection of claim 1.

As to claim 13, the same rejection or discussion is used as in the rejection of claim 1.

7. Claims 3 and 5 are rejected under pre-AIA 35 U.S.C. 103(a) as being unpatentable over US Patent Pub. 2007/0229471 A1 to Kim et al ("Kim") in view of US Patent Pub. 2008/0168403 A1 to Westerman et al ("Westerman"), and further in view of US Patent Pub. 2010/0007630 A1 to Chang.

As to claim 3, Kim discloses an apparatus comprising a selection gesture for selecting objects within a rectangular selecting section (**See Fig. 2B-C**).

Kim in view of Westerman fails to disclose further comprising a moving section for deciding whether or not the distance between the first and second touch positions is substantially constant, for deciding whether or not the first and second touch positions are slid in substantially a same direction after the object or objects contained in the rectangular area are selected by the selecting section, and for, in cases where it is decided that the distance between the first and second touch positions is substantially constant and the first and second touch

positions are slid in substantially a same direction, moving the selected object or objects along said same direction **(See Fig. 10G; ¶ 0063-0064; Chang discloses command gestures (i.e. two touches moving in the same direction) which can correspond to commands performed on objects (i.e. translate).).**

At the time of the invention, it would have been obvious to one of ordinary skill in the art to have modified Kim in view of Westerman with the teachings of Chang of a moving section for deciding whether or not the distance between the first and second touch positions is substantially constant, for deciding whether or not the first and second touch positions are slid in substantially a same direction after the object or objects contained in the rectangular area are selected by the selecting section, and for, in cases where it is decided that the distance between the first and second touch positions is substantially constant and the first and second touch positions are slid in substantially a same direction, moving the selected object or objects along said same direction, as suggested by Chang thereby using known combinations of gestures with commands for manipulating objects on graphical user interfaces.

As to claim 5, Kim discloses an apparatus comprising a selection gesture for selecting objects within a rectangular selecting section **(See Fig. 2B-C).**

Kim in view of Westerman fails to disclose further comprising a deleting section for deciding whether or not the first and second touch positions are rotated in a same direction after the object or objects contained in the rectangular

area are selected by the selecting section, and for deleting the selected object or objects in cases where it is decided that the first and second touch positions are rotated in a same direction.

Chang discloses further comprising a deleting section for deciding whether or not the first and second touch positions are rotated in a same direction, and for deleting the object or objects in cases where it is decided that the first and second touch positions are rotated in a same direction **(See Fig. 10F; ¶ 0063-0064; Chang discloses command gestures (i.e. two touches rotating in the same direction) which can correspond to commands performed on objects (i.e. delete).).**

At the time of the invention, it would have been obvious to one of ordinary skill in the art to have modified Kim in view of Westerman with the teachings of Chang of a deleting section for deciding whether or not the first and second touch positions are rotated in a same direction, and for deleting the object or objects in cases where it is decided that the first and second touch positions are rotated in a same direction, as suggested by Chang thereby using known combinations of gestures with commands for manipulating objects on graphical user interfaces.

Response to Arguments

Applicant's arguments filed 4/17/2015 have been fully considered but they are not persuasive. In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually

where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). Applicant argues that “none of Kim and Westerman teaches the essential part of the feature of the apparatus of claim 1 that an object or objects contained in the rectangular area are selected in cases where the distance between the first and second touch positions decreases in accordance with the lapse of time.” Kim discloses the function of selecting objects by performing a two touch input gesture which forms selecting area (Fig. 2C, 230). Kim was combined with the teachings of Westerman in that Westerman discloses the concept of performing function based on a two touch input gesture and measuring the distance between two touch points during a period of time. The claims stand rejected.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to NICHOLAS LEE whose telephone number is (571)270-7354. The examiner can normally be reached on Monday-Friday 7:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Claire Pappas can be reached on 571-270-1051. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/NICHOLAS LEE/
Primary Examiner, Art Unit 2626