Appeal Decision

Appeal No. 2017-13221

Kyoto, Japan
Appellant KYOCERA CORPORATION

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The case of appeal against the examiner's decision of refusal Japanese Patent Application No. 2013-266055, entitled "Electronic Apparatus" (the application published on July 2, 2015, Japanese Unexamined Patent Application Publication No. 2015-121996) has resulted in the following appeal decision:

Conclusion

The appeal of the case was groundless.

Reason

No. 1 History of the procedures

The application was filed on December 24, 2013, a notice of reasons for refusal dated September 16, 2016 was issued, an amendment was made and a written opinion was submitted on November 25, 2016; however, a notice of reasons for refusal (final) dated February 10, 2017 was issued. Then, an amendment was made and a written opinion was submitted on April 19, 2017; however, the amendment dated April 19, 2017 was dismissed and a decision for refusal dated May 31, 2017 was issued. Against this, an appeal against the examiner's decision of refusal was made on September 6, 2017 and an amendment was made at the same time as the appeal.

No. 2 The Invention

The inventions according to Claims 1-5 of the present application are recognized to be as specified by the matters described in Claims 1-5 in the scope of claims, and the invention relating to Claim 1 (hereinafter, referred to as "the Invention") is as follows:

"[Claim 1]

An electronic apparatus having touch sensors at a front face and a rear face comprising:

a control unit that makes a display unit display an object which is not being displayed when an operation on the touch sensor on the rear face is detected while an arbitrary screen is being displayed."

No. 3 Reasons for refusal of the examiner's decision

Reason 3 that is one of the reasons for refusal notified by the body (final) on February 10, 2017 is as follows:

The inventions according to Claims 1 to 5 in this application could have been easily made by a person ordinarily skilled in the art of the inventions prior to the filing of the application, based on the inventions described in the following cited documents 1 and 2 which had been distributed in Japan or a foreign country prior to the filing of the application or the inventions that had become available to the public through electric communication lines in Japan or a foreign country prior to the filing of the application. Thus, the appellant should not be granted a patent for the inventions under the provisions of Article 29(2) of the Patent Act.

Cited Document 1: Unexamined Japanese Patent Application Publication: No. 2011-36424
Cited Document 2: Unexamined Japanese Patent Application Publication: No. 2013-142907

No. 4 Description in Cited Document, and Cited Invention
1 Description in Cited Document 1

Cited Document 1 includes the following description with drawings. (The underlines indicate parts on which attention is especially focused. The same shall apply hereinafter.)

(1) Paragraphs [0009] and [0010]
"[0009]

FIG. 1 and FIG. 2 indicate the appearance of a game device 10 according to an embodiment. As shown in FIG. 1, an input device 20 including an instruction input button 21, a direction key 22, an R button 23, an L button 24, etc., and a display device 68 are provided on the front surface side of the game device 10; that is, on the side facing a user when the user operates the game device 10 while holding it. The display device 68 includes a touch panel 69 for detecting a contact by a user's finger, stylus pen, etc. Inside the game device 10, a tilt sensor 25 for detecting the tilt of the game device 10 is provided.
[0010]

As shown in FIG. 2, at the rear side of the game device 10, a rear touch panel 70 is provided. A display device may be provided also on the rear side of the game device 10 as well as on the front side; however, in the present embodiment, only the rear touch panel 70 is provided without a display device on the rear side of the game device 10."

(2) Paragraphs [00015] to [0016]
"[0015]

The control unit 40 includes a start control unit 41, a screen management unit 42, an event control unit 43, a function control unit 44, and an application 45. The application 45 provides a predetermined function by using a basic screen. The function control unit 44 controls various functions provided by using a sub-screen. The start control unit 41 determines a function that is to be started. The screen

management unit 42 manages the basic screen provided by the application 45 and the sub-screen provided by the function control unit 44. The event control unit 43 notifies an appropriate target of an operation input performed by the input device 20, the touch panel 69, or the rear touch panel 70.

[0016]

FIGS. 4(a), (b), and (c) illustrate the method for starting a predetermined function by an operation on the rear touch panel. When a user slides his/her finger from left to right on the rear touch panel 70 as viewed from the rear side of the game device 10 as shown in FIG. 4(a), the finger is slid from right to left as viewed from the user as shown in FIG. 4(b). At this time, the input unit 30 transmits to the control unit 40 the fact that the operation of moving an input position from left to right has been performed on the rear touch panel 70. The event control unit 43 notifies the start control unit 41 of the transmitted operation input. The start control unit 41 instructs the function control unit 44 to start a function corresponding to the operation, and the screen management unit 42 makes the display device 68 perform display so that the sub-screen 72 for displaying a display screen according to the started function is drawn out from right to left, as shown in FIG. 4(c). This can show as if the user drew the sub-screen 72 out from right to left with his/her finger, and thereby allows implementation of an intuitively easy-to-understand user interface."

(3) Paragraphs [0025] to [0031]

"[0025]

Then, examples of functions provided by the sub-screen will be described. These functions are implemented by the function control unit 44.

[0026]

FIGS. 7(a), (b), and (c) illustrate a copy function. ... ... (remainder omitted)

[0027]

FIGS. 8(a), (b), and (c) illustrate a mask function. ... ... (remainder omitted)

[0028]

FIG. 9 illustrates an image filter function. ... ... (remainder omitted)

[0029]

FIGS 10(a), (b), and (c) illustrate a mute function. ... ... (remainder omitted)

[0030]

FIG. 11 illustrates an operation history recording function. ... ... (remainder omitted)

[0031]

FIGS 12(a), (b), and (c) illustrate an information display function. When the sub-screen 72 having the information display function is drawn out while an image is being displayed by an application having the image display function as shown in FIG. 12(a), the function control unit 44 displays information on the image, which is being displayed, on the sub-screen 72 as shown in FIG. 12(b). As shown in FIG. 12(c), only information on a part where the sub-screen 72 is overlapped may be displayed. This makes information, which is to be displayed in a region outside the sub-screen 72, invisible; and therefore, when, for example, a user tries to memorize information or tries to check his/her memory, information can be easily made visible or invisible. In addition, the function control unit 44 may provide a context menu by the sub-screen 72."

2. Cited Invention

Accordingly, by considering the aforementioned matters in the light of related drawings and focusing attention on the underlined parts, it can be said that the following invention (hereinafter, referred to as "the Cited Invention") is described in Cited Document 1 for the case where "functions provided by the sub-screen" is the "information display function."

"A game device 10 comprising:
an input device 20 including an instruction input button 21, a direction key 22, an R button 23, an L button 24, etc., and a display device 68, which are provided on the front surface side of the game device 10; that is, on the side facing a user when the user operates the game device 10 while holding it; wherein

the display device 68 includes a touch panel 69 for detecting a contact by a user's finger, stylus pen, etc.;

only the rear touch panel 70 is provided without a display device on the rear side of the game device 10;

the control unit 40 includes a start control unit 41, a screen management unit 42, an event control unit 43, a function control unit 44, and an application 45;

regarding the method for starting a predetermined function by an operation on the rear touch panel,

when a user slides his/her finger from left to right on the rear touch panel 70 as viewed from the rear side of the game device 10, the finger is slid from right to left as viewed from the user; at this time, the input unit 30 transmits to the control unit 40 the fact that the operation of moving an input position from left to right has been performed on the rear touch panel 70; the event control unit 43 notifies the start control unit 41 of the transmitted operation input; the start control unit 41 instructs the function control unit 44 to start a function corresponding to the operation; the screen management unit 42 makes the display device 68 perform display so that the sub-screen 72 for displaying a display screen according to the started function is drawn out from right to left; this can display as if the user drew the sub-screen 72 out from right to left with his/her finger, and thereby allows implementation of an intuitively easy-to-understand user interface;

examples of functions provided by the sub-screen which are implemented by the function control unit 44 are a copy function, a mask function, an image filter function, an operation history recording function, etc.; and

regarding an information display function, when the sub-screen 72 having the information display function is drawn out while an image is being displayed by an application having an image display function, the function control unit 44 displays information on the image, which is being displayed, on the sub-screen 72; this makes information, which is to be displayed in a region outside the sub-screen 72, invisible; and therefore, when, for example, a user tries to memorize information or tries to check his/her memory, information can be easily made visible or invisible, and in addition, the function control unit 44 may provide a context menu by the sub-screen 72."

No. 5 Comparison

The Invention and the Cited Invention are compared.

(1) The "game device" of the Cited Invention corresponds to the "electronic apparatus" of the Invention except for the Different feature which is described later.

The "touch panel 68" and the "rear touch panel 70" of the game device of the Cited Invention correspond to the "touch sensors" of the Invention.

Therefore, the "game device 10" of the Cited Invention "comprising: an input device 20 including an instruction input button 21, a direction key 22, an R button 23, an L button 24, etc., and a display device 68, which are provided on the front surface side of the game device 10; that is, on the side facing a user when the user operates the game device 10 while holding it; wherein, the display device 68 includes a touch panel 69 for detecting a contact by a user's finger, stylus pen, etc.; only the rear touch panel 70 is provided without a display device on the rear side of the game device 10" corresponds to the "electronic apparatus having touch sensors at a front face and a rear face" of the Invention.

(2) The "control unit 40" which "includes a start control unit 41, a screen management unit 42, an event control unit 43, a function control unit 44, and an application 45" of the Cited Invention corresponds to the "control unit" of the Invention except for the Different feature which is described later.

The "sub-screen 72" of the Cited Invention is such that "when a user slides his/her finger from left to right on the rear touch panel 70 as viewed from the rear side of the game device 10," it "makes the display device 68 perform display such that the sub-screen 72 ... is drawn out from right to left; this can display as if the user drew the sub-screen 72 out from right to left with his/her finger;" and therefore, the "sub-screen 72" corresponds to "an object which is not being displayed" of the Invention.

Therefore, it can be said that the feature of the Cited Invention that the "control unit 40" includes the "function control unit 44," "when a user slides his/her finger from left to right on the rear touch panel 70 as viewed from the rear side of the game device 10, the finger is slid from right to left as viewed from the user" and "regarding the information display function" which is one of the "examples of functions provided by the sub-screen," "when the sub-screen 72 having the information display function is drawn out while an image is being displayed by an application having an image display function, the function control unit 44 displays information on the image, which is being displayed, on the sub-screen 72; this makes information, which is to be displayed in a region outside the sub-screen 72, invisible; and therefore, when, for example, a user tries to memorize information or tries to check his/her memory, information can be easily made visible or invisible, and in addition, the function control unit 44 may provide a context menu by the sub-screen 72" is identical to the feature of the Invention that the "control unit" "makes a display unit display an object which is not being displayed when an operation on the touch sensor on the rear face is detected while an arbitrary screen is being displayed," in that the "control unit" "makes a display unit display an object which is not being displayed when an operation on the touch sensor on the rear face is detected while a screen is being displayed."

Accordingly, there are the following corresponding and different features between the Invention and Cited invention.

[Corresponding features]

"An electronic apparatus having touch sensors at a front face and a rear face comprising:

a control unit that makes a display unit display an object which is not being displayed when an operation on the touch sensor on the rear face is detected while a screen is being displayed."

[Different feature]

The control unit of the Invention makes a display unit display an object which is not being displayed when an operation on the touch sensor on the rear face is detected while an "arbitrary" screen is being displayed; whereas, the control unit 40 of the Cited Invention performs display such that the "sub-screen 72 having the information display function" is drawn out when an operation on the rear touch panel 70 is detected while an "image" is being displayed by an "application having an image display function," wherein it is not specified that an object which is not being displayed is displayed in response to an operation of the touch sensor on the rear face while an "arbitrary" screen is being displayed.

5 Judgment by the body

Regarding [Different feature]

It is obvious that the function of the Cited Invention of performing display such that the "sub-screen 72 having the information display function" is drawn out when an operation on the rear touch panel 70 is detected while an "image" is being displayed by the "application having the image display function" is one example of the "functions provided by the sub-screen" of the Cited Invention.

In general, the function of displaying information such as a file size, an update date, etc. for the "arbitrary file" including an "image" file is commonly performed as a so-called "property" display function without citing documents.

In addition, the Cited Invention "may provide a context menu by the sub-screen 72"; that is, displays, as a sub-screen, a menu which changes according to an application being executed, an icon being selected, etc.

Therefore, a person skilled in the art having come into contact with the Cited Invention can easily conceive of the configuration of the Invention relating to the above [Different feature] in which an object which is not being displayed is displayed according to an operation on the touch sensor on the rear face while an "arbitrary" screen is being displayed, by performing configuration such that even while applications other than the "application having the image display function" of the Cited Invention or files of other kinds are being displayed, information display is performed by the sub-screen.

Further, the effect of the Invention falls within a scope that can be predicted by a person skilled in the art based on the Cited Invention.

6. Closing

As described above, the Invention could have been easily made by a person skilled in the art based on the Cited Invention; thus, the appellant should not be granted a patent for the Invention in accordance with the provisions of Article 29(2) of the Patent Act.

Accordingly, the present application should be rejected without examining other claims.

Therefore, the appeal decision shall be made as described in the conclusion.

May 8, 2018

Chief administrative judge: ANKYU, Shiro
Administrative judge: INABA, Kazuo
Administrative judge: YAMADA, Masafumi