

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.

**UNITED STATES PATENT AND TRADEMARK OFFICE**

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**BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES**

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Ex parte ROLAND E. WILLIAMS

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Appeal No. 2005-1948  
Application No. 10/020,572

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ON BRIEF

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Before HAIRSTON, SAADAT, and MacDONALD, Administrative Patent Judges.  
HAIRSTON, Administrative Patent Judge.

DECISION ON APPEAL

This is an appeal from the final rejection of claims 9 through 29.

The disclosed invention relates to a method and machine for disambiguating among two or more symbols associated with a key via the use of a first type of key actuation and a second type of key actuation.

Claim 9 is illustrative of the claimed invention, and it reads as follows:

9. A method for disambiguating among two or more symbols associated with a key, the method comprising:

detecting a first type of actuation of the key;

in response to the detecting of the first type of actuation, displaying a representation of the two or more symbols;

detecting a second type of actuation of the key; and

selecting a selected one of the two or more symbols in accordance with the second type of actuation.

The references relied on by the examiner are:

King et al. (King)	6,011,554	Jan. 4, 2000
Hoeksma	6,271,835	Aug. 7, 2001
Hirshberg	6,597,345	July 22, 2003 (filed Nov. 5, 2001)

Claims 9, 10, 12, 13, 16, 17, 19, 20, 23, 24, 26 and 27 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Hoeksma.

Claims 9 through 29 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Hirshberg in view of King.

Reference is made to the brief and the answer for the respective positions of the appellant and the examiner.

#### OPINION

We have carefully considered the entire record before us, and we will reverse all of the rejections of record.

Turning first to the anticipation rejection of claims 9, 10, 12, 13, 16, 17, 19, 20, 23, 24, 26 and 27, we agree with the examiner's finding (answer, page 3) that the key 223 in screen layout 100 in Hoeksma (Figure 2; upper left screen) can be pressed a first time to display the enlarged letter "O" (Figure 2; upper right screen). Thereafter, the key 223 can be pressed again to select the letter "O" (column 2, lines 32 through 44; column 4, lines 27 through 53). On the other hand, we agree with the appellant's argument

(brief, page 4) that “Hoeksma neither teaches nor suggests first and second types of actuation of the same key . . .” (Emphasis added). Although Hoeksma must actuate key 223 twice to select the letter “O”, the same type of key actuation is executed twice to make the character selection. Stated differently, Hoeksma presses the key 223 twice in the same manner and does not use first and second types of actuations of the same key as set forth in the claims on appeal. For this reason, the anticipation rejection of claims 9, 10, 12, 13, 16, 17, 19, 20, 23, 24, 26 and 27 is reversed.

Turning to the obviousness rejection of claims 9 through 29, the user of the touch screen keypad in Hirshberg makes initial contact with a displayed soft key (e.g., key ABC2) (Figure 1), slides the finger to one of the characters or the number 2, and then tilts the key in the direction of the desired character or number (Abstract; column 4, lines 51 through 64; column 5, lines 31 through 40). Although the letters ABC and the number 2 are continuously displayed on the soft key, the examiner is of the opinion that the skilled artisan would have turned to the display teachings of King for a teaching of a display in response to a key actuation. Inasmuch as Hirshberg already continuously displays the key characters and number, we must agree with the appellant’s argument (brief, page 6) that “the only real motivation of record [to combine the teachings of the references] is found in Appellant’s own Specification.” In summary, the obviousness rejection of claims 9 through 29 is reversed because a prima facie case of obviousness can not be established with impermissible hindsight.

DECISION

The decision of the examiner rejecting claims 9, 10, 12, 13, 16, 17, 19, 20, 23, 24, 26 and 27 under 35 U.S.C. § (102)(e) is reversed, and the decision of the examiner rejecting claims 9 through 29 under 35 U.S.C. § 103(a) is reversed.

REVERSED

KENNETH W. HAIRSTON  
Administrative Patent Judge

MAHSHID D. SAADAT  
Administrative Patent Judge

ALLEN R. MacDONALD  
Administrative Patent Judge

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