

# EXHIBIT H



**UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office**

Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
087381,471	01/31/95	DELLABONA	M 4860.P1359

24M1/1024  
BLAKELY SOKOLOFF TAYLOR AND ZAFMAN  
12400 WILSHIRE BOULEVARD  
7TH FLOOR  
LOS ANGELES CA 90025

EXAMINER	
ART UNIT	PAPER NUMBER
2415	5

DATE MAILED: 10/24/96

Please find below a communication from the EXAMINER in charge of this application.

Commissioner of Patents



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
--------------------	-------------	-----------------------	---------------------

08/381,471	01/31/95	DELLABONA	M 4860.P1359
------------	----------	-----------	--------------

24M1/1024  
BLAKELY SOKOLOFF TAYLOR AND ZAFMAN  
12400 WILSHIRE BOULEVARD  
7TH FLOOR  
LOS ANGELES CA 90025

EXAMINER

ART UNIT	PAPER NUMBER
----------	--------------

2415

5

DATE MAILED: 10/24/96

This is a communication from the examiner in charge of your application.  
COMMISSIONER OF PATENTS AND TRADEMARKS

OFFICE ACTION SUMMARY

Responsive to communication(s) filed on \_\_\_\_\_

This action is FINAL.

Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 D.C. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

Claim(s) 1-29 is/are pending in the application.

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

Claim(s) \_\_\_\_\_ is/are allowed.

Claim(s) 1-6, 9, 11-16, 19, and 21-25 is/are rejected.

Claim(s) 7, 8, 10, 17, 18, 20, and 26-29 is/are objected to.

Claims \_\_\_\_\_ are subject to restriction or election requirement.

Application Papers

See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

The proposed drawing correction, filed on \_\_\_\_\_ is  approved  disapproved.

The specification is objected to by the Examiner.

The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

All  Some\*  None of the CERTIFIED copies of the priority documents have been

received.

received in Application No. (Series Code/Serial Number) \_\_\_\_\_.

received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

Notice of Reference Cited, PTO-892

Information Disclosure Statement(s), PTO-1449, Paper No(s) \_\_\_\_\_

Interview Summary, PTO-413

Notice of Draftsperson's Patent Drawing Review, PTO-948

Notice of Informal Patent Application, PTO-152

-- SEE OFFICE ACTION ON THE FOLLOWING PAGES --

Art Unit: 2415

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

2. Claims 1 - 6, 9, 11 - 16, 19, and 21 - 25 are rejected under 35 U.S.C. § 102(e) as being anticipated by Calder *et al.*

Calder's design uses and method of inputting data, a method for moving a cursor on a display screen (lines 20 - 24, col 2), and a method for detecting contact from the inputting device (line 47, col 3 - line 9, col 4). This device also contains a method of determining the intervals between contacts and updating the 'button state variable' as a result of this information (lines 41 - 47, col 4) as received from a touch panel for simulating a mechanical switch (claims 1, 11, and 12) and bus architecture (claim 21). This design also detects for cursor movement (lines 5 - 24, col 6) (claim 2). Calder's device also reacts to a contact of less than the predetermined time interval (lines 25 - 33, col 6) (claims 3, 13 and 22) or to a contact greater than the predetermined time interval (claims 4, 14 and

Art Unit: 2415

23) and allows for cursor movement (lines 34 - 41, col 6) (claims 5, 15 and 24). This device also allows the user to double click on icons (lines 41 - 68, col 6) (claims 6, 9, 16, 19, and 25).

3. Claims 7, 8, 10, 17, 18, 20 and 26 - 29 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The device described in claims 7, 10, 17, 20, 26, and 29 where the circuitry allows for a click & drag & stick for controlling the cursor on the touch-sensitive input device was not taught or suggested in any of the prior art made of record. Therefore, claims 8, 18, 27 and 28 where the circuitry allows for a click & drag & disengage stick for controlling the cursor was also not taught or suggested in any of the prior art made of record.

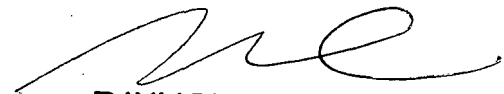
4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Serial Number: 08/381,471

-4-

Art Unit: 2415

5. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to John Suraci, whose telephone number is (703) 305-4009, and whose normal working hours are Monday - Thursday, 6:30 - 5:30 ET. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Powell, can be reached on (703) 305-9703.



RAYMOND J. BAYERL  
PRIMARY EXAMINER  
ART UNIT 2415