国 家 知 识 产 权 局

200052

上海市陆家嘴环路 479 号上海中心大厦 6101 室
上海正策律师事务所 詹广,邓丽星(021-60375888)

发文日：

2024 年 05 月 09 日

申请号或专利号：201280055598.3 **发文序号：** 2024050602143460

案件编号： 4W116533

发明创造名称： 用于操纵用户界面元件的装置、方法和计算机可读存储介质

专利权人： 纽曼无限公司

无效宣告请求人： 微软（中国）有限公司

无 效 宣 告 请 求 审 查 决 定 书

（第 567156 号）

根据专利法第 46 条第 1 款的规定，国家知识产权局对无效宣告请求人就上述专利权所提出的无效宣告请求进行了审查，现决定如下：

☐宣告专利权全部无效。

☐宣告专利权部分无效。

☒维持专利权有效。

根据专利法第 46 条第 2 款的规定，对本决定不服的，可以在收到本通知之日起 3 个月内向北京知识产权法院起诉，对方当事人作为第三人参加诉讼。

附：决定正文 20 页(正文自第 2 页起算)。

合议组组长：季晓晖
主审员：唐宇希
参审员：周雷鸣

专利局复审和无效审理部

国家知识产权局

无效宣告请求审查决定(第 567156 号)

案件编号	第 4W116533 号
决定日	2024 年 05 月 06 日
发明创造名称	用于操纵用户界面元件的装置、方法和计算机可读存储介质
国际主分类号	G06F 3/0488
无效宣告请求人	微软（中国）有限公司
专利权人	纽曼无限公司
专利号	201280055598.3
申请日	2012 年 09 月 13 日
优先权日	2011 年 09 月 13 日
授权公告日	2018 年 01 月 09 日
无效宣告请求日	2023 年 07 月 29 日
法律依据	专利法第 22 条第 2、3 款、专利法第 26 条第 3、4 款

决定要点：

一般情况下，权利要求中的用语应当理解为相关技术领域通常具有的含义。对于本领域无通常含义的自造词的理解，应当基于权利要求本身的限定，同时结合说明书对包含该自造词的技术方案所要解决的技术问题、产生的技术效果，客观的确定其含义。专利审查档案虽然不是专利授权文件的组成部分，但公众可以查阅，专利审查档案对于权利要求具有重要的解释作用，必要时也可以参考专利审查档案用于解释权利要求。

人机交互中，后台处理通常对于用户而言是不可见的，当后台处理并未被明确公开时，应站位本领域技术人员，客观考虑软件交互运行所呈现出的各种技术特点，根据用户的输入操作以及获得的输出结果，来判断是否能够直接地、毫无疑义地确定其后台处理方式。

后台处理是人机交互前端输入操作和输出结果之间的桥梁，后台相关的技术特征应当与人机交互前端的技术特征整体考量。

一、案由

本专利的专利号为201280055598.3，优先权日为2011年09月13日，申请日为2012年09月13日，授权公告日为2018年01月09日。本专利授权公告时的权利要求书如下：

“1.一种操纵在显示屏上呈现的用户界面元件的方法，所述方法包括：

在触摸敏感显示屏上显示目标用户界面元件；

显示离合器用户界面元件；

判定在接近所述离合器用户界面元件不存在接合触摸事件的同时接近所述目标用户界面元件已经发生选择触摸事件；

响应于判定出已经发生所述选择触摸事件，来选择所述目标用户界面元件以便操纵；

判定所述接合触摸事件何时正在发生；以及

当所述接合触摸事件正在发生时，通过处理器激活与所述目标用户界面元件相关联的操纵功能，

其中，选择所述目标用户界面元件以便操纵包括：响应于判定出已经发生所述选择触摸事件，而将与所述目标元件相关联的目标元件标识符存储在存储器中；

并且其中，响应于判定出已经开始发生所述接合触摸事件：从存储器中取回所述目标元件标识符；以及将所述目标用户界面元件与所述操纵功能相关联。

2.如权利要求1所述的方法，还包括：

判定所述接合触摸事件何时停止发生；以及

将与所述目标用户界面相关联的所述操纵功能去激活。

3.如权利要求2所述的方法，还包括：激活使得能够在不存在所述接合触摸事件的同时选择用户界面元件的选择功能。

4.如权利要求1所述的方法，还包括：响应于判定出已经选择所述目标用户界面元件以便操纵，显示将所述目标用户界面标识为已选的可视指示符。

5.如权利要求1所述的方法，其中激活所述操纵功能使用户能够以仅当正检测到所述接合触摸事件时才容许的方式来操纵所述目标用户界面元件。

6.如权利要求1所述的方法，其中激活所述操纵功能使用户能够以除非检测到所述接合触摸事件否则就受限制的方式来操纵所述目标用户界面元件。

7.如权利要求1所述的方法，其中激活所述操纵功能能够实现所述目标用户界面元件在所述显示屏上的精确运动的动臂功能以及显示与所述目标用户界面元件的位置相关联的x和y像素位置。

8.如权利要求1所述的方法，还包括显示覆盖图，该覆盖图包括与在所述接合触摸事件正在发生的同时被激活的一个或多个操纵功能相关联的多个可选虚拟按钮。

9.一种配置为操纵在显示屏上呈现的用户界面元件的装置，所述装置包括：

触摸敏感显示屏，其配置用于：

显示目标用户界面元件；

显示离合器用户界面元件；

检测选择触摸事件；以及

检测接合触摸事件；以及

处理器，其配置用于：

判定在接近所述离合器用户界面元件不存在接合触摸事件的同时接近所述目标用户界面元件已经发生所述选择触摸事件；

响应于判定出已经发生所述选择触摸事件来选择所述目标用户界面元件以便操纵；

判定所述接合触摸事件何时正在发生；以及

当所述接合触摸事件正在发生时，激活与所述目标用户界面元件相关联的操纵功能，

其中，选择所述目标用户界面元件以便操纵包括：响应于判定出已经发生所述选择触摸事件，而将与所述目标元件相关联的目标元件标识符存储在存储器中；

并且其中，响应于判定出已经开始发生所述接合触摸事件：从存储器中取回所述目标元件标识符；以及将所述目标用户界面元件与所述操纵功能相关联。

10.如权利要求 9 所述的装置，其中所述处理器还配置用于：

判定所述接合触摸事件何时停止发生；以及

将与所述目标用户界面相关联的所述操纵功能去激活。

11.如权利要求 10 所述的装置，其中所述处理器还配置用于：激活使得能够在不存在所述接合触摸事件的同时选择用户界面元件的选择功能。

12.如权利要求 9 所述的装置，其中，响应于判定出已经选择所述目标用户界面元件以便操纵，所述处理器还配置用于使得显示将所述目标用户界面标识为已选的可视指示符。

13.如权利要求 9 所述的装置，其中所述处理器还配置用于：使用户能够以仅当正检测到所述接合触摸事件时才容许的方式来操纵所述目标用户界面元件。

14.如权利要求 9 所述的装置，其中所述处理器还配置用于：使用户能够以除非检测到所述接合触摸事件否则就受限制的方式来操纵所述目标用户界面元件。

15.如权利要求 9 所述的装置，其中所述处理器还配置用于支持动臂功能。

16.如权利要求 9 所述的装置，其中所述处理器还配置用于促进显示覆盖图，该覆盖图包括与在所述接合触摸事件正在发生的同时被激活的一个或多个操纵功能相关联的多个可选虚拟按钮。

17.一种其中存储有计算机可执行程序代码部分的计算机可读存储介质，所述计算机可执行程序代码部分包括用于以下操作的程序代码指令：

在触摸敏感显示屏上显示目标用户界面元件；

显示离合器用户界面元件；

判定在接近所述离合器用户界面元件不存在接合触摸事件的同时接近所述目标用户界面元件已经发生选择触摸事件；

响应于判定出已经发生所述选择触摸事件，来选择所述目标用户界面元件以便操纵；

判定所述接合触摸事件何时正在发生；以及

当所述接合触摸事件正在发生时，通过处理器激活与所述目标用户界面元件相关联的操纵功能，

其中，选择所述目标用户界面元件以便操纵包括：响应于判定出已经发生所述选择触摸事件，而将与所述目标元件相关联的目标元件标识符存储在存储器中；

并且其中，响应于判定出已经开始发生所述接合触摸事件：从存储器中取回所述目标元件标识符；以及将所述目标用户界面元件与所述操纵功能相关联。

18.如权利要求 17 所述的计算机可读存储介质，还包括用于以下操作的指令：

判定所述接合触摸事件何时停止发生；以及

将与所述目标用户界面相关联的所述操纵功能去激活。

19.如权利要求 18 所述的计算机可读存储介质，还包括用于以下操作的指令：激活使得能够在不存在所述接合触摸事件的同时选择用户界面元件的选择功能。

20.如权利要求 17 所述的计算机可读存储介质，还包括：响应于判定出已选择所述目标用户界面元件以便操纵而用于显示将所述目标用户界面标识为已选的可视指示符的指令。

21.如权利要求 17 所述的计算机可读存储介质，其中用于激活所述操纵功能的指令使用户能够以仅当正检测到所述接合触摸事件时才容许的方式来操纵所述目标用户界面元件。

22.如权利要求 17 所述的计算机可读存储介质，其中，用于激活所述操纵功能的指令使用户能够以除非检测到所述接合触摸事件否则就受限制的方式来操纵所述目标用户界面元件。

23.如权利要求 17 所述的计算机可读存储介质，其中，用于激活所述操纵功能的指令能够实现所述目标用户界面元件在所述显示屏上精确运动的动臂功能。

24.如权利要求 17 所述的计算机可读存储介质，还包括用于以下操作的指令：显示覆盖图，该覆盖图包括与在所述接合触摸事件正在发生的同时被激活的一个或多个操纵功能相关联的多个可选虚拟按钮。”

针对上述专利权，请求人于 2023 年 07 月 29 日向国家知识产权局提出了无效宣告请求，其理由是权利要求 1-24 不清楚，权利要求 5-6、13-14、21-22 不简要，权利要求 1-24 得不到说明书的支持，不符合专利法第 26 条第 4 款的规定；权利要求 1-24 不具备新颖性，不符合专利法第 22 条第 2 款的规定；权利要求 1-24 不具备创造性，不符合专利法第 22 条第 3 款的规定；请求宣告本专利权利要求 1-24 全部无效，同时提交了如下证据：

附件 1：本专利授权公告文本；

附件 2（下称对比文件 1）：US20110084925A1 及其中文译文，公开日为 2011 年 04 月 14 日；

附件 3（下称对比文件 2：US20110181521A1 及其中文译文，公开日为 2011 年 07 月 28 日；

附件 4（下称对比文件 3）：JP2011118542A 及其中文译文，公开日为 2011 年 06 月 16 日；

附件 5（下称对比文件 4）：US20090040179A1 及其中文译文，公开日为 2009 年 02 月 12 日；

附件 6（下称对比文件 5）：CN101673178A，公开日为 2010 年 03 月 17 日；

附件 7（下称对比文件 6）：《向开发者介绍 Windows 7》节选及其中文译文，作者：Yochay Kiriaty、Laurence Moroney、Sasha Goldshtein 和 Alon Fliess；

附件 8（下称对比文件 7）：JP200765949A 及其中文译文，公开日为 2007 年 03 月 15 日。

经形式审查合格，国家知识产权局于 2023 年 08 月 14 日受理了上述无效宣告请求并将无效宣告请求书及证据副本转给了专利权人，同时成立合议组对本案进行审查。

请求人于 2023 年 08 月 28 日补充了无效理由和证据，认为：权利要求 1-24 不清楚，权利要求 5-6、13-14、21-22 不简要，权利要求 1-24 得不到说明书的支持，不符合专利法第 26 条第 4 款的规定；本专利说明书公开不充分，不符合专利法第 26 条第 3 款的规定；权利要求 1-24 不具备新颖性，不符合专利法第 22 条第 2 款的规定；权利要求 1-24 不具备创造性，不符合专利法第 22 条第 3 款的规定；请求宣告本专利权利要求 1-24 全部无效，并补充了如下证据（编号续前）：

附件 9：（2023）京精诚内经证字第 4492 号公证书及网页截图节选中文译文；

附件 10：《可信时间戳认证证书》（证书编号：TSA-05-20230728540348140）及相关网页截图；

附件 11：附件 10 可信时间戳取证完整版视频及截图（互联网证据平台存证编号：230828170553e90）。

请求人于 2023 年 08 月 29 日提交记载附件 10、11 内容的光盘。

请求人认为：（1）权利要求 1、9 和 17 记载了“离合器用户界面”、“显示离合器用户界面元件”、“判定在接近所述离合器用户界面元件不存在接合触摸事件的同时接近所述目标用户界面元件已经发生选择触摸事件”、“接合触摸事件”、“判定所述接合触摸事件何时正在发生”、“将目标元件标识符存储在存储器中”、“从存储器中取回所述目标元件标识符”，不清楚其具体含义以及如何实施，同时也不清楚相关操作的执行顺序；权利要求 3、11、19 中“激活使得能够在不存在所述接合触摸事件的同时选择用户界面元件的选择功能”不清楚其含义；（2）权利要求 5 与 6、权利要求 13 与 14、权利要求 21 与 22 实质保护范围相同；（3）权利要求 1、9、17 记载的“判定在接近所述离合器用户界面元件不存在接合触摸事件的同时接近所述目标用户界面元件已经发生选择触摸事件”得不到说明书支持，相应的从属权利要求 2-8、10-16、18-24 也得不到说明书支持；（4）权利要求 1-24 中的“离合器用户界面元件”和权利要求 7、15、23 中的“动臂功能”的公开不充分，导致本领域技术人员无法实现该技术内容；（5）权利要求 1-24 分别相对于对比文件 1、2、3 不具备新颖性；（6）权利要求 1、9、17 相对于对比文件 1 结合对比文件 2-6 或公知常识之一，或

对比文件 1 结合对比文件 2-6 之一与公知常识，或对比文件 2 结合对比文件 1、对比文件 3-6、公知常识之一，或对比文件 2 结合对比文件 1、对比文件 3-6 之一和公知常识，或对比文件 3 结合对比文件 1-2、对比文件 4-6、公知常识之一，或对比文件 3 结合对比文件 1-2、对比文件 4-6 之一和公知常识，不具备创造性，从属权利要求的附加技术特征或被对比文件 1、2、3、7 公开或为公知常识，因此不具备创造性。

专利权人于 2023 年 09 月 13 日提交意见陈述，认为对比文件 6 为域外证据，未经公证认证对其真实性不应予以认可，同时认为本专利符合专利法的相关规定。专利权人还提交了如下反证：

反证 1：本专利审查历史文件（包括第一、二次审查意见通知书和两次答复审查意见陈述书）；

反证 2：本专利的审查意见通知书中引用的对比文件 1：CN101052939A 专利公开文件；

反证 3：本专利 PCT 申请公布文本。

国家知识产权局本案合议组于 2023 年 09 月 21 日将请求人提交的补充无效理由和证据以及光盘转送专利权人，并将专利权人提交的意见陈述和反证转送请求人。

请求人于 2023 年 11 月 06 日提交了意见陈述书，陈述了本专利不符合专利法规定的理由。国家知识产权局本案合议组于 2023 年 11 月 09 日将该意见转送专利权人。

国家知识产权局本案合议组于 2023 年 11 月 16 日向双方当事人发出了口头审理通知书，定于 2023 年 12 月 21 日举行口头审理。

专利权人于 2023 年 12 月 09 日提交了意见陈述书，认为请求人补充的附件 9-11 不能证明对比文件 6 具备真实性且本专利符合专利法相关规定。国家知识产权局本案合议组于 2023 年 12 月 14 日将该意见转送专利权人。

口头审理如期举行，双方当事人均出席了本次口头审理。在口头审理过程中，明确了以下事项：

（1）双方当事人对对方出庭人员的身份和资格无异议，对合议组成员和书记员无回避请求。

（2）请求人当庭提交三份证据（附件 12-14）以及七份公知常识性证据（公知常识性证据 1-7）。其中，附件 12：（2023）京精诚内经证字第 6995 号公证书及网页截图节选中文译文；附件 13：IP360 取证数据保全证书及相关网页截图及中文译文；附件 14：附件 13 可信时间戳取证完整版视频光盘；公知常识性证据 1：《3ds max 5 标准教程》，何永峰等编著，公开时间 2003 年 05 月；公知常识性证据 2：《Visual C#程序设计基础教程》，邵鹏鸣编著，公开时间 2005 年 04 月；公知常识性证据 3：《J2EE 网络编程标准教程》，田雪松主编，公开时间为 2004 年 01 月；公知常识性证据 4：《编译技术》，王力红主编，公开时间为 2001 年 09 月；公知常识性证据 5：《移动智能代理技术》，殷兆麟等编著，公开时间 2006 年 08 月；公知常识性证据 6：《微型计算机常用外部设备 第 2 版》，谢其中编著，公开时间为 1997 年 11 月；公知常识性证据 7：《计算机硬件技术基础》，朱卫东等编，公开时间为 2001 年 12 月。合议组当庭将上述证据转送专利权人。请求人当庭展示对比文件 3、附件 9 的公证书、附件 12 的公证书、公知常识性证据 1-7 原件，专利权人核对后表示上述证据的内容原件与复印件一致。

（3）请求人明确附件 9-14 用于证明对比文件 6 真实性和公开时间。专利权人对对比文件 1-5、7 的真实性和公开时间以及中文译文的准确性无异议，对对比文件 6 中文译文的准确性无异议，对于公知常识性证据 1-7 的真实性、公开时间无异议，认可附件 9-14 公证书、数据保全、时间戳认证等的真实性以及相关中文译文的准确性；但认为对比文件 6 属于未经公证认证的域外证据，不认可其真实性，并且附件 9 不是原始证据来源，附件 10-11 为盗版文件，附件 12-14 为超期证据，无法证明对比文件 6 真实性和公开时间。请求人对于专利权人提交的反证 1-3 的真实性和无异议。

（4）双方当事人针对无效理由均充分发表意见，双方当事人庭后均无需答复期。专利权人主张，离合器用户界面元件具有绑定和隔离功能；请求人认为，离合器用户界面元件不具备隔离功能，即便按照专利权人的理解，公知常识性证据 1 中 Selection Lock Toggle 按钮也公开了该隔离功能，因此离合器用户界面元件属于公知常识。

至此，合议组认为本案事实已经清楚，可以作出审查决定。

二、决定的理由

1.审查基础

专利权人在本次无效宣告请求并未修改权利要求，本次无效宣告请求的审查基础为本专利的授权公告文本。

2.证据认定

对比文件 1-5、7 为专利文献。专利权人对其真实性、公开时间以及中文译文的准确性均无异议。合议组经核实也未发现影响对比文件 1-5、7 真实性的明显瑕疵，因此对对比文件 1-5、7 的真实性予以认可。对比文件 1-5、7 的公开时间在本专利的优先权日之前，因此可以作为本专利的现有技术评价本专利权利要求的新颖性和创造性。专利权人对对比文件 1-4、7 中文译文的准确性无异议，因此对比文件 1-4、7 的中文译文以请求人提交的为准。

对比文件 6 为外文书籍部分页面及其中文译文。请求人主张：附件 9 公证书是对通过亚马逊网站浏览对比文件 6 商品介绍及评价并下单购买过程的公证，其中对比文件 6 商品介绍中显示对比文件 6 出版日期是 2009 年 11 月 04 日，多位买家于 2009 年 12 月至 2011 年 02 月之间购买该商品后对其进行了评价（附件 9 公证书 109-113 页）。附件 10-11 为在 csdn 网站下载 Introducing windows 7 for developers 电子件的可信时间戳认证，其中显示四位不同的用户于 2010 年在 csdn 网站上传该书籍电子版文件，并均可下载。附件 12 公证书是对通过网站时光机（wayback machine）获取对比文件 6 电子件存档过程的公证，其中对比文件 6 电子件于 2011 年 01 月 24 日收录在网站时光机网站中（附件 12 公证书中文译文第 5 页）。附件 13-14 是通过 isbnserach.org 网站通过对比文件 6 的 ISBN 号查询其出版日期的 IP360 取证数据保全证书，其中显示对比文件 6 的 ISBN 号对应的出版日期为 2009 年 11 月 04 日。请求人当庭展示通过亚马逊网站以及 Abebooks 网站购买的对比文件 6 原件，并认为通过附件 9-14 可以证明对比文件 6 在本专利申请日之前已经出版。

专利权人主张：虽然对比文件 6 内容与其原件一致，但对比文件 6 为域外证据，未经公证认证，对其真实性不予认可。虽然认可附件 9-14 中公证书、数据保全证书、时间戳认证证书的真实性，但附件 9 不是原始证据来源，附件 10-11 为盗版文件，附件 12-14 为超期证据，对其可用于证明对比文件 6 真实性和公开时间不认可。

合议组经核实，认为：（1）关于对比文件 6 真实性：域外证据是指在中华人民共和国领域外形成的证据，该证据应当经所在国公证机关予以证明，或者履行中华人民共和国与该所在国订立的有关条约中规定的证明手续。但是该证据是能够从除香港、澳门、台湾地区以外的国内公共渠道获得的，当事人可以在无效宣告程序中不办理相关的证明手续。对比文件 6 虽然是一本外文书籍，但是请求人在国内通过 www.amazon.com 网站可以直接购买该书籍，因此应当认定对比文件 6 属于能够从国内公共渠道获得的证据，无需办理证明手续。对比文件 6 内容与请求人当庭提交的原件一致，因此合议组对于对比文件 6 的真实性予以认可。（2）关于对比文件 6 公开时间：附件 9 公证书复印件与原件一致，公证过程规范，形式上无明显瑕疵，合议组对附件 9 真实性予以确认。附件 9 是通过亚马逊网站浏览对比文件 6 商品介绍及评价并下单购买过程。亚马逊网站为国际知名网络购物平台，具有较为规范的商品展示、购买和评价机制。用户购买商品后可以对该商品进行评价，并记录评价时间，评价通常只能删除。对比文件 6 商品介绍中显示对比文件 6 出版日期是 2009 年 11 月 04 日，多位买家于 2009 年 12 月至 2011 年 02 月之间购买该商品后对其进行了评价，同时也没有证据表明对比文件 6 商品介绍中显示的内容进行了修改。在无其他相反证据证明的情况下，上述出版日期和评价日期能相互佐证证明对比文件 6 在本专利的优先权日之前已公开，对比文件 6 可以作为本专利的现有技术评价本专利权利要求的新颖性和创造性。鉴于上述证据已经能够证明对比文件 6 的真实性和公开时间，并且请求人主张其他证据也未包含表明对比文件 6 真实性存疑以及证明对比文件 6 没有在本专利优先权日之前公开的内容，对于请求人主张的其他证据的真实性以及证明力，合议组不再予以评述。

专利权人对对比文件 6 中文译文的准确性无异议，因此对比文件 6 的中文译文以请求人提交的为准。

专利权人对公知常识性证据 1-7 真实性、公开时间以及公知常识性证据的适格性均无异议。合议组经核实也未发现影响公知常识性证据 1-7 真实性的明显瑕疵，因此对公知常识性证据 1-7 的真实性予以认可。公知常识性证据 1-7 为工具书或教科书，公开时间在本专利的优先权日之前，因此可以作为公知常识性证据使用。

请求人对反证 1-3 真实性无异议。合议组经核实也未发现影响反证 1-3 真实性的明显瑕疵，因此对反证 1-3 的真实性予以认可。

3.关于专利法第 26 条第 4 款

专利法第 26 条第 4 款规定：权利要求书应当以说明书为依据，清楚、简要地限定要求专利保护的范围。

一般情况下，权利要求中的用语应当理解为相关技术领域通常具有的含义。对于本领域无通常含义的自造词的理解，应当基于权利要求本身的限定，同时结合说明书对包含该自造词的技术方案所要解决的技术问

题、产生的技术效果，客观的确定其含义。专利审查档案虽然不是专利授权文件的组成部分，但公众可以查阅，专利审查档案对于权利要求具有重要的解释作用，必要时也可以参考专利审查档案用于解释权利要求。

3.1 关于权利要求 1、9 和 17 是否清楚

请求人主张：权利要求 1、9 和 17 记载的“离合器用户界面”、“显示离合器用户界面元件”、“判定在接近所述离合器用户界面元件不存在接合触摸事件的同时接近所述目标用户界面元件已经发生选择触摸事件”、“接合触摸事件”、“判定所述接合触摸事件何时正在发生”、“将目标元件标识符存储在存储器中”、“从存储器中取回所述目标元件标识符”，不清楚其具体含义以及如何实施，同时也不清楚相关操作的执行顺序。

合议组认为：“离合器用户界面”为在本领域无通常含义的自造词，对于该自造词的理解，应当基于权利要求本身的限定，同时结合说明书对包含该自造词的技术方案所要解决的技术问题、产生的技术效果，客观的确定其含义，必要时还可以参考审查档案。

权利要求 1 限定了在显示屏上显示目标用户界面元件和离合器用户界面元件后，当通过判断确定不接近离合器用户界面元件且接近目标用户界面元件的选择触摸事件已经发生，将目标用户界面元件关联的目标元件标识符存储在存储器中，从而选择目标用户界面元件以便操纵，当通过判断确定接近离合器用户界面元件的接合触摸事件已经开始发生，从存储器中取回目标元件标识符，将目标用户界面元件与操作功能相关联，从而接合触摸事件正在发生时，通过处理器激活与目标用户界面元件相关联的操纵功能。因此，“显示离合器用户界面元件”、“判定在接近所述离合器用户界面元件不存在接合触摸事件的同时接近所述目标用户界面元件已经发生选择触摸事件”、“接合触摸事件”、“判定所述接合触摸事件何时正在发生”、“将目标元件标识符存储在存储器中”、“从存储器中取回所述目标元件标识符”，以及相关操作的执行顺序都是清楚的。

对于“离合器用户界面的含义”，根据本专利说明书第 42、52 段记载的“离合器 UI 元件能够充当用于可操纵功能的激活开关和/或充当可用的可操纵功能之间的拨扭开关，用户可以选择选择离合器 UI 元件，从而隔离和结合 UI 元件 32 以便操纵，如果用户随后选择 UI 元件 32B 而不脱离离合器 UI 元件 30，则 UI 元件 32B 将保持原样而不被操纵，因为离合器 UI 元件 30 的接合会使得操纵功能与目标 UI 元件隔离，从而当利用多触摸显示设备来构建或以其他方式设计图形显示时避免不期望的操纵”可知，离合器用户界面元件是目标用户界面元件可操纵功能的激活开关，隔离目标用户界面元件避免不期望的操纵非目标用户界面元件。

此外，在本专利实质审查过程中，专利权人在二通答复中亦进一步明确：离合器用户界面元件能够充当用于可操纵功能的激活开关和/或充当可用的可操纵功能之间的拨钮开关，并且通过将目标元件标识符存储在存储器中，如果用户在离合器用户界面元件接合的同时触摸用户界面元件，则可使得该用户界面元件被执行相关联的操作，而如果用户随后选择了另一用户界面元件而不脱离离合器用户界面元件，则该另一用户界面元件将保持原样而不被操纵，因为离合器用户界面元件的接合会使得操纵功能与该另一用户界面元件隔离，

从而当利用多触摸显示设备来构建或以其他方式设计图形显示时避免不期望的操纵。 在此基础上，基于专利权人对离合器用户界面元件的解释，本专利获得授权。

综上，基于权利要求 1 中技术方案的限定，说明书中对包含“离合器用户界面元件”的技术方案所要解决的技术问题、产生的技术效果的理解以及实质审查过程中专利权人对“离合器用户界面元件”的进一步解释，本领域技术人员可以确定“离合器用户界面元件”是作为目标用户界面元件可操纵功能的激活开关，隔离目标用户界面元件避免不期望的操纵非目标用户界面元件的用户界面元件。因此，权利要求 1 已清楚限定其保护范围，符合专利法第 26 条第 4 款的规定。

3.2 关于权利要求 3、11、19 是否清楚

请求人主张：权利要求 3、11、19 中“激活使得能够在不存在所述接合触摸事件的同时选择用户界面元件的选择功能”不清楚其含义。

合议组认为：权利要求 3、11、19 限定的附加技术特征的含义是激活选择功能，该选择功能使得用户界面元件能够在不存在选择触摸事件时被选中。因此上述权利要求已清楚限定其保护范围，符合专利法第 26 条第 4 款的规定。

3.3 关于权利要求 5−6、13−14、21−22 是否不简要

请求人主张：权利要求 5 与 6、权利要求 13 与 14、权利要求 21 与 22 实质保护范围相同。

合议组认为：权利要求 5 是目标用户界面元件在激活后才具备操纵功能，权利要求 6 是目标用户界面元件在激活前具备受限操纵功能，激活后具备更多操纵功能，因此权利要求 5、6 限定的保护范围不同，从而权利要求 5、6 不存在不简要的问题，符合专利法第 26 条第 4 款的规定。相应的，权利要求 13、14、21、22 也符合专利法第 26 条第 4 款的规定。

3.4 关于权利要求 1−24 是否得到说明书支持

请求人主张：权利要求 1、9、17 记载的“判定在接近所述离合器用户界面元件不存在接合触摸事件的同时接近所述目标用户界面元件已经发生选择触摸事件”得不到说明书支持，相应的从属权利要求 2−8、10−16、18−24 也得不到说明书支持。

合议组认为：首先，说明书第 7 段已记载上述特征；其次，本领域技术人员知晓，当接近目标用户界面元件且不接近离合器用户界面元件时，可以选择目标用户界面元件，将目标用户界面元件关联的目标元件标识符存储在存储器中，进而结合后续的离合器用户界面元件的接合触摸事件，解决本专利所需解决的技术问题；因此本领域技术人员能够从说明书公开的内容中得到或概括得出权利要求 1、9、17 的技术方案，权利要求 1、9、17 符合专利法第 26 条第 4 款的规定。相应的，从属权利要求 2−8、10−16、18−24 也符合专利法第 26 条第 4 款的规定。

4.关于专利法第 26 条第 3 款

专利法第 26 条第 3 款规定：说明书应当对发明或者实用新型作出清楚、完整的说明，以所属技术领域的技术人员能够实现为准；必要的时候，应当有附图。摘要应当简要说明发明或者实用新型的技术要点。

请求人主张：权利要求 1-24 中的“离合器用户界面元件”和权利要求 7、15、23 中的“动臂功能”的公开不充分，导致本领域技术人员不知如何实现其在应用中起作用而非操作系统中起作用。

合议组认为：说明书第 39、40 段记载了：在步骤 S308 中，用户可以触摸被指定和/或与本文所论述的离合器功能相关联的屏幕区域和/或至少一个屏幕上按钮，诸如离合器 UI 元件 30。在步骤 S310 中，能够将功能分配给已选的 UI 元件 32。例如，在选择了离合器 UI 元件 30 的同时，能够将移动功能、着色功能、和/或任何其他可操纵功能分配给 UI 元件 32。在一些实施例中，各种可操纵功能能够与可以呈现为调色板、色带和/或任何其他适合格式的一个或多个菜单相关联。说明书第 45、47、48 段记载了：通过在应用中而不是在操作系统内操作，动臂能够将增补功能添加到装置的本地操作系统，和/或通过创建可便于应用元件在触摸屏环境内的精确关节式运动(例如，逐像素地)的独立辅助用户界面元件 34 来增加其他功能。当在两维环境中运行时，动臂可允许应用 UI 元件 32 在 x 轴和/或 y 轴上的关节式运动(移动)；并且当在三维环境中运行时，动臂功能可进一步允许 UI 元件在 z 轴上的关节式运动。在步骤 S408 中，用户可以接合动臂 UI 元件 34(例如，触摸方向指示符)以使所选 UI 元件 32 在 x 轴、y 轴和/或 z 轴上做关节式运动。当装置检测到在离合器 UI30 处的接合触摸事件并且动臂 UI 元件 34 的一部分也接近第二触摸事件时，所选 UI 元件 32 可以与所选的动臂 UI 元件 34 的该部分相关的方式在 y 轴上向下和/或向上移动(分别如图 6 和图 7 中所示)。说明书附图 5-7 中亦示出了离合器 UI 元件 30 和动臂 UI 元件 34 在应用中的示意图，因此说明书已经充分公开离合器用户界面元件和动臂在应用中起作用而非操作系统中起作用，符合专利法第 26 条第 3 款的规定。

5.关于专利法第 22 条第 2 款

专利法第 22 条第 2 款规定：新颖性，是指该发明或者实用新型不属于现有技术；也没有任何单位或者个人就同样的发明或者实用新型在申请日以前向国务院专利行政部门提出过申请，并记载在申请日以后公布的专利申请未见或者公告的专利文件中。

人机交互中，后台处理通常对于用户而言是不可见的，当后台处理并未被明确公开时，应站位本领域技术人员，客观考虑软件交互运行所呈现出的各种技术特点，根据用户的输入操作以及获得的输出效果，来判断是否能够直接地、毫无疑义地确定其后台处理方式。

5.1 关于权利要求 1 相对于对比文件 1 的新颖性

权利要求 1 保护一种操纵在显示屏上呈现的用户界面元件的方法。对比文件 1 公开了一种图标显示方法，并具体公开了（参见中文译文第 48-68,88-92 段，图 3、4、9）：参考图 3，屏幕 10 包括图标移动显示区域 11，在其上图标显示同时移动，以及图标阵列显示区域 12，在其上图标排列并显示但不移动。屏幕 10 可能包括“选项”菜单 14（例如，显示在图标阵列显示区域 12 一侧）。选项菜单 14 可以接收修改属性的选择。用户可以通过触摸操作或拖放操作从图标阵列显示域 12 中选择他或她想要移动和显示的图标。用户从图标阵

列显示区域 12 中选择的图标可移至图标移动显示区域 11，使图标的显示位置可以继续变化。用户可以从图像形成设备 100 的基于文本的功能列表中（而不是图标阵列显示区域 12 中）选择期望的图标。如果用户选择图 3 中的“选项”菜单 14 或另一个预定键，功能列表可以显示在屏幕 10 上，使得用户可以从功能列表中选择预定功能，并可以设置表示所选功能的图标在屏幕 10 上移动时出现。图 4 示例性地说明了在用户选择图 3 的屏幕 10 中的“选项”菜单 14 时，在其上显示用于设置修改属性的区域的屏幕 10。参见图 4，修改属性设置区域 20 可以被显示在屏幕 10 的至少一部分上。图 4 所示的修改属性设置区域 20 包括与应用修改属性的图标对应的功能列表 21、移动方向属性 22、移动速度属性 23、宽度属性 24、高度属性 25 和图标形状属性 26。列表 21 可以接收从出现在图标移动显示区域 11 上的图标中对图标的选择，其中通过修改属性设置区域 20 设置的属性应用到所选择的图标。存储单元 130 可以存储由用户界面单元 120 接收的图标选择的信息以及将应用于所选图标的修改属性信息。在图 9 中，在操作 S910 中，用户可以输入命令来改变图标的显示。例如，如果用户从图 3 的屏幕 10 选择“选项”菜单 14，修改属性设置区域 20 可被打开，使得用户可以改变图标的显示，如图 4 所示。在操作 S920 中，为了改变图标的显示，用户可以选择他或她期望改变的图标和他或她期望移动和显示的图标。例如，如果屏幕 10 被配置成图 3 和图 4 所示的那样用户可以通过触摸操作或拖放操作手动选择他或她想要移动和显示的图标。或者，如果基于文本的功能列表被单独提供，则用户可以从功能列表中手动选择期望的图标。如果用户在操作 S930 中为所选图标输入修改属性，那么在操作 S940 中，图像形成设备存储关于用户输入的修改属性的信息。在操作 S950 中，图像形成设备显示所选图标，并根据存储的信息改变所选图标的显示位置。

请求人主张：对比文件 1 中的“选项菜单”相当于本专利的“离合器用户界面元件”，对比文件 1 中“用户通过触摸操作或拖放操作从图标阵列显示域 12 中选择他或她想要移动和显示的图标”相当于本专利“已经发生选择触摸事件，选择目标用户界面元件以便操纵”，对比文件 1 中“选择选项菜单 14，打开修改属性设置区域 20，使得用户可以改变图标的显示”相当于本专利“接合触摸事件正在发生时，通过处理器激活目标用户界面相关联的操纵功能”，对比文件 1 中“存储单元 130 存储由用户界面单元 120 接收的图标选择的信息以及将应用于所选图标的修改属性信息，并根据存储的信息改变所选图标的显示位置”相当于本专利中“将与所述目标元件相关联的目标元件标识符存储在存储器中，从存储器中取回所述目标元件标识符；以及将所述目标用户界面元件与所述操纵功能相关联”。由此对比文件 1 公开了权利要求 1 的全部技术特征，权利要求 1 不具备新颖性。

合议组认为：首先，对比文件 1 中“选项菜单”不相当于本专利的离合器用户界面元件。根据 3.1 的分析可知，本专利中“离合器用户界面元件”是用于目标用户界面元件可操纵功能的激活开关，隔离目标用户界面元件避免不期望的操纵非目标用户界面元件，从而接合触摸事件正在发生时，处理器激活目标用户界面元件相关联的操纵功能。而对比文件 1 中点击选项菜单仅用于显示元件列表和修改属性，在点击选项菜单之前都未确定目标用户界面元件，因此选择菜单既不是用于目标用户界面元件可操纵功能的激活开关，也不是

用于隔离目标用户界面元件避免不期望的操纵，从而对比文件 1 中“选项菜单”与本专利的离合器用户界面元件不同。

其次，人机交互中，前端是指用户可见的输入操作和输出结果，后台处理是指通常对于用户不可见的后台过程。对比文件 1 中通过选择菜单一次性选择期望的图标及其修改属性进而移动图标的位置，而本专利中发生选择触摸事件选择目标用户界面元件后，当接合触摸事件正在进行时激活目标用户界面元件的操纵功能，两者的操作次数和顺序不同。对比文件 1 中人机交互前端是点击菜单选项显示选择列表和修改属性从而使图标移动，其与本专利人机交互前端的不接近离合器用户界面元件且接近目标用户界面元件的选择触摸事件、接近离合器用户界面元件的接合触摸事件已经不同，而且对比文件 1 后台处理仅笼统的说明根据存储单元存储的图标选择信息以及修改属性信息改变所选图标的显示位置，并未公开具体的操作过程，本领域技术人员也无法从上述内容中直接、毫无疑义地确定其后台处理过程，因此对比文件 1 中前端及后台处理整体上与本专利也不同。

权利要求 1 与对比文件 1 的区别技术特征至少包括：显示离合器用户界面元件；判定在接近所述离合器用户界面元件不存在接合触摸事件的同时接近所述目标用户界面元件已经发生选择触摸事件；响应于判定出已经发生所述选择触摸事件，来选择所述目标用户界面元件以便操纵，将与所述目标元件相关联的目标元件标识符存储在存储器中；判定所述接合触摸事件何时正在发生；响应于判定出已经开始发生所述接合触摸事件：从存储器中取回所述目标元件标识符；以及将所述目标用户界面元件与所述操纵功能相关联，以及当所述接合触摸事件正在发生时，通过处理器激活与所述目标用户界面元件相关联的操纵功能。

由于权利要求 1 与对比文件 1 存在上述区别技术特征，并且该区别也不是本领域的惯用手段直接置换，因此权利要求 1 相对于对比文件 1 具备新颖性，符合专利法第 22 条第 2 款的规定。

5.2 关于权利要求 1 相对于对比文件 2 的新颖性

权利要求 1 保护一种操纵在显示屏上呈现的用户界面元件的方法。对比文件 2 公开了一种调整用户界面上所选对象 z 排序的方法，并具体公开了（参见中文译文第 70-85 段，图 5-13）：参考图 5-13，示出了用于调整从幻灯片中的一组对象中选择的单个对象的 z 排序的技术。当前幻灯片 140 包括五个对象 142，所描述的对象 142 中的每一个还可以具有使用户能够区分每个对象 142 的深度的相关联的 z 排序位置。块 2 的边缘当前由一组选择指示符 168 勾勒出轮廓，这可以指示演示文稿应用程序 88 已经接收到选择块 2 进行编辑的请求（例如，经由用户输入）。在设备 10 包括触摸屏显示器 12 的情况下，通过触摸块 2 的位置来完成（相当于在触摸敏感显示屏上显示目标用户界面元件）。选择诸如检查器或信息图标 160 之类的某些工具栏选项 158 可以导致被选择的对象 142 或幻灯片 140 的属性被显示以供审阅和/或修改。从显示在工具栏 132 上的工具栏选项 158 中选择检查器或信息图标 160 可以使图形窗口 170 显示在应用程序画布 128 内。图形窗口 172 可以使用户能够查看、编辑或修改所选对象的各种属性。关于 z 排序，用户还可以通过选择图形按钮 178 来修改所选对象（块 2）的 z 排序位置。在方法 220 的框 222 处开始，可以从屏幕 120 的幻灯片画布 128 内显示的幻

灯片 140 中选择对象 142（例如块 2）。在框 224 接收到编辑所选对象的 z 排序属性的请求，例如，框 224 可以对应于如图 6 中所示从工具栏选项 158 中选择检查器图标 160，并且随后从图形窗口 170 中选择图形按钮 178 的动作，以调出图形窗口 190。接着方法 220 进行到框 226，其中演示文稿应用程序 88 进入 z 排序编辑模式并且图形交互工具（例如，滑块 192 和指示器 194 的组合）被提供给用户用于进行 z 排序调整。电子设备 10 可以包括一个或多个存储/存储器组件 14。

请求人主张：对比文件 2 中“检查器或信息图标 160”相当于本专利的“离合器用户界面元件”，对比文件 2 中“从屏幕 120 的幻灯片画布 128 内显示的幻灯片 140 中选择对象 142（例如块 2）”相当于相当于本专利“已经发生选择触摸事件，选择目标用户界面元件以便操纵”，对比文件 2 中“从工具栏选项 158 中选择检查器图标 160，并且随后从图形窗口 170 中选择图形按钮 178 的动作，以调出图形窗口 190”相当于“接合触摸事件正在发生时，通过处理器激活目标用户界面相关联的操纵功能”，对比文件 2 中包括存储器，结合前端输入操作和显示结果，必然隐含公开后台中存取目标图标标识符并与相应功能关联，相当于本专利“将与所述目标元件相关联的目标元件标识符存储在存储器中，从存储器中取回所述目标元件标识符；以及将所述目标用户界面元件与所述操纵功能相关联”。

合议组认为：首先，对比文件 2 中选择块 2 后，点击检查器或信息图标 160，显示代表被选择对象属性的图形窗口 170，以供用户审阅和/或修改。对比文件 2 并未公开块 2 的操纵功能在后台何时以及如何被激活，具有多种实现方式，本领域技术人员基于对比文件 2 的内容无法直接、毫无疑义地确定块 2 的操纵功能是基于检查器或信息图标 160 的控制而被处理器激活，同时对比文件 2 中也并未公开检查器或信息图标 160 具有避免不期望的操纵非目标用户界面元件的作用，因此对比文件 2 中“检查器或信息图标 160”与本专利的离合器用户界面元件不同；相应的与离合器用户界面元件相关的显示离合器用户界面元件、不接近离合器用户界面元件且接近目标用户界面元件的选择触摸事件、接近离合器用户界面元件的接合触摸事件均未被对比文件 2 公开。

其次，人机交互中，后台处理通常对于用户而言是不可见的，当后台处理并未被明确公开时，应站位本领域技术人员，客观考虑软件交互运行所呈现出的各种技术特点，根据用户的输入操作以及获得的输出结果，来判断是否能够直接地、毫无疑义地确定其后台处理方式。对比文件 2 中仅公开了用户在前端选择块 2，随后点击检查器或信息图标 160 显示代表被选择对象属性的图形窗口 170，并未明确后台如何操作以激活块 2 的操纵功能，其可能存在多种实现方式。本领域技术人员无法从对比文件 2 公开的内容中直接、毫无疑义地得出选择块 2 时存储块 2 对应的目标元件标识符，点击检查器或信息图标 160 读取存储块 2 对应的目标元件标识符并将操纵功能与块 2 关联。因此，相应的后台处理过程与前端的选择触摸事件、接合触摸事件整体均未被对比文件 2 公开。

权利要求 1 与对比文件 2 的区别技术特征是：显示离合器用户界面元件；判定在接近所述离合器用户界面元件不存在接合触摸事件的同时接近所述目标用户界面元件已经发生选择触摸事件；响应于判定出已经发

生所述选择触摸事件，来选择所述目标用户界面元件以便操纵，将与所述目标元件相关联的目标元件标识符存储在存储器中；判定所述接合触摸事件何时正在发生；响应于判定出已经开始发生所述接合触摸事件：从存储器中取回所述目标元件标识符；以及将所述目标用户界面元件与所述操纵功能相关联，以及当所述接合触摸事件正在发生时，通过处理器激活与所述目标用户界面元件相关联的操纵功能。

由于权利要求 1 与对比文件 2 存在上述区别技术特征，并且该区别也不是本领域的惯用手段直接置换，因此权利要求 1 相对于对比文件 2 具备新颖性，符合专利法第 22 条第 2 款的规定。

5.3 关于权利要求 1 相对于对比文件 3 的新颖性

权利要求 1 保护一种操纵在显示屏上呈现的用户界面元件的方法。对比文件 3 公开了一种用户界面处理方法，并具体公开了（参见中文译文说明书第 35-45 段，图 3-6）：操作受理单元 15 经由设置在显示单元 13 上的触摸屏受理玩家的操作。在战斗处理过程中，控制单元 11 首先显示战斗画面，并受理玩家 P 对玩家角色的选择（步骤 S101）。在步骤 S101 中，若在玩家角色 P1，P2 中受理了玩家角色 P1 的选择，该选择例如以玩家 P 的手指按下玩家角色 P1 的显示位置（相当于在触摸敏感显示屏上显示目标用户界面元件）的方式进行（步骤 S101 的 Y），则控制单元 11 在玩家角色 P1 的附近显示选择图标 101（步骤 S102）。并且，如图 4 所示，本实施例中的选择图标由强调角色所处的方格的部分和配置在角色上方的部分构成，从而提高了可视性。当显示选择图标 101 时，控制单元 11 受理动作类别的选择（步骤 S103）。在此，在本实施例中，控制单元 11 响应于玩家 P 再次按下显示了选择图标 101 的玩家角色 P1 的显示位置，将后续的动作图标以能够选择的方式显示。如图 5 所示，动作图标 201 包括动作类别图标 202～208，表示角色要执行的动作类别。当玩家 P 选择了动作类别图标 202～208 的其中一个时，控制单元 11 将通过旋转移动各动作类别图标 202～208 的显示位置，将选择的动作类别图标配置在动作图标 201 的中央下侧（即，图 5 中的动作类别图标 202 的位置），并且在动作内容显示区域 209 中显示由该动作类别图标指示的动作内容。当受理了攻击动作的选择（步骤 S104 中的 Y）时， 控制单元 11 通过参考存储在存储单元 12 中的角色信息来显示玩家角色 P1 可攻击的范围（步骤 S106）。

请求人主张：对比文件 3 中“选择图标 101”相当于本专利的“离合器用户界面元件”，对比文件 3 中“玩家 P 的手指按下玩家角色 P1 的显示位置，控制单元 11 在玩家角色 P1 的附近显示选择图标 101”相当于相当于本专利“已经发生选择触摸事件，选择目标用户界面元件以便操纵”，对比文件 3 中“显示选择图标 101 时，控制单元 11 响应于玩家 P 再次按下显示了选择图标 101 的玩家角色 P1 的显示位置，将后续的动作图标以能够选择的方式显示，操纵玩家角色”相当于本专利“接合触摸事件正在发生时，通过处理器激活目标用户界面相关联的操纵功能”，对比文件 2 中存储单元存储角色信息，必然隐含公开后台中存取目标图标标识符并与相应功能关联，相当于本专利“将与所述目标元件相关联的目标元件标识符存储在存储器中，从存储器中取回所述目标元件标识符；以及将所述目标用户界面元件与所述操纵功能相关联”。

合议组认为：首先，对比文件 3 中玩家 P 的手指第一次按下玩家角色 P1 的显示位置时显示选择图标

101，再次按下玩家角色 P1 的显示位置显示动作图标。因此玩家角色 P1 动作图标是基于两次按下玩家角色 P1 的显示位置而显示，选择图标只是用于强调所选角色的位置用于提高可视性；而本专利中“离合器用户界面元件”是用于目标用户界面元件可操纵功能的激活开关，隔离目标用户界面元件避免不期望的操纵非目标用户界面元件，两者的作用不同，对比文件 3 中的“选择图标 101”不同于本专利的“离合器用户界面元件”。

其次，本专利中显示目标用户界面元件和离合器用户界面元件后，首先发生离合器用户界面元件不存在接合触摸事件的同时接近目标用户界面元件的选择触摸事件，然后触发接近离合器用户界面元件的接合触摸事件，而对比文件 3 中首先显示玩家角色 P1，点击其显示位置后在玩家角色 P1 的位置附近显示选择图标，再次点击玩家角色 P1 的显示位置显示动作图标。可见本专利和对比文件 3 中两次触摸事件的触发机制不同，对比文件 3 并未公开本专利的选择触摸事件和接合触摸事件。同时对比文件 3 中仅公开存储单元存储角色信息，并未公开两次点击玩家角色 P1 的显示位置时后台如何操作，本领域技术人员也无法从对比文件 3 公开的内容中直接、毫无疑义的确定其后台处理过程，因此对比文件 3 并未公开本专利中前端的选择触摸事件、接合触摸事件及其对应的后台处理。

权利要求 1 与对比文件 3 的区别技术特征是：显示离合器用户界面元件；判定在接近所述离合器用户界面元件不存在接合触摸事件的同时接近所述目标用户界面元件已经发生选择触摸事件；响应于判定出已经发生所述选择触摸事件，来选择所述目标用户界面元件以便操纵，将与所述目标元件相关联的目标元件标识符存储在存储器中；判定所述接合触摸事件何时正在发生；响应于判定出已经开始发生所述接合触摸事件：从存储器中取回所述目标元件标识符；以及将所述目标用户界面元件与所述操纵功能相关联，以及当所述接合触摸事件正在发生时，通过处理器激活与所述目标用户界面元件相关联的操纵功能。

由于权利要求 1 与对比文件 3 存在上述区别技术特征，并且该区别也不是本领域的惯用手段直接置换，因此权利要求 1 相对于对比文件 3 具备新颖性，符合专利法第 22 条第 2 款的规定。

5.4 从属权利要求 2−8

权利要求 2−8 是权利要求 1 的从属权利要求，在其引用的权利要求 1 具备新颖性时，权利要求 2−8 也具备新颖性，符合专利法第 22 条第 2 款的规定。

5.5 权利要求 9−24

权利要求 9−16、17−24 是与权利要求 1−8 对应的装置和计算机可读存储介质，基于与 5.1−5.4 部分相同的理由，权利要求 9−24 也具备新颖性，符合专利法第 22 条第 2 款的规定。

6.关于专利法第 22 条第 3 款

专利法第 22 条第 3 款规定：创造性，是指与现有技术相比，该发明具有突出的实质性特点和显著的进步，该实用新型具有实质性特点和进步。

人机交互中，后台处理是人机交互前端输入操作和输出结果之间的桥梁，后台相关的技术特征应当与人机交互前端的技术特征整体考量。

6.1 关于权利要求 1 以对比文件 1 作为最接近现有技术

权利要求 1 保护一种操纵在显示屏上呈现的用户界面元件的方法。基于 5.1 中确定的区别技术特征，该权利要求实际解决的技术问题是：如何控制激活目标用户界面元件的可操纵功能，避免不期望的操纵非目标用户界面元件。

请求人主张："响应于判定出已经发生所述选择触摸事件，而将与所述目标元件相关联的目标元件标识符存储在存储器中；并且其中，响应于判定出已经开始发生所述接合触摸事件：从存储器中取回所述目标元件标识符; 以及将所述目标用户界面元件与所述操纵功能相关联"被对比文件 2-6 之一公开，或对比文件 2-6 之一结合公知常识公开，或为公知常识。离合器用户界面元件的绑定和隔离功能属于公知常识。

合议组认为：人机交互中，后台处理通常对于用户而言是不可见的，但其是人机交互前端输入和输出之间的桥梁，后台相关的技术特征应当与人机交互前端的技术特征整体考量，不可分割。本专利中前端根据输入所产生的选择触摸事件已发生与后台将目标元件标识符存储在存储器中是一个整体，前端根据输入所产生的接合触摸事件正在发生与后端从存储器中取回所述目标元件标识符以及将所述目标用户界面元件与所述操纵功能相关联，通过处理器激活与所述目标用户界面元件相关联的操纵功能也是一个整体。

如 5.2-5.3 所述，对比文件 2-3 并未公开上述区别技术特征。

对比文件 4 公开了（参见中文译文说明书第 39-92 段，图 15）：内存 104b 还可以具有由控制器 104 管理的图形对象的数据结构。图 15 和图 16 示出了由控制器管理的示例性的数据结构。首先，控制器 104 检查要生成的诸如节点、链接、层等的图形对象是否已经被保存。例如，如果要生成的节点的关键字与节点列表中的节点的关键字相同，那么可以确定相应的节点已经存在。此外，如果要生成的链接的开始节点 ID 和结束节点 ID 与链接列表中的链接相同，那么可以确定相应的链接已经存在。如果相应的图形对象不存在，那么可以将图形对象的 ID 作为基本信息保存在相应的列表中（参见图 15）。如果控制器 104 将电信号的操作解读为"选择"，那么控制器 104 可检测所选图形对象的 ID。换句话说，"选择"可被用作"移动"、"修改信息"、"最大化/最小化层"等的预处理。例如，"选择"的手动操作可以包括一个指向性事件，如手指触摸。如果发生这样的指向性事件，那么控制器 104 可与显示单元 106 进行通信，以识别指向的图形对象的 ID。即对比文件 4 仅公开了存储检测图像对象的 ID，但并未公开本专利中离合器用户界面元件、选择触摸事件及其对应的后台处理、接合触摸事件及其对应的后台处理。因此对比文件 4 并未公开上述区别技术特征并给出技术启示。

对比文件 5 公开了(参见说明书第 8 页最后一段-第 10 页第 3 段,图 3)：存储单元 114 存储将在触板 102 上显示的对象数据。存储单元 114 还与各对象数据对应地存储属性信息。对象选择单元 118 基于从接触对象检测单元 116 输入的对象 ID 和从存储单元 114 读出的属性信息来确定具有被选状态的对象。首先，对象选择单元 118 从存储单元 114 读出与从接触对象检测单元 116 输入的对象 ID 所指定的对象数据对应的属性信息。如果从接触对象检测单元 116 输入关键对象的对象 ID，则对象选择单元 118 从存储单元 114 读出关键对象的

属性信息。对象选择单元 118 然后提取属性信息与关键对象的属性信息相同的对象，并且将这样的对象确定为具有被选状态的对象。即对比文件 5 仅公开了存储对象 ID 和属性信息并读出与输入的对象 ID 对应的属性信息，但并未公开本专利中离合器用户界面元件、选择触摸事件及其对应的后台处理、接合触摸事件及其对应的后台处理。因此对比文件 5 并未公开上述区别技术特征并给出技术启示。

对比文件 6 公开了（参见第 43-45 页）在 win7WPF 程序中通过触控在屏幕上移动矩形的代码，其仅公开了存储对象的操作信息并对根据操作信息的平移量移动矩形，但并未公开本专利中离合器用户界面元件、选择触摸事件及其对应的后台处理、接合触摸事件及其对应的后台处理。因此对比文件 6 并未公开上述区别技术特征并给出技术启示。

公知常识性证据 1 公开了（参见第 90 页）：有时用户已经选取了一些对象，并且要对其进行操作，但偶尔可能会在视图的其他位置单击鼠标左键，则原来选定的对象被释放，不能继续进行操作甚至会产生一些误操作。解决这一问题可以采用锁定选取对象的方法。具体操作步骤如下：1）选取用户想要进行操作的对象，2）在屏幕下方的提示栏行中单击 Selection Lock Toggle 按钮，按钮处于下凹状态表示锁定状态，此时既不能选择其他物体，也无法释放一个物体，同时，也只能对锁定的对象进行操作。用户所进行的操作不会影响其他的对象。3）在操作完毕之后，再次单击 Selection Lock Toggle 按钮，解锁锁定状态。虽然公知常识性证据 1 中 Selection Lock Toggle 按钮用于防止误操作，但是该按钮与控制是否激活被锁定对象的操纵功能无关，无论按钮是否被按下，都不影响被锁定对象操纵功能的激活。而本专利中离合器用户界面元件是目标用户界面元件可操纵功能的激活开关，当目标用户界面元件的可操纵功能被激活时才可操纵，从而实现避免不期望的操纵的隔离效果。因此公知常识性证据 1 中 Selection Lock Toggle 按钮对被锁定对象的作用与本专利中离合器用户界面元件对目标用户界面元件的作用不同，公知常识性证据 1 并未公开本专利的离合器用户界面元件，也未公开上述区别技术特征并给出技术启示。

公知常识性证据 2-5 仅公开了获取对象 ID，公知常识性证据 6-7 仅公开了触摸屏是常用的输入设备，均未公开上述区别技术特征并给出技术启示。

没有证据表明上述区别技术特征是本领域的公知常识，其使得权利要求的技术方案具备控制激活目标用户界面元件的可操纵功能，避免不期望的操纵非目标用户界面元件的有益效果。在对比文件 1 的基础上结合公知常识或对比文件 2-6 之一，或结合对比文件 2-6 之一与公知常识，得到权利要求 1 的技术方案对本领域技术人员而言不是显而易见的。因此，权利要求 1 相对于上述请求人所主张的证据组合具备创造性，符合专利法第 22 条第 3 款的规定。

6.2 关于权利要求 1 以对比文件 2 作为最接近现有技术

基于 5.2 中确定的区别技术特征，该权利要求实际解决的技术问题是：如何控制激活目标用户界面元件的可操纵功能，避免不期望的操纵非目标用户界面元件。

请求人主张：“响应于判定出已经发生所述选择触摸事件，而将与所述目标元件相关联的目标元件标识

符存储在存储器中；并且其中，响应于判定出已经开始发生所述接合触摸事件：从存储器中取回所述目标元件标识符；以及将所述目标用户界面元件与所述操纵功能相关联”被对比文件 1、对比文件 3-6 之一公开，或对比文件 1、对比文件 3-6 之一结合公知常识公开，或为公知常识。显示离合器用户界面元件的绑定和隔离功能属于公知常识。

基于 6.1 的评述可知，权利要求 1 相对于上述请求人所主张的证据组合具备创造性，符合专利法第 22 条第 3 款的规定。

6.3 关于权利要求 1 以对比文件 3 作为最接近现有技术

基于 5.3 中确定的区别技术特征，该权利要求实际解决的技术问题是：如何控制激活目标用户界面元件的可操纵功能，避免不期望的操纵非目标用户界面元件。

请求人主张：“响应于判定出已经发生所述选择触摸事件，而将与所述目标元件相关联的目标元件标识符存储在存储器中；并且其中，响应于判定出已经开始发生所述接合触摸事件：从存储器中取回所述目标元件标识符；以及将所述目标用户界面元件与所述操纵功能相关联”被对比文件 1、对比文件 2、对比文件 4-6 之一公开，或对比文件 1、对比文件 2、对比文件 4-6 之一结合公知常识公开，或为公知常识。显示离合器用户界面元件的绑定和隔离功能属于公知常识。

基于 6.1 的评述可知，权利要求 1 相对于上述请求人所主张的证据组合具备创造性，符合专利法第 22 条第 3 款的规定。

6.4 从属权利要求 2-8

权利要求 2-8 是权利要求 1 的从属权利要求，请求人主张其附加技术特征被对比文件 1、2、3、7 公开或为公知常识，但并未主张对比文件 7 公开了前述区别技术特征，事实上对比文件 7 也并未公开该区别技术特征。在其引用的权利要求 1 具备创造性时，权利要求 2-8 也具备创造性，符合专利法第 22 条第 3 款的规定。

6.5 权利要求 9-24

权利要求 9-16、17-24 是与权利要求 1-8 对应的装置和计算机可读存储介质，基于与 6.1-6.4 相同的理由，权利要求 9-24 也具备创造性，符合专利法第 22 条第 3 款的规定。

综上所述，请求人主张的无效理由均不成立，合议组依法作出如下决定。

三、决定

维持 201280055598.3 号发明专利权有效。

当事人对本决定不服的，根据专利法第 46 条第 2 款的规定，可以自收到本决定之日起三个月内向北京知识产权法院起诉。根据该款的规定，一方当事人起诉后，另一方当事人作为第三人参加诉讼。

合议组组长：季晓晖

主审员：唐宇希

参审员：周雷鸣

专利局复审和无效审理部

State Intellectual Property Office

200052

Room 6101, Shanghai Tower, No. 479 Lujiazui Ring Road, Shanghai

Shanghai Zhengce Law Firm: Zhan Guang, Deng Lixing (021-60375888)

Date of publication:

May 09, 2024

Application number or patent number: 201280055598.3

Document

serial number: 2024050602143460

Case Number: 4W116533

Invention Title: Apparatus, method and computer-readable storage medium for manipulating user interface elements

Patentee: Newman Unlimited

Invalidation applicant: Microsoft (China) Co., Ltd.

Decision on invalidation request

(No. 567156)

In accordance with the provisions of Article 46, paragraph 1 of the Patent Law, the State Intellectual Property Office has reviewed the invalidation request filed by the invalidation applicant regarding the above-mentioned patent right and hereby decides as follows:

☐ Declare all patent rights invalid.

■Declare that part of the patent right is invalid.

☑Maintain patent rights valid.

In accordance with the provisions of Article 46, paragraph 2 of the Patent Law, if you are dissatisfied with this decision, you may file a lawsuit with the Beijing Intellectual Property Court within 3 months from the date of receipt of this notice, and the other party may participate in the litigation as a third party.

Appendix: 20 pages of decision text (starting from page 2).

Leader of the Collegial Panel: Ji Xiaohui

Chief Judge: Tang Yuxi

Judge: Zhou Leiming

No intellectual property rights bureau

Patent Office Review Chengfeng Business Seal

1101081361184

State Intellectual Property Office

Decision on Invalidation Request (No. 567156)

case number	No. 4W116533
decision day	May 06, 2024
Invention name	Apparatus, method and computer-readable storage medium for manipulating user interface elements
International Main Classification Number	G06F 3/0488
Invalidation requester	Microsoft (China) Co., Ltd.
Patentee	Newman Unlimited
Patent number	201280055598.3
Application date	September 13, 2012
priority date	September 13, 2011
Authorization announcement date	January 09, 2018
Invalidation request date	July 29, 2023
Legal basis	Article 22, Paragraphs 2 and 3 of the Patent Law, Article 26, Paragraphs 3 and 4 of the Patent Law

Decision points:

In general, the terms in the claims should be understood as the meanings usually possessed in the relevant technical field. The understanding of self-made words that do not have a usual meaning in the field should be based on the limitations of the claims themselves, and at the same time, combined with the technical problems to be solved and the technical effects produced by the technical solutions containing the self-made words in the specification, to objectively determine their meanings. Although the patent examination file is not part of the patent authorization document, it is available to the public. The patent examination file plays an important role in interpreting the claims, and can also be referred to for interpreting the claims when necessary.

In human-computer interaction, background processing is usually invisible to users. When background processing is not clearly disclosed, technical personnel in this field should objectively consider the various technical characteristics presented by the interactive operation of the software, and judge whether the background processing method can be directly and unambiguously determined based on the user's input operations and the output results obtained.

Background processing is the bridge between the input operations and output results of the human-computer interaction front-end. The technical features related to the background should be considered as a whole with the technical features of the human-computer interaction front-end.

1. Cause of action

The patent number of this patent is 201280055598.3, the priority date is September 13, 2011, the application date is September 13, 2012, and the authorization announcement date is January 9, 2018. The claims of this patent authorization announcement are as follows:

"1. A method for manipulating a user interface element presented on a display screen, the method comprising:

displaying a target user interface element on the touch-sensitive display;

Display clutch user interface element;

determining that a select touch event has occurred proximate to the target user interface element while an engage touch event has not occurred proximate to the clutch user interface element;

In response to determining that the select touch event has occurred, selecting the target user interface element for manipulation;

determining when the engaged touch event is occurring; and

When the engaging touch event is occurring, activating, by a processor, a manipulation function associated with the target user interface element,

wherein selecting the target user interface element for manipulation comprises: in response to determining that the selection touch event has occurred, storing a target element identifier associated with the target element in a memory;

And wherein, in response to determining that the engagement touch event has begun to occur: retrieving the target element identifier from a memory; and associating the target user interface element with the manipulation function.

2. The method of claim 1, further comprising:

determining when the engaged touch event ceases to occur; and

The manipulation function associated with the target user interface is deactivated.

3. The method of claim 2 further comprises activating a selection function that enables selection of a user interface element in the absence of the engaging touch event.

4. The method of claim 1 further comprising: in response to determining that the target user interface element has been selected for manipulation, displaying a visual indicator identifying the target user interface as selected.

5. The method of claim 1, wherein activating the manipulation function enables the user to perform the manipulation only when the engaging touch event is being detected. Allows ways to manipulate the target user interface element.

6. The method of claim 1, wherein activating the manipulation functionality enables a user to manipulate the target user interface element in a manner that is otherwise restricted unless the engaging touch event is detected.

7. The method of claim 1 , wherein activating the manipulation functionality enables an arm function for precise movement of the target user interface element on the display screen and displays an x and y pixel location associated with the location of the target user interface element.

8. The method of claim 1, further comprising displaying an overlay including a plurality of selectable virtual buttons associated with one or more manipulation functions that are activated while the engaging touch event is occurring.

9. An apparatus configured to manipulate a user interface element presented on a display screen, the apparatus comprising:

Touch-sensitive display configured for:

Display the target user interface element;

Display clutch user interface element;

detecting a select touch event; and

detecting an engagement touch event; and

A processor configured to:

determining that the select touch event has occurred proximate to the target user interface element while there is no engage touch event proximate to the clutch user interface element;

selecting the target user interface element for manipulation in response to determining that the select touch event has occurred;

determining when the engaged touch event is occurring; and

When the engaging touch event is occurring, activating a manipulation function associated with the target user interface element,

Wherein, selecting the target user interface element for manipulation includes: in response to determining that the selection touch event has occurred, The target element associated with the target element identifier is stored in a memory;

And wherein, in response to determining that the engagement touch event has begun to occur: retrieving the target element identifier from a memory; and associating the target user interface element with the manipulation function.

10. The apparatus of claim 9, wherein the processor is further configured to:

determining when the engaged touch event ceases to occur; and

The manipulation function associated with the target user interface is deactivated.

11. The apparatus of claim 10, wherein the processor is further configured to: activate a selection function that enables selection of a user interface element in the absence of the engaging touch event.

12. The apparatus of claim 9, wherein, in response to determining that the target user interface element has been selected for manipulation, the processor is further configured to cause display of a visual indicator identifying the target user interface as selected.

13. The apparatus of claim 9, wherein the processor is further configured to enable a user to manipulate the target user interface element in a manner that is permitted only while the engaging touch event is being detected.

14. The apparatus of claim 9, wherein the processor is further configured to enable a user to manipulate the target user interface element in a manner that is otherwise restricted unless the engaging touch event is detected.

15. The apparatus of claim 9, wherein the processor is further configured to support boom functionality.

16. The apparatus of claim 9, wherein the processor is further configured to facilitate display of an overlay comprising a plurality of selectable virtual buttons associated with one or more manipulation functions that are activated while the engaging touch event is occurring.

17. A computer-readable storage medium having stored therein computer-executable program code portions, the computer-executable program code portions comprising program code instructions for:

The patent examination file is not a part of the patent authorization document, but it is available to the public. The patent examination file plays an important role in interpreting the claims, and can also be used to interpret the claims when necessary.

3.1 Whether claims 1, 9 and 17 are clear

The applicant claims that the "clutch user interface", "displaying a clutch user interface element", "determining that a selection touch event has occurred approaching the target user interface element while no engagement touch event exists approaching the clutch user interface element", "engaging touch event", "determining when the engagement touch event is occurring", "storing a target element identifier in a memory", and "retrieving the target element identifier from a memory" recorded in claims 1, 9 and 17 are unclear in their specific meanings and how to implement them, and the execution order of the relevant operations is also unclear.

The collegial panel believes that: "clutch user interface" is a coined word that has no usual meaning in this field. The understanding of this coined word should be based on the limitations of the claims themselves, and at the same time, combined with the specification to objectively determine the meaning of the technical problem to be solved and the technical effect produced by the technical solution containing this coined word. If necessary, the review file can also be referred to.

Claim 1 defines that after displaying the target user interface element and the clutch user interface element on the display screen, when it is determined by judgment that a selection touch event has occurred that is not close to the clutch user interface element but close to the target user interface element, the target element identifier associated with the target user interface element is stored in the memory, thereby selecting the target user interface element for manipulation, and when it is determined by judgment that an engagement touch event that is close to the clutch user interface element has begun to occur, the target element identifier is retrieved from the memory, and the target user interface element is associated with an operating function, so that when the engagement touch event is occurring, the manipulation function associated with the target user interface element is activated by the processor. Therefore, "displaying the clutch user interface element", "determining that a selection touch event has occurred close to the target user interface element while there is no engagement touch event close to the clutch user interface element", "engagement touch event", "determining when the engagement touch event is occurring", "storing the target element identifier in the memory", "retrieving the target element identifier from the memory", and the execution order of the related operations are all clear.

As for the "meaning of the clutch user interface", according to paragraphs 42 and 52 of this patent specification, "the clutch UI element is capable of acting as an activation switch for a manipulable function and/or acting as a toggle switch between available manipulable functions. The user can choose to select the clutch UI element, thereby isolating and combining UI element 32 for manipulation. If the user subsequently selects UI element 32B without disengaging from the clutch UI element 30, UI element 32B will remain intact without being manipulated because the engagement of the clutch UI element 30 isolates the manipulation function from the target UI element, thereby avoiding undesired manipulation when a multi-touch display device is used to construct or otherwise design a graphic display." It can be seen that the clutch user interface element is an activation switch for the manipulable function of the target user interface element, isolating the target user interface element to avoid undesired manipulation of non-target user interface elements.

In addition, during the substantive examination of this patent, the patentee further clarified in the second reply that the clutch user interface element can act as an activation switch for a manipulable function and/or act as a toggle switch between available manipulable functions, and by storing the target element identifier in the memory, if the user touches the user interface element while the clutch user interface element is engaged, the associated operation can be performed on the user interface element, and if the user subsequently selects another user interface element without disengaging the clutch user interface element, the other user interface element will remain intact and not be manipulated, because the engagement of the clutch user interface element will isolate the manipulation function from the other user interface element.

Thus, undesirable manipulation is avoided when constructing or otherwise designing a graphical display using a multi-touch display device. On this basis, based on the patentee's interpretation of the clutch user interface element, this patent is authorized.

In summary, based on the definition of the technical solution in claim 1, the understanding of the technical problems to be solved and the technical effects produced by the technical solution containing the "clutch user interface element" in the specification, and the further explanation of the "clutch user interface element" by the patentee during the substantive examination, those skilled in the art can determine that the "clutch user interface element" is an activation switch for the manipulable function of the target user interface element, isolating the target user interface element from the undesired manipulation of the non-target user interface element. Therefore, claim 1 has clearly defined its scope of protection, which is in compliance with the provisions of Article 26, paragraph 4 of the Patent Law.

3.2 Are claims 3, 11 and 19 clear?

The applicant claims that the meaning of "activating a selection function that enables selection of a user interface element while the engaging touch event is not present" in claims 3, 11, and 19 is unclear.

The panel held that the additional technical features defined in claims 3, 11, and 19 mean activating a selection function that enables a user interface element to be selected when there is no selection touch event. Therefore, the above claims have clearly defined their scope of protection and are in compliance with Article 26, Paragraph 4 of the Patent Law.

3.3 Whether claims 5-6, 13-14, and 21-22 are not concise

The applicant claims that claims 5 and 6, claims 13 and 14, and claims 21 and 22 have the same substantive protection scope.

The panel held that: Claim 5 states that the target user interface element has the manipulation function only after activation, and Claim 6 states that the target user interface element has limited manipulation functions before activation and has more manipulation functions after activation. Therefore, the protection scopes defined by Claims 5 and 6 are different, and therefore, Claims 5 and 6 do not have the problem of being inconclusive, and comply with the provisions of Article 26, Paragraph 4 of the Patent Law. Accordingly, Claims 13, 14, 21, and 22 also comply with the provisions of Article 26, Paragraph 4 of the Patent Law.

3.4 Whether claims 1-24 are supported by the description

The applicant claims that the statement in claims 1, 9 and 17 that "a selection touch event has occurred when approaching the target user interface element while there is no engagement touch event when approaching the clutch user interface element" is not supported by the specification, and the corresponding dependent claims 2-8, 10-16 and 18-24 are also not supported by the specification.

The panel believes that: first, the above features are recorded in paragraph 7 of the specification; second, those skilled in the art know that when approaching the target user interface element and not approaching the clutch user interface element, the target user interface element can be selected, and the target element identifier associated with the target user interface element can be stored in the memory, and then combined with the subsequent clutch user interface element engagement touch event to solve the technical problem to be solved by this patent; therefore, those skilled in the art can obtain or summarize the technical solutions of claims 1, 9, and 17 from the contents disclosed in the specification, and claims 1, 9, and 17 comply with the provisions of Article 26, paragraph 4 of the Patent Law. Correspondingly, dependent claims 2-8, 10-16, and 18-24 also comply with the provisions of Article 26, paragraph 4 of the Patent Law.

4. Regarding Article 26, Paragraph 3 of the Patent Law

displaying a target user interface element on the touch-sensitive display;

Display clutch user interface element;

determining that a select touch event has occurred proximate to the target user interface element while an engage touch event has not occurred proximate to the clutch user interface element;

In response to determining that the select touch event has occurred, selecting the target user interface element for manipulation;

determining when the engaged touch event is occurring; and

When the engaging touch event is occurring, activating, by a processor, a manipulation function associated with the target user interface element,

wherein selecting the target user interface element for manipulation comprises: in response to determining that the selection touch event has occurred, storing a target element identifier associated with the target element in a memory;

And wherein, in response to determining that the engagement touch event has begun to occur: retrieving the target element identifier from a memory; and associating the target user interface element with the manipulation function.

18. The computer-readable storage medium of claim 17, further comprising instructions for:

determining when the engaged touch event ceases to occur; and

The manipulation function associated with the target user interface is deactivated.

19. The computer-readable storage medium of claim 18, further comprising instructions for activating a selection function that enables selection of a user interface element in the absence of the engaging touch event.

20. The computer-readable storage medium of claim 17, further comprising instructions for displaying a visual indicator identifying the target user interface as selected in response to determining that the target user interface element has been selected for manipulation.

21. The computer-readable storage medium of claim 17, wherein the instructions for activating the manipulation functionality enable a user to manipulate the target user interface element in a manner that is permissible only while the engaging touch event is being detected.

22. The computer-readable storage medium of claim 17, wherein the instructions for activating the manipulation functionality enable a user to manipulate the target user interface element in a manner that is otherwise restricted unless the engaging touch event is detected.

23. The computer-readable storage medium of claim 17, wherein the instructions for activating the manipulation function enable an arm function for precise movement of the target user interface element on the display screen.

24. The computer-readable storage medium of claim 17, further comprising instructions for: displaying an overlay including a plurality of selectable virtual buttons associated with one or more manipulation functions that are activated while the engaging touch event is occurring.

In response to the above-mentioned patent rights, the applicant filed a request for invalidation with the National Intellectual Property Administration on July 29, 2023, on the grounds that claims 1-24 are unclear, claims 5-6, 13-14, 21-22 are not concise, claims 1-24 are not supported by the description, and do not comply with the provisions of Article 26, paragraph 4 of the Patent Law; claims 1-24 do not have novelty and do not comply with the provisions of Article 22, paragraph 2 of the Patent Law; claims 1-24 do not have creativity and do not comply with the provisions of Article 22, paragraph 3 of the Patent Law; the applicant requested that all claims 1-24 of this patent be declared invalid, and submitted the following evidence:

The icon selected in the column display area 12 can be moved to the icon movement display area 11 so that the display position of the icon can continue to change. The user can select a desired icon from a text-based function list of the image forming device 100 (not in the icon array display area 12). If the user selects the "Options" menu 14 in FIG. 3 or another predetermined key, the function list can be displayed on the screen 10 so that the user can select a predetermined function from the function list and can set the icon representing the selected function to appear when it moves on the screen 10. FIG. 4 exemplarily illustrates the screen 10 on which an area for setting a modification attribute is displayed when the user selects the "Options" menu 14 in the screen 10 of FIG. 3. Referring to FIG. 4, a modification attribute setting area 20 can be displayed on at least a portion of the screen 10. The modification attribute setting area 20 shown in FIG. 4 includes a function list 21 corresponding to the icon to which the modification attribute is applied, a moving direction attribute 22, a moving speed attribute 23, a width attribute 24, a height attribute 25, and an icon shape attribute 26. The list 21 may receive a selection of an icon from the icons appearing on the icon movement display area 11, wherein the attributes set by the modification attribute setting area 20 are applied to the selected icon. The storage unit 130 may store information of the icon selection received by the user interface unit 120 and the modification attribute information to be applied to the selected icon. In FIG9, in operation S910, the user may input a command to change the display of the icon. For example, if the user selects the "Options" menu 14 from the screen 10 of FIG3, the modification attribute setting area 20 may be opened so that the user may change the display of the icon, as shown in FIG4. In operation S920, in order to change the display of the icon, the user may select the icon he or she desires to change and the icon he or she desires to move and display. For example, if the screen 10 is configured as shown in FIG3 and FIG4, the user may manually select the icon he or she wants to move and display through a touch operation or a drag-and-drop operation. Alternatively, if a text-based function list is provided separately, the user may manually select a desired icon from the function list. If the user inputs a modification attribute for the selected icon in operation S930, the image forming apparatus stores information about the modification attribute input by the user in operation S940. In operation S950, the image forming apparatus displays the selected icon and changes a display position of the selected icon according to the stored information.

The applicant claims that: the "option menu" in the reference document 1 is equivalent to the "clutch user interface element" in this patent, the "user selects the icon he or she wants to move and display from the icon array display field 12 through a touch operation or a drag-and-drop operation" in the reference document 1 is equivalent to the "selection touch event has occurred, and the target user interface element is selected for manipulation" in this patent, the "selection menu 14 is selected, and the modification attribute setting area 20 is opened so that the user can change the display of the icon" in the reference document 1 is equivalent to the "when the clutch touch event is occurring, the manipulation function associated with the target user interface is activated by the processor" in this patent, and the "storage unit 130 stores the information of the icon selection received by the user interface unit 120 and the modification attribute information to be applied to the selected icon, and changes the display position of the selected icon according to the stored information" in the reference document 1 is equivalent to the "storing the target element identifier associated with the target element in the memory, retrieving the target element identifier from the memory; and associating the target user interface element with the manipulation function" in this patent. Therefore, the reference document 1 discloses all the technical features of claim 1, and claim 1 does not have novelty.

The panel believes that: First, the "option menu" in Comparative Document 1 is not equivalent to the clutch user interface element of this patent. According to the analysis in 3.1, the "clutch user interface element" in this patent is an activation switch for the manipulable functions of the target user interface element, isolating the target user interface element to avoid undesired manipulation of non-target user interface elements, so that when the engagement touch event is occurring, the processor activates the manipulation function associated with the target user interface element. In Comparative Document 1, clicking the option menu is only used to display the component list and modify properties, and the target user interface element is not determined before clicking the option menu. Therefore, the selection menu is neither an activation switch for the manipulable functions of the target user interface element nor a clutch user interface element.

Used to isolate the target user interface element to avoid unexpected manipulation, so that the "option menu" in comparative document 1 is different from the clutch user interface element of this patent.

Secondly, in human-computer interaction, the front end refers to the input operation and output result visible to the user, and the background processing refers to the background process that is usually invisible to the user. In Comparative Document 1, the desired icon and its modified attributes are selected at one time through the selection menu to move the icon position, while in this patent, after the selection touch event occurs to select the target user interface element, the manipulation function of the target user interface element is activated when the engagement touch event is in progress. The number of operations and the order of the two are different. The human-computer interaction front end in Comparative Document 1 is to click on the menu option to display the selection list and modify the attributes to move the icon, which is different from the selection touch event of the human-computer interaction front end of this patent that is not close to the clutch user interface element and close to the target user interface element, and the engagement touch event close to the clutch user interface element. Moreover, the background processing in Comparative Document 1 only generally describes the change of the display position of the selected icon according to the icon selection information and modified attribute information stored in the storage unit, and does not disclose the specific operation process. The technicians in this field cannot directly and unambiguously determine its background processing process from the above content. Therefore, the front end and background processing in Comparative Document 1 are also different from this patent as a whole.

The distinguishing technical features of claim 1 and comparative document 1 include at least: displaying a clutch user interface element; determining that a selection touch event has occurred near the target user interface element while no engagement touch event exists near the clutch user interface element; selecting the target user interface element for manipulation in response to determining that the selection touch event has occurred, storing a target element identifier associated with the target element in a memory; determining when the engagement touch event is occurring; in response to determining that the engagement touch event has begun to occur: retrieving the target element identifier from a memory; and associating the target user interface element with the manipulation function, and activating the manipulation function associated with the target user interface element through a processor when the engagement touch event is occurring.

Since claim 1 and reference document 1 have the above-mentioned distinguishing technical features, and the difference is not a direct replacement of the customary means in the field, claim 1 is novel relative to reference document 1 and complies with the provisions of Article 22, paragraph 2 of the Patent Law.

5.2 Novelty of Claim 1 relative to Prior Art 2

Claim 1 protects a method for manipulating a user interface element presented on a display screen. Reference document 2 discloses a method for adjusting the z-order of a selected object on a user interface, and specifically discloses (see Chinese translation paragraphs 70-85, Figure 5-13): Referring to Figure 5-13, a technique for adjusting the z-order of a single object selected from a group of objects in a slide is shown. The current slide 140 includes five objects 142, each of the described objects 142 may also have an associated z-order position that enables a user to distinguish the depth of each object 142. The edge of block 2 is currently outlined by a set of selection indicators 168, which may indicate that the presentation application 88 has received a request to select block 2 for editing (e.g., via user input). In the case where the device 10 includes a touch screen display 12, this is accomplished by touching the location of block 2 (equivalent to displaying the target user interface element on the touch-sensitive display screen). Selecting certain toolbar options 158 such as an inspector or information icon 160 may cause the properties of the selected object 142 or slide 140 to be displayed for review and/or modification. Selecting the inspector or information icon 160 from the toolbar options 158 displayed on the toolbar 132 may cause a graphics window 170 to be displayed within the application canvas 128. The graphics window 172 may enable a user to view, edit, or modify various properties of a selected object. With respect to z-ordering, a user may also modify the z-order position of a selected object (block 2) by selecting a graphics button 178. Beginning at block 222 of the method 220, a slideshow may be displayed within the slideshow canvas 128 of the screen 120.

Appendix 1: The text of this patent authorization announcement;

Appendix 2 (hereinafter referred to as Reference Document 1): US20110084925A1 and its Chinese translation, published on April 14, 2011;

Appendix 3 (hereinafter referred to as Reference Document 2: US20110181521A1 and its Chinese translation, published on July 28, 2011;

Annex 4 (hereinafter referred to as Reference Document 3): JP2011118542A and its Chinese translation, published on June 16, 2011;

Annex 5 (hereinafter referred to as Reference Document 4): US20090040179A1 and its Chinese translation, published on February 12, 2009;

Appendix 6 (hereinafter referred to as Comparative Document 5): CN101673178A, published on March 17, 2010;

Annex 7 (hereinafter referred to as Reference Document 6): Excerpt from "Introducing Windows 7 to Developers" and its Chinese translation, author: Yochay Kiriaty Laurence Moroney, Sasha Goldshtein and Alon Fliess;

Appendix 8 (hereinafter referred to as Comparative Document 7): JP200765949A and its Chinese translation, published on March 15, 2007.

After passing the formal review, the National Intellectual Property Administration accepted the above-mentioned invalidation request on August 14, 2023 and transferred the invalidation request and copies of evidence to the patent owner, and at the same time established a collegial panel to review the case.

On August 28, 2023, the applicant supplemented the reasons for invalidation and evidence, believing that: claims 1-24 are unclear, claims 5-6, 13-14, 21-22 are not concise, claims 1-24 are not supported by the specification, and do not comply with the provisions of Article 26, paragraph 4 of the Patent Law; the patent specification is not sufficiently disclosed, and does not comply with the provisions of Article 26, paragraph 3 of the Patent Law; claims 1-24 do not have novelty, and do not comply with the provisions of Article 22, paragraph 2 of the Patent Law; claims 1-24 do not have creativity, and do not comply with the provisions of Article 22, paragraph 3 of the Patent Law; request to declare all claims 1-24 of this patent invalid, and supplement the following evidence (numbering continues):

Attachment 9: Chinese translation of the notarial certificate No. (2023) Jingcheng Neijing Zhengzi 4492 and webpage screenshots;

Attachment 10: "Trusted Timestamp Authentication Certificate" (certificate number: TSA-05-20230728540348140) and screenshots of related web pages;

Attachment 11: Full version of the video and screenshots of the trusted timestamp forensics in Attachment 10 (Internet evidence platform storage number: 230828170553e90).

The applicant submitted a CD containing the contents of Attachments 10 and 11 on August 29, 2023.

The applicant believes that: (1) Claims 1, 9 and 17 record "clutch user interface", "display clutch user interface element", "Determine that a selection has occurred while approaching the target user interface element while there is no engagement touch event approaching the clutch user interface element touch event", "engage touch event", "determine when the engage touch event is occurring", "store the target element identifier in the storage The following are the meanings of the phrases "activating a selection function that enables selection of a user interface element while the engagement touch event does not exist" and "retrieve the target element identifier from the memory". The specific meanings and implementation methods are not clear, and the execution order of the related operations is also not clear. The meaning of "activating a selection function that enables selection of a user interface element while the engagement touch event does not exist" in claims 3, 11, and 19 is not clear. (2) The substantive protection scope of claims 5 and 6, claims 13 and 14, and claims 21 and 22 is the same. (3) The phrase "determining that a selection touch event has occurred while approaching the target user interface element while there is no engagement touch event" in claims 1, 9, and 17 is not supported by the specification, and the corresponding dependent claims 2-8, 10-16, and 18-24 are also not supported by the specification. (4) The disclosure of "clutch user interface element" in claims 1-24 and "arm function" in claims 7, 15, and 23 is insufficient, making it impossible for a person skilled in the art to implement the technical content. (5) Claims 1-24 are not novel relative to references 1, 2, and 3, respectively. (6) Claims 1, 9, and 17 are not novel relative to reference 1 in combination with references 2-6 or one of the common knowledge, or

Article 26, paragraph 3 of the Patent Law provides that: The specification shall give a clear and complete description of the invention or utility model, which shall be capable of being realized by a person skilled in the art; when necessary, there shall be drawings. The abstract shall briefly describe the technical points of the invention or utility model.

The applicant claims that the disclosure of the "clutch user interface element" in claims 1-24 and the "arm function" in claims 7, 15, and 23 is insufficient, resulting in a person skilled in the art not knowing how to make them work in an application rather than in an operating system.

The panel believes that: Paragraphs 39 and 40 of the specification record: In step S308, the user can touch the screen area and/or at least one on-screen button designated and/or associated with the clutch function discussed herein, such as the clutch UI element 30. In step S310, the function can be assigned to the selected UI element 32. For example, while the clutch UI element 30 is selected, the movement function, the coloring function, and/or any other manipulable function can be assigned to the UI element 32. In some embodiments, the various manipulable functions can be associated with one or more menus that can be presented as a palette, a ribbon, and/or any other suitable format. Paragraphs 45, 47, and 48 of the specification record: By operating in an application rather than within the operating system, the boom can add supplementary functions to the local operating system of the device, and/or add other functions by creating an independent auxiliary user interface element 34 that can facilitate precise articulated movement of application elements within a touch screen environment (e.g., pixel by pixel). When operating in a two-dimensional environment, the boom may allow the application UI element 32 to articulate (move) on the x-axis and/or y-axis; and when operating in a three-dimensional environment, the boom function may further allow the UI element to articulate on the z-axis. In step S408, the user may engage the boom UI element 34 (e.g., touch the direction indicator) to make the selected UI element 32 articulate on the x-axis, y-axis, and/or z-axis. When the device detects an engagement touch event at the clutch UI 30 and a portion of the boom UI element 34 is also close to the second touch event, the selected UI element 32 may move downward and/or upward on the axis in a manner related to the portion of the selected boom UI element 34 (as shown in Figures 6 and 7, respectively). Schematic diagrams of the clutch UI element 30 and the boom UI element 34 in the application are also shown in Figures 5-7 of the specification, so the specification has fully disclosed that the clutch user interface element and the boom function in the application rather than in the operating system, which complies with the provisions of Article 26, paragraph 3 of the Patent Law.

5. Regarding Article 22, Paragraph 2 of the Patent Law

Article 22, paragraph 2 of the Patent Law provides: Novelty means that the invention or utility model does not belong to the prior art; and no unit or individual has applied to the patent administration department of the State Council for the same invention or utility model before the application date, and it is not recorded in the patent application published after the application date or in the published patent document.

In human-computer interaction, background processing is usually invisible to users. When background processing is not clearly disclosed, technical personnel in this field should objectively consider the various technical characteristics presented by the interactive operation of the software, and judge whether the background processing method can be directly and unambiguously determined based on the user's input operations and the output effects obtained.

5.1 Novelty of Claim 1 relative to Prior Art 1

Claim 1 protects a method for manipulating a user interface element presented on a display screen. Comparative Document 1 discloses an icon display method, and specifically discloses (see Chinese translation paragraphs 48-68, 88-92, Figures 3, 4, and 9): Referring to Figure 3, screen 10 includes an icon movement display area 11, on which icons are displayed and moved simultaneously, and an icon array display area 12, on which icons are arranged and displayed but do not move. Screen 10 may include an "option" menu 14 (for example, displayed on one side of icon array display area 12). Option menu 14 can receive selections to modify properties. The user can select the icon he or she wants to move and display from icon array display area 12 by touch operation or drag and drop operation. The user can select the icon he or she wants to move and display from icon array display area 12.

101, press the display position of the player character P1 again to display the action icon. Therefore, the player character P1 action icon is displayed based on pressing the display position of the player character P1 twice, and the selection icon is only used to emphasize the position of the selected character to improve visibility; while the "clutch user interface element" in this patent is an activation switch for the manipulable function of the target user interface element, isolating the target user interface element to avoid undesired manipulation of non-target user interface elements. The two have different functions, and the "selection icon 101" in Comparative Document 3 is different from the "clutch user interface element" in this patent.

Secondly, after the target user interface element and the clutch user interface element are displayed in this patent, a selection touch event of the clutch user interface element approaching the target user interface element occurs first while there is no engagement touch event, and then the engagement touch event of the clutch user interface element is triggered, while in Comparative Document 3, the player character P1 is first displayed, and after clicking its display position, a selection icon is displayed near the position of the player character P1, and the display position of the player character P1 is clicked again to display the action icon. It can be seen that the triggering mechanism of the two touch events in this patent and Comparative Document 3 is different, and Comparative Document 3 does not disclose the selection touch event and engagement touch event of this patent. At the same time, Comparative Document 3 only discloses that the storage unit stores the character information, and does not disclose how the background operates when the display position of the player character P1 is clicked twice. The technicians in this field cannot directly and unambiguously determine its background processing process from the content disclosed in Comparative Document 3, so Comparative Document 3 does not disclose the front-end selection touch event, engagement touch event and the corresponding background processing in this patent.

The distinguishing technical features of claim 1 and comparative document 3 are: displaying a clutch user interface element; determining that a selection touch event has occurred approaching the target user interface element while no engagement touch event exists approaching the clutch user interface element; in response to determining that the selection touch event has occurred, selecting the target user interface element for manipulation, storing a target element identifier associated with the target element in a memory; determining when the engagement touch event is occurring; in response to determining that the engagement touch event has begun to occur: retrieving the target element identifier from a memory; and associating the target user interface element with the manipulation function, and activating the manipulation function associated with the target user interface element through a processor when the engagement touch event is occurring.

Since claim 1 and comparative document 3 have the above-mentioned distinguishing technical features, and the difference is not a direct replacement of the customary means in the field, claim 1 is novel relative to comparative document 3 and complies with the provisions of Article 22, paragraph 2 of the Patent Law.

5.4 Dependent claims 2-8

Claims 2-8 are dependent claims of claim 1. When claim 1 cited by them has novelty, claims 2-8 also have novelty, which complies with the provisions of Article 22, paragraph 2 of the Patent Law.

5.5 Claims 9-24

Claims 9-16 and 17-24 are devices and computer-readable storage media corresponding to claims 1-8. Based on the same reasons as in Sections 5.1-5.4, claims 9-24 also possess novelty and comply with the provisions of Article 22, Paragraph 2 of the Patent Law.

6. Regarding Article 22, Paragraph 3 of the Patent Law

Article 22, Paragraph 3 of the Patent Law provides: Creativity means that compared with the prior art, the invention has outstanding substantive features and remarkable progress, and the utility model has substantial features and progress.

In human-computer interaction, background processing is the bridge between the input operations and output results of the human-computer interaction front-end. The technical characteristics related to the background should be considered as a whole with the technical characteristics of the human-computer interaction front-end.

The invention relates to a method for controlling a touch screen display device and a method for controlling a touch screen display device. The method comprises generating the selection touch event to select the target user interface element for manipulation, storing a target element identifier associated with the target element in a memory; determining when the engagement touch event is occurring; in response to determining that the engagement touch event has begun to occur: retrieving the target element identifier from the memory; and associating the target user interface element with the manipulation function, and activating the manipulation function associated with the target user interface element by a processor while the engagement touch event is occurring.

Since claim 1 and comparative document 2 have the above-mentioned distinguishing technical features, and the difference is not a direct replacement of the customary means in the field, claim 1 is novel relative to comparative document 2 and complies with the provisions of Article 22, paragraph 2 of the Patent Law.

5.3 Novelty of Claim 1 relative to Prior Art 3

Claim 1 protects a method for manipulating a user interface element presented on a display screen. Reference document 3 discloses a user interface processing method, and specifically discloses (see paragraphs 35-45 of the Chinese translation specification, Figures 3-6): the operation acceptance unit 15 accepts the player's operation via a touch screen set on the display unit 13. During the battle processing process, the control unit 11 first displays the battle screen and accepts the player P's selection of the player character (step S101). In step S101, if the selection of the player character P1 is accepted among the player characters P1 and P2, the selection is performed in a manner such as the player P's finger pressing the display position of the player character P1 (equivalent to displaying the target user interface element on the touch-sensitive display screen) (Y of step S101), then the control unit 11 displays the selection icon 101 near the player character P1 (step S102). And, as shown in Figure 4, the selection icon in this embodiment is composed of a part that emphasizes the square where the character is located and a part that is arranged above the character, thereby improving visibility. When the selection icon 101 is displayed, the control unit 11 accepts the selection of the action category (step S103). Here, in this embodiment, the control unit 11 displays the subsequent action icons in a selectable manner in response to the player P pressing the display position of the player character P1 where the selection icon 101 is displayed again. As shown in FIG5 , the action icon 201 includes action category icons 202 to 208, which indicate the action category to be performed by the character. When the player P selects one of the action category icons 202 to 208, the control unit 11 will rotate and move the display position of each action category icon 202 to 208, and arrange the selected action category icon at the lower center of the action icon 201 (i.e., the position of the action category icon 202 in FIG5), and display the action content indicated by the action category icon in the action content display area 209. When the selection of the attack action is accepted (Y in step S104), the control unit 11 displays the attackable range of the player character P1 by referring to the character information stored in the storage unit 12 (step S106).

The applicant claims that: the "selection icon 101" in comparative document 3 is equivalent to the "clutch user interface element" of this patent, the "player P's finger presses the display position of the player character P1, and the control unit 11 displays the selection icon 101 near the player character P1" in comparative document 3 is equivalent to the "selection touch event has occurred, and the target user interface element is selected for manipulation" in this patent, the "when the selection icon 101 is displayed, the control unit 11 responds to the player P pressing the display position of the player character P1 where the selection icon 101 is displayed again, and displays the subsequent action icons in a selectable manner to manipulate the player character" in comparative document 3 is equivalent to the "when the clutch touch event is occurring, the manipulation function associated with the target user interface is activated by the processor" in this patent, and the storage unit in comparative document 2 stores character information, which necessarily implies that the target icon identifier is accessed in the background and associated with the corresponding function, which is equivalent to the "storing the target element identifier associated with the target element in the memory, retrieving the target element identifier from the memory; and associating the target user interface element with the manipulation function" in this patent.

The panel believes that: First, in Comparative Document 3, when the finger of player P first presses the display position of player character P1, the selection icon is displayed.

Comparative document 1 in combination with one of comparative documents 2-6 and common knowledge, or comparative document 2 in combination with comparative document 1, comparative documents 3-6, and one of common knowledge, or comparative document 2 in combination with comparative document 1, one of comparative documents 3-6, and common knowledge, or comparative document 3 in combination with comparative documents 1-2, comparative documents 4-6, and one of common knowledge, or comparative document 3 in combination with comparative documents 1-2, one of comparative documents 4-6, and common knowledge, does not possess inventiveness, and the additional technical features of the dependent claims are either disclosed in comparative documents 1, 2, 3, 7 or are common knowledge, and therefore do not possess inventiveness.

The patent owner submitted a statement of opinion on September 13, 2023, arguing that comparative document 6 is foreign evidence and its authenticity should not be recognized without notarization and certification, and that the patent complies with the relevant provisions of the Patent Law. The patent owner also submitted the following counter-evidence:

Counter-evidence 1: The patent examination history documents (including the first and second examination opinion notices and two responses to the examination opinion statements);

Counter-evidence 2: Comparative document 1 cited in the examination opinion notice of this patent: CN101052939A patent disclosure document;

Counter-evidence 3: Published text of PCT application for this patent.

On September 21, 2023, the collegial panel of the National Intellectual Property Administration forwarded the supplementary invalidation reasons and evidence and the CD-ROM submitted by the applicant to the patent owner, and forwarded the statement of opinion and counter-evidence submitted by the patent owner to the applicant.

The applicant submitted a statement of opinion on November 6, 2023, stating the reasons why this patent does not comply with the provisions of the Patent Law. The National Intellectual Property Administration's panel forwarded the opinion to the patent owner on November 9, 2023.

The National Intellectual Property Administration's collegial panel in this case issued an oral hearing notice to both parties on November 16, 2023, and the oral hearing is scheduled to be held on December 21, 2023.

The patent owner submitted a statement of opinion on December 9, 2023, arguing that the appendices 9-11 supplemented by the applicant could not prove the authenticity of the comparative document 6 and that the patent complies with the relevant provisions of the Patent Law. The National Intellectual Property Administration's collegial panel forwarded the opinion to the patent owner on December 14, 2023.

The oral hearing was held as scheduled, and both parties attended the oral hearing. During the oral hearing, the following matters were clarified:

(1) Both parties have no objection to the identity and qualifications of the other party's appearance in court, and have no request for recusation of the panel members and the clerk.

(2) The applicant submitted three pieces of evidence (Appendix 12-14) and seven pieces of common knowledge evidence (Evidence of Common Knowledge 1-7) in court. Among them, Appendix 12: Notarization Certificate No. (2023) Jingcheng Neijing Zhengzi No. 6995 and Chinese translation of webpage screenshots; Appendix 13: IP360 Forensic Data Preservation Certificate and related webpage screenshots and Chinese translation; Appendix 14: Appendix 13 Trusted Timestamp Forensic Complete Video CD; Common Knowledge Evidence 1: "3ds max 5 Standard Tutorial", edited by He Yongfeng et al., published in May 2003; Common knowledge evidence 2: "Visual C# Programming Basic Tutorial", edited by Shao Pengming, published in April 2005; Common knowledge evidence 3: "J2EE Network Programming Standard Tutorial", edited by Tian Xuesong, published in January 2004; Common knowledge evidence 4: "Compilation Technology", edited by Wang Lihong, published in September 2001; Common knowledge evidence 5: "Mobile Intelligent Agent Technology", edited by Yin Zhaolin et al., published in August 2006; Common knowledge evidence 6: "Common External Devices for Microcomputers 2nd Edition", edited by Xie Zhongqi, published in November 1997; Common knowledge evidence 7: "Basics of Computer Hardware Technology", edited by Zhu Weidong et al., published in December 2001. The collegial panel forwarded the above evidence to the patent owner in court. The applicant presented in court the originals of Comparative Document 3, the notarization of Annex 9, the notarization of Annex 12, and common knowledge evidence 1-7. After checking, the patent owner stated that the contents of the originals and copies of the above evidence were consistent.

Attribute information. The object selection unit 118 then extracts objects whose attribute information is the same as the attribute information of the key object, and determines such objects as objects with a selected state. That is, the comparative document 5 only discloses storing object IDs and attribute information and reading out attribute information corresponding to the input object ID, but does not disclose the clutch user interface element, the selection touch event and its corresponding background processing, the engagement touch event and its corresponding background processing in this patent. Therefore, the comparative document 5 does not disclose the above-mentioned distinguishing technical features and provide technical inspiration.

Comparative Document 6 discloses (see pages 43-45) the code for moving a rectangle on the screen by touch in a win7 WPF program, which only discloses the operation information of the stored object and moves the rectangle according to the translation amount of the operation information, but does not disclose the clutch user interface element, the selection touch event and its corresponding background processing, the engagement touch event and its corresponding background processing in this patent. Therefore, Comparative Document 6 does not disclose the above-mentioned distinguishing technical features and provide technical inspiration.

Common knowledge evidence 1 discloses (see page 90): Sometimes the user has selected some objects and wants to operate them, but occasionally clicks the left mouse button somewhere else in the view, and the originally selected object is released, making it impossible to continue the operation, and even some erroneous operations may occur. To solve this problem, you can lock the selected object. The specific operation steps are as follows: 1) Select the object the user wants to operate, 2) Click the Selection Lock Toggle button in the prompt bar at the bottom of the screen. The button is in a concave state, indicating that it is locked. At this time, you can neither select other objects nor release an object. At the same time, you can only operate on the locked object. The operations performed by the user will not affect other objects. 3) After the operation is completed, click the Selection Lock Toggle button again to unlock the locked state. Although the Selection Lock Toggle button in the common sense evidence 1 is used to prevent misoperation, the button has nothing to do with controlling whether the manipulation function of the locked object is activated. Whether the button is pressed or not, it does not affect the activation of the manipulation function of the locked object. In this patent, the clutch user interface element is an activation switch for the manipulable function of the target user interface element, and can only be manipulated when the manipulable function of the target user interface element is activated, thereby achieving an isolation effect to avoid unwanted manipulation. Therefore, the effect of the Selection Lock Toggle button in Common Knowledge Evidence 1 on the locked object is different from the effect of the clutch user interface element in this patent on the target user interface element. Common Knowledge Evidence 1 does not disclose the clutch user interface element of this patent, nor does it disclose the above-mentioned distinguishing technical features and provide technical inspiration.

Common knowledge evidence 2-5 only discloses how to obtain the object ID, and common knowledge evidence 6-7 only discloses that the touch screen is a commonly used input device. Neither discloses the above-mentioned distinguishing technical features and provides technical inspiration.

There is no evidence that the above-mentioned distinguishing technical features are common knowledge in the field, which enables the technical solution of the claim to have the beneficial effect of controlling the manipulable function of activating the target user interface element and avoiding the undesired manipulation of the non-target user interface element. It is not obvious to those skilled in the art to obtain the technical solution of claim 1 based on reference document 1 in combination with common knowledge or one of reference documents 2-6, or in combination with one of reference documents 2-6 and common knowledge. Therefore, claim 1 is inventive relative to the combination of evidence claimed by the above-mentioned applicant and complies with the provisions of Article 22, paragraph 3 of the Patent Law.

6.2 Regarding Claim 1, Reference Document 2 is the closest prior art

Based on the distinguishing technical features identified in 5.2, the technical problem actually solved by this claim is: how to control the manipulable functions of the activated target user interface elements to avoid undesired manipulation of non-target user interface elements.

The applicant claims: "In response to determining that the selection touch event has occurred, the target element identifier associated with the target element is

6.1 Regarding Claim 1, Reference 1 is the closest prior art

Claim 1 protects a method for manipulating a user interface element presented on a display screen. Based on the distinguishing technical features identified in 5.1, the technical problem actually solved by this claim is: how to control the manipulable functions of the activated target user interface element to avoid undesired manipulation of non-target user interface elements.

The applicant claims that: "In response to determining that the selection touch event has occurred, storing the target element identifier associated with the target element in a memory; and wherein, in response to determining that the engagement touch event has begun to occur: retrieving the target element identifier from the memory, and associating the target user interface element with the manipulation function" is disclosed by one of the references 2-6, or disclosed by one of the references 2-6 in combination with common knowledge, or is common knowledge. The binding and isolation functions of the clutch user interface element belong to common knowledge.

The panel believes that: in human-computer interaction, background processing is usually invisible to users, but it is a bridge between the input and output of the human-computer interaction front end. The technical features related to the background should be considered as a whole with the technical features of the human-computer interaction front end and are inseparable. In this patent, the front end has a selection touch event generated by the input and the back end stores the target element identifier in the memory, the front end is generating a joint touch event based on the input and the back end retrieves the target element identifier from the memory and associates the target user interface element with the manipulation function, and the manipulation function associated with the target user interface element is activated by the processor, which is also a whole.

As stated in 5.2-5.3, comparative documents 2-3 do not disclose the above-mentioned distinguishing technical features.

Comparative Document 4 discloses (see paragraphs 39-92 of the Chinese translation, FIG15): Memory 104b may also have a data structure of a graphic object managed by controller 104. FIG15 and FIG16 show exemplary data structures managed by the controller. First, controller 104 checks whether the graphic objects to be generated, such as nodes, links, layers, etc., have been saved. For example, if the keyword of the node to be generated is the same as the keyword of the node in the node list, it can be determined that the corresponding node already exists. In addition, if the start node ID and the end node ID of the link to be generated are the same as the link in the link list, it can be determined that the corresponding link already exists. If the corresponding graphic object does not exist, the ID of the graphic object can be saved as basic information in the corresponding list (see FIG15). If controller 104 interprets the operation of the electrical signal as "selection", controller 104 can detect the ID of the selected graphic object. In other words, "selection" can be used as a preprocessing of "movement", "modification information", "maximization/minimization layer", etc. For example, the manual operation of "selection" can include a directional event, such as a finger touch. If such a directional event occurs, the controller 104 can communicate with the display unit 106 to identify the ID of the pointed graphic object. That is, the comparative document 4 only discloses the storage of the ID of the detected image object, but does not disclose the clutch user interface element, the selection touch event and its corresponding background processing, the engagement touch event and its corresponding background processing in this patent. Therefore, the comparative document 4 does not disclose the above-mentioned distinguishing technical features and provide technical inspiration.

Comparative Document 5 discloses (see the last paragraph on page 8 to the third paragraph on page 10 of the specification, and FIG. 3): The storage unit 114 stores object data to be displayed on the touch panel 102. The storage unit 114 also stores attribute information corresponding to each object data. The object selection unit 118 determines the object having a selected state based on the object ID input from the contact object detection unit 116 and the attribute information read from the storage unit 114. First, the object selection unit 118 reads out the attribute information corresponding to the object data specified by the object ID input from the contact object detection unit 116 from the storage unit 114. If the object ID of a key object is input from the contact object detection unit 116, the object selection unit 118 reads out the attribute information of the key object from the storage unit 114.

The invention relates to a method for displaying a clutch user interface element as a device for displaying a clutch user interface element. The method comprises: storing a target element identifier in a memory; and wherein, in response to determining that the engagement touch event has begun to occur: retrieving the target element identifier from the memory; and associating the target user interface element with the manipulation function" is disclosed by D1, D3-6, or disclosed by D1, D3-6 in combination with common knowledge, or is common knowledge. The binding and isolation functions of the display clutch user interface element belong to common knowledge.

Based on the comments in 6.1, it can be seen that claim 1 is inventive relative to the combination of evidence claimed by the above applicant and complies with the provisions of Article 22, paragraph 3 of the Patent Law.

6.3 Regarding Claim 1, Reference 3 is the closest prior art

Based on the distinguishing technical features identified in 5.3, the technical problem actually solved by this claim is: how to control the manipulable functions of the activated target user interface elements to avoid undesired manipulation of non-target user interface elements.

The applicant claims that: "In response to determining that the selection touch event has occurred, storing the target element identifier associated with the target element in a memory; and wherein, in response to determining that the engagement touch event has begun to occur: retrieving the target element identifier from the memory; and associating the target user interface element with the manipulation function" is disclosed by one of the references 1, 2, 4-6, or disclosed by one of the references 1, 2, 4-6 in combination with common knowledge, or is common knowledge. The binding and isolation functions of the display clutch user interface element belong to common knowledge.

Based on the comments in 6.1, it can be seen that claim 1 is inventive relative to the combination of evidence claimed by the above applicant and complies with the provisions of Article 22, paragraph 3 of the Patent Law.

6.4 Dependent claims 2-8

Claims 2-8 are dependent claims of claim 1. The applicant claims that the additional technical features are disclosed by comparative documents 1, 2, 3, and 7 or are common knowledge, but does not claim that comparative document 7 discloses the aforementioned distinguishing technical features. In fact, comparative document 7 does not disclose the distinguishing technical features.

When claim 1 cited by it is inventive, claims 2-8 are also inventive, which complies with the provisions of Article 22, paragraph 3 of the Patent Law.

6.5 Claims 9-24

Claims 9-16, 17-24 are devices and computer-readable storage media corresponding to claims 1-8, based on the same principles as 6.1-6.4. Therefore, claims 9-24 also possess inventiveness and comply with the provisions of Article 22, paragraph 3 of the Patent Law.

In summary, the grounds for invalidation advocated by the applicant are not valid, and the collegial panel makes the following decision in accordance with the law.

3. Decision

The invention patent right No. 201280055598.3 is maintained valid.

If a party is dissatisfied with this decision, it may file a lawsuit with the Beijing Intellectual Property Court within three months from the date of receipt of this decision in accordance with Article 46, Paragraph 2 of the Patent Law. According to the provisions of this paragraph, after one party files a lawsuit, the other party may participate in the lawsuit as a third party.

An object 142 (e.g., block 2) is selected in the slide 140. A request to edit the z-ordering property of the selected object is received at block 224, for example, block 224 may correspond to the action of selecting the inspector icon 160 from the toolbar options 158 as shown in FIG. 6, and then selecting the graphics button 178 from the graphics window 170 to call up the graphics window 190. The method 220 then proceeds to block 226, where the presentation application 88 enters a z-ordering edit mode and a graphical interactive tool (e.g., a combination of a slider 192 and an indicator 194) is provided to the user for making ordering adjustments. The electronic device 10 may include one or more storage/memory components 14.

The applicant claims that: the "inspector or information icon 160" in comparative document 2 is equivalent to the "clutch user interface element" of this patent, the "selecting object 142 (such as block 2) from the slide 140 displayed in the slide canvas 128 of the screen 120" in comparative document 2 is equivalent to the "selection touch event has occurred, and the target user interface element is selected for manipulation" in this patent, the "selecting the inspector icon 160 from the toolbar options 158, and then selecting the graphic button 178 from the graphics window 170 to call up the graphics window 190" in comparative document 2 is equivalent to "activating the manipulation function associated with the target user interface through the processor when the clutch touch event is occurring", and the memory included in comparative document 2, combined with the front-end input operation and display results, must implicitly disclose the access of the target icon identifier in the background and the association with the corresponding function, which is equivalent to the "storing the target element identifier associated with the target element in the memory, retrieving the target element identifier from the memory; and associating the target user interface element with the manipulation function" in this patent.

The panel believes that: First, after selecting block 2 in reference document 2, clicking the checker or information icon 160 displays a graphic window 170 representing the properties of the selected object for the user to review and/or modify. Reference document 2 does not disclose when and how the manipulation function of block 2 is activated in the background, and there are multiple implementation methods. Based on the content of reference document 2, a person skilled in the art cannot directly and unambiguously determine that the manipulation function of block 2 is activated by the processor based on the control of the checker or information icon 160. At the same time, reference document 2 does not disclose that the checker or information icon 160 has the function of avoiding undesired manipulation of non-target user interface elements. Therefore, the "checker or information icon 160" in reference document 2 is different from the clutch user interface element of this patent; the corresponding display clutch user interface element related to the clutch user interface element, the selection touch event that is not close to the clutch user interface element and close to the target user interface element, and the engagement touch event close to the clutch user interface element are not disclosed in reference document 2.

Secondly, in human-computer interaction, background processing is usually invisible to users. When background processing is not explicitly disclosed, one should stand in the position of a technician in this field, objectively consider the various technical features presented by the interactive operation of the software, and judge whether the background processing method can be directly and unambiguously determined based on the user's input operation and the output results obtained. Comparative Document 2 only discloses that the user selects block 2 at the front end, and then clicks the inspector or information icon 160 to display a graphic window 170 representing the properties of the selected object. It does not specify how to operate in the background to activate the manipulation function of block 2, which may exist in multiple implementation methods. A technician in this field cannot directly and unambiguously derive from the content disclosed in Comparative Document 2 that when selecting block 2, the target element identifier corresponding to the storage block 2 is read, and the target element identifier corresponding to the storage block 2 is associated with the manipulation function with the block 2 by clicking the inspector or information icon 160. Therefore, the corresponding background processing process and the selection touch event and the engagement touch event of the front end are not disclosed by Comparative Document 2 as a whole.

The distinguishing technical features of claim 1 and reference document 2 are: displaying a clutch user interface element; determining that a selection touch event has occurred near the target user interface element while there is no engagement touch event near the clutch user interface element; and responding to the determination that a selection touch event has occurred.

The patentee claims that although the content of Reference Document 6 is consistent with its original, Reference Document 6 is evidence from outside the country and has not been notarized and authenticated, and its authenticity cannot be recognized. Although the authenticity of the notarial certificate, data preservation certificate, and time stamp authentication certificate in Attachments 9-14 is recognized, Attachment 9 is not the original source of evidence, Attachments 10-11 are pirated documents, and Attachments 12-14 are expired evidence, and it is not recognized that they can be used to prove the authenticity and disclosure time of Comparative Document 6.

After verification, the collegial group believes that: (1) Regarding the authenticity of Comparative Document 6: Extraterritorial evidence refers to evidence formed outside the territory of the People's Republic of China. This evidence should be certified by the notary authority of the country where it is located, or the certification procedures stipulated in the relevant treaty concluded between the People's Republic of China and the country where it is located. However, this evidence can be obtained from domestic public channels outside Hong Kong, Macao, and Taiwan, and the parties may not go through relevant certification procedures during the invalidation procedure. Although Comparative Document 6 is a foreign language book, the petitioner can directly purchase the book through the www.amazon.com website in China. Therefore, Comparative Document 6 should be deemed to be evidence that can be obtained from domestic public channels and does not require certification procedures. The content of Comparative Document 6 is consistent with the original document submitted by the petitioner in court, so the collegial panel recognized the authenticity of Comparative Document 6. (2) Regarding the disclosure time of Comparative Document 6: The copy of the notarial certificate in Attachment 9 is consistent with the original. The notarization process is standardized and there are no obvious flaws in the form. The collegial group confirms the authenticity of Attachment 9. Attachment 9 is the process of browsing the product introduction and evaluation of Comparison Document 6 and placing an order through the Amazon website. The Amazon website is an internationally renowned online shopping platform with a relatively standardized product display, purchase and evaluation mechanism. After the user purchases the product, he or she can evaluate the product and record the evaluation time. The evaluation can usually only be deleted. The product introduction of Comparative Document 6 shows that the publication date of Comparative Document 6 is November 4, 2009. Many buyers evaluated the product after purchasing it between December 2009 and February 2011. At the same time, there is no evidence that the content shown in the product introduction of Comparative Document 6 has been modified. In the absence of other contrary evidence, the above-mentioned publication date and evaluation date can mutually support each other to prove that the reference document 6 has been published before the priority date of this patent, and the reference document 6 can be used as the prior art of this patent to evaluate the novelty and inventiveness of the claims of this patent. In view of the fact that the above evidence has been able to prove the authenticity and disclosure time of Reference Document 6, and the petitioner claimed that other evidence did not contain any content that showed that the authenticity of Reference Document 6 was doubtful or proved that Reference Document 6 was not disclosed before the priority date of this patent, the collegial panel will no longer comment on the authenticity and probative force of the other evidence claimed by the petitioner.

The patentee has no objection to the accuracy of the Chinese translation of Reference Document 6, so the Chinese translation of Reference Document 6 shall be subject to the one submitted by the petitioner.

The patentee has no objection to the authenticity of the common knowledge evidence 1-7, the time of disclosure, and the eligibility of the common knowledge evidence. After verification, the collegial panel found no obvious flaws that would affect the authenticity of the publicly known common sense evidence 1-7, and therefore recognized the authenticity of the publicly known common sense evidence 1-7. Publicly known common sense evidence 1-7 are reference books or textbooks, which were published before the priority date of this patent, so they can be used as common knowledge evidence.

The petitioner has no objection to the authenticity of counter-evidences 1-3. After verification, the collegial panel found no obvious flaws that affected the authenticity of counter-evidence 1-3, and therefore recognized the authenticity of counter-evidence 1-3.

3. Regarding Article 26, Paragraph 4 of the Patent Law

Article 26, Paragraph 4 of the Patent Law stipulates: The claims shall be based on the description and clearly and briefly define the scope of patent protection requested. Generally speaking, the terms in the claims should be understood to have the usual meanings in the relevant technical field. The understanding of self-coined words that have no common meaning in this field should be based on the definition of the claims themselves, and at the same time, combined with the description, the technical problems to be solved by the technical solutions containing the self-coined words should be understood.

(3) The applicant clearly states that Annexes 9-14 are used to prove the authenticity and publication time of Comparative Document 6. The patent owner has no objection to the authenticity and publication time of Comparative Documents 1-5 and 7, as well as the accuracy of the Chinese translation of Comparative Document 6. The patent owner has no objection to the authenticity and publication time of common knowledge evidence 1-7, and recognizes the authenticity of the notarization, data preservation, time stamp authentication, etc. of Annexes 9-14, as well as the accuracy of the relevant Chinese translation; however, the applicant believes that Comparative Document 6 is foreign evidence that has not been notarized and authenticated, and does not recognize its authenticity. Annex 9 is not the original source of evidence, Annexes 10-11 are pirated documents, and Annexes 12-14 are overdue evidence, which cannot prove the authenticity and publication time of Comparative Document 6. The applicant has no objection to the authenticity and rebuttal evidence 1-3 submitted by the patent owner.

(4) Both parties fully expressed their opinions on the grounds for invalidation, and neither party required a response period after the trial. The patentee claimed that the clutch user interface component has binding and isolation functions; the applicant believed that the clutch user interface component does not have an isolation function. Even according to the patentee's understanding, the Selection Lock Toggle button in the common knowledge evidence 1 also disclosed the isolation function, so the clutch user interface component is common knowledge.

At this point, the collegial panel believes that the facts of the case are clear and a review decision can be made.

2. Reasons for decision

1.Basics of review

patentee did not modify the claims in this invalidation request. The examination basis for this invalidation request is the authorization announcement document of this patent.

The

2. Evidence identification

Comparative Documents 1-5 and 7 are patent documents. The patentee has no objection to their authenticity, publication time and accuracy of Chinese translation. The collegial panel has not found any obvious defects that affect the authenticity of Comparative Documents 1-5 and 7 after verification, so the authenticity of Comparative Documents 1-5 and 7 is recognized. The publication time of Comparative Documents 1-5 and 7 is before the priority date of this patent, so they can be used as the prior art of this patent to evaluate the novelty and creativity of the claims of this patent. The patentee has no objection to the accuracy of the Chinese translation of Comparative Documents 1-4 and 7, so the Chinese translation of Comparative Documents 1-4 and 7 shall be based on the one submitted by the applicant.

Comparative Document 6 is a partial page of a foreign book and its Chinese translation. The applicant claims that: the notarization in Annex 9 is a notarization of the process of browsing the product introduction and evaluation of Comparative Document 6 on the Amazon website and placing an order for purchase. The product introduction of Comparative Document 6 shows that the publication date of Comparative Document 6 is November 4, 2009, and many buyers evaluated it after purchasing the product between December 2009 and February 2011 (pages 109-113 of the notarization in Annex 9). Annexes 10-11 are trusted timestamp certifications for downloading the electronic version of Introducing Windows 7 for Developers from the CSDN website, which shows that four different users uploaded the electronic version of the book on the CSDN website in 2010 and all of them can be downloaded. Annex 12 notarization is a notarization of the process of obtaining the electronic version of Comparative Document 6 through the website Wayback Machine, and the electronic version of Comparative Document 6 was included in the website Wayback Machine on January 24, 2011 (page 5 of the Chinese translation of the notarization in Annex 12). Attachments 13-14 are IP360 forensic data preservation certificates that query the publication date of comparative document 6 through the ISBN number of comparative document 6 through the isbnserach.org website, which show that the publication date corresponding to the ISBN number of comparative document 6 is November 4, 2009. The applicant showed the original comparative document 6 purchased through the Amazon website and the Abebooks website in court, and believed that attachments 9-14 can prove that comparative document 6 has been published before the date of this patent application.

Leader of the Collegial Panel: Ji Xiaohui

Chief Judge: Tang Yuxi

Judge: Zhou Leiming