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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
29/813,174	10/27/2021	Lina TAO	DD-6990-0388	5388
163801	7590	06/17/2025		
NIXON & VANDERHYE PC / Huawei			EXAMINER	
901 NORTH GLEBE ROAD, 11TH FLOOR			REICKEL, JACK HALES	
ARLINGTON, VA 22203				
			ART UNIT	PAPER NUMBER
			2914	
			NOTIFICATION DATE	DELIVERY MODE
			06/17/2025	ELECTRONIC

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

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

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

aipatent@huawei.com
pair_nixon@firsttofile.com
ptomail@nixonvan.com



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APPLICATION NO.	ISSUE DATE	PATENT NO.
29/813,174	17-Jun-2025	D1079732

NIXON & VANDERHYE PC / Huawei
901 NORTH GLEBE ROAD, 11TH FLOOR
ARLINGTON, VA 22203

EGRANT NOTIFICATION

Your electronic patent grant (eGrant) is now available, which can be accessed via Patent Center at <https://patentcenter.uspto.gov>

The electronic patent grant is the official patent grant under 35 U.S.C. 153. For more information, please visit <https://www.uspto.gov/electronicgrants>

PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), by mail or fax, or via the USPTO patent electronic filing system.

By mail, send to: Mail Stop ISSUE FEE
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

By fax, send to: (571)-273-2885

INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications. **Because electronic patent issuance may occur shortly after issue fee payment, any desired continuing application should preferably be filed prior to payment of this issue fee in order not to jeopardize copendency.**

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

163801 7590 02/26/2025
NIXON & VANDERHYE PC / Huawei
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ARLINGTON, VA 22203

Certificate of Mailing or Transmission

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being transmitted to the USPTO via the USPTO patent electronic filing system or by facsimile to (571) 273-2885, on the date below.

(Typed or printed name)
(Signature)
(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
29/813,174	10/27/2021	Lina TAO	DD-6990-0388	5388

TITLE OF INVENTION: DISPLAY SCREEN OR PORTION THEREOF WITH A GRAPHICAL USER INTERFACE

APPLN. TYPE	ENTITY STATUS	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	UNDISCOUNTED	\$1300	\$0.00	\$0	\$1300	05/27/2025

EXAMINER	ART UNIT	CLASS-SUBCLASS
REICKEL, JACK HALES	2914	D14-486000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

☐ Change of correspondence address (or Change of Correspondence Address form PTO/AIA/122 or PTO/SB/122) attached.

☐ "Fee Address" indication (or "Fee Address" Indication form PTO/AIA/47 or PTO/SB/47; Rev 03-02 or more recent) attached. **Use of a Customer Number is required.**

2. For printing on the patent front page, list

(1) The names of up to 3 registered patent attorneys or agents OR, alternatively,

1 _____

(2) The name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

2 _____

3 _____

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document must have been previously recorded, or filed for recordation, as set forth in 37 CFR 3.11 and 37 CFR 3.81(a). Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

HUAWEI TECHNOLOGIES CO., LTD.

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

SHENZHEN, CHINA

Please check the appropriate assignee category or categories (will not be printed on the patent) : ☐ Individual ☒ Corporation or other private group entity ☐ Government

4a. Fees submitted: ☒ Issue Fee ☐ Publication Fee (if required)

4b. Method of Payment: (Please first reapply any previously paid fee shown above)

☒ Electronic Payment via the USPTO patent electronic filing system ☐ Enclosed check ☐ Non-electronic payment by credit card (Attach form PTO-2038)

☒ The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment to Deposit Account No. 14-1140

5. Change in Entity Status (from status indicated above)

☐ Applicant certifying micro entity status. See 37 CFR 1.29

☐ Applicant asserting small entity status. See 37 CFR 1.27

☐ Applicant changing to regular undiscounted fee status.

NOTE: Absent a valid certification of Micro Entity Status (see forms PTO/SB/15A and 15B), issue fee payment in the micro entity amount will not be accepted at the risk of application abandonment.

NOTE: If the application was previously under micro entity status, checking this box will be taken to be a notification of loss of entitlement to micro entity status.

NOTE: Checking this box will be taken to be a notification of loss of entitlement to small or micro entity status, as applicable.

NOTE: This form must be signed in accordance with 37 CFR 1.31 and 1.33. See 37 CFR 1.4 for signature requirements and certifications.

Authorized Signature /Donghua Deng/

Date May 13, 2025

Typed or printed name Donghua Deng

Registration No. 70622



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NOTICE OF ALLOWANCE AND FEE(S) DUE

163801 7590 02/26/2025
NIXON & VANDERHYE PC / Huawei
901 NORTH GLEBE ROAD, 11TH FLOOR
ARLINGTON, VA 22203

EXAMINER	
REICKEL, JACK HALES	
ART UNIT	PAPER NUMBER
2914	

DATE MAILED: 02/26/2025

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
29/813,174	10/27/2021	Lina TAO	DD-6990-0388	5388

TITLE OF INVENTION: DISPLAY SCREEN OR PORTION THEREOF WITH A GRAPHICAL USER INTERFACE

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nonprovisional	UNDISCOUNTED	\$1300	\$0.00	\$0	\$1300	05/27/2025

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.

HOW TO REPLY TO THIS NOTICE:

I. Review the ENTITY STATUS shown above. If the ENTITY STATUS is shown as SMALL or MICRO, verify whether entitlement to that entity status still applies.

If the ENTITY STATUS is the same as shown above, pay the TOTAL FEE(S) DUE shown above.

If the ENTITY STATUS is changed from that shown above, on PART B - FEE(S) TRANSMITTAL, complete section number 5 titled "Change in Entity Status (from status indicated above)".

For purposes of this notice, small entity fees are 40% the amount of undiscounted fees, and micro entity fees are 20% the amount of undiscounted fees.

II. PART B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Maintenance fees are due in utility patents issuing on applications filed on or after Dec. 12, 1980. It is patentee's responsibility to ensure timely payment of maintenance fees when due. More information is available at www.uspto.gov/PatentMaintenanceFees.

PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), by mail or fax, or via the USPTO patent electronic filing system.

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163801 7590 02/26/2025
NIXON & VANDERHYE PC / Huawei
901 NORTH GLEBE ROAD, 11TH FLOOR
ARLINGTON, VA 22203

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(Typed or printed name)
(Signature)
(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
29/813,174	10/27/2021	Lina TAO	DD-6990-0388	5388

TITLE OF INVENTION: DISPLAY SCREEN OR PORTION THEREOF WITH A GRAPHICAL USER INTERFACE

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EXAMINER	ART UNIT	CLASS-SUBCLASS
REICKEL, JACK HALES	2914	D14-486000

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(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent) : ☐ Individual ☐ Corporation or other private group entity ☐ Government

4a. Fees submitted: ☐ Issue Fee ☐ Publication Fee (if required)

4b. Method of Payment: (Please first reapply any previously paid fee shown above)

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☐ The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment to Deposit Account No. _____

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☐ Applicant asserting small entity status. See 37 CFR 1.27

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NOTE: This form must be signed in accordance with 37 CFR 1.31 and 1.33. See 37 CFR 1.4 for signature requirements and certifications.

Authorized Signature _____

Date _____

Typed or printed name _____

Registration No. _____



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United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
29/813,174	10/27/2021	Lina TAO	DD-6990-0388	5388
163801	7590	02/26/2025	EXAMINER	
NIXON & VANDERHYE PC / Huawei			REICKEL, JACK HALES	
901 NORTH GLEBE ROAD, 11TH FLOOR				
ARLINGTON, VA 22203			ART UNIT	PAPER NUMBER
			2914	
DATE MAILED: 02/26/2025				

Determination of Patent Term Adjustment under 35 U.S.C. 154 (b) (Applications filed on or after May 29, 2000)

The Office has discontinued providing a Patent Term Adjustment (PTA) calculation with the Notice of Allowance.

Section 1(h)(2) of the AIA Technical Corrections Act amended 35 U.S.C. 154(b)(3)(B)(i) to eliminate the requirement that the Office provide a patent term adjustment determination with the notice of allowance. See Revisions to Patent Term Adjustment, 78 Fed. Reg. 19416, 19417 (Apr. 1, 2013). Therefore, the Office is no longer providing an initial patent term adjustment determination with the notice of allowance. The Office will continue to provide a patent term adjustment determination with the Issue Notification Letter that is mailed to applicant approximately three weeks prior to the issue date of the patent, and will include the patent term adjustment on the patent. Any request for reconsideration of the patent term adjustment determination (or reinstatement of patent term adjustment) should follow the process outlined in 37 CFR 1.705.

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.

OMB Clearance and PRA Burden Statement for PTOL-85 Part B

The Paperwork Reduction Act (PRA) of 1995 requires Federal agencies to obtain Office of Management and Budget approval before requesting most types of information from the public. When OMB approves an agency request to collect information from the public, OMB (i) provides a valid OMB Control Number and expiration date for the agency to display on the instrument that will be used to collect the information and (ii) requires the agency to inform the public about the OMB Control Number's legal significance in accordance with 5 CFR 1320.5(b).

The information collected by PTOL-85 Part B is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450. Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

Privacy Act Statement

The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. The United States Patent and Trademark Office (USPTO) collects the information in this record under authority of 35 U.S.C. 2. The USPTO's system of records is used to manage all applicant and owner information including name, citizenship, residence, post office address, and other information with respect to inventors and their legal representatives pertaining to the applicant's/owner's activities in connection with the invention for which a patent is sought or has been granted. The applicable Privacy Act System of Records Notice for the information collected in this form is COMMERCE/PAT-TM-7 Patent Application Files, available in the Federal Register at 78 FR 19243 (March 29, 2013).

<https://www.govinfo.gov/content/pkg/FR-2013-03-29/pdf/2013-07341.pdf>

Routine uses of the information in this record may include disclosure to:

- 1) law enforcement, in the event that the system of records indicates a violation or potential violation of law;
- 2) a federal, state, local, or international agency, in response to its request;
- 3) a contractor of the USPTO having need for the information in order to perform a contract;
- 4) the Department of Justice for determination of whether the Freedom of Information Act (FOIA) requires disclosure of the record;
- 5) a Member of Congress submitting a request involving an individual to whom the record pertains, when the individual has requested the Member's assistance with respect to the subject matter of the record;
- 6) a court, magistrate, or administrative tribunal, in the course of presenting evidence, including disclosures to opposing counsel in the course of settlement negotiations;
- 7) the Administrator, General Services Administration (GSA), or their designee, during an inspection of records conducted by GSA under authority of 44 U.S.C. 2904 and 2906, in accordance with the GSA regulations and any other relevant (i.e., GSA or Commerce) directive, where such disclosure shall not be used to make determinations about individuals;
- 8) another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c));
- 9) the Office of Personnel Management (OPM) for personnel research purposes; and
- 10) the Office of Management and Budget (OMB) for legislative coordination and clearance.

If you do not furnish the information requested on this form, the USPTO may not be able to process and/or examine your submission, which may result in termination of proceedings, abandonment of the application, and/or expiration of the patent.

Notice of Allowability For A Design Application	Application No. 29/813,174	Applicant(s) TAO et al.	
	Examiner JACK REICKEL	Art Unit 2914	AIA (FITF) Status Yes

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

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308. This notice does not set or reset the time period for paying the issue fee. The issue fee must be paid within THREE MONTHS FROM THE MAILING DATE of the Notice of Allowance (PTOL-85) or this application shall be regarded as ABANDONED. This statutory period cannot be extended. See 35 U.S.C.151.

1. ☒ This communication is responsive to CPA and amendment of 31 December 2024 .
- ☐ A declaration(s)/affidavit(s) under **37 CFR 1.130(b)** was/were filed on ____ .
2. ☐ An election was made by the applicant in response to a restriction requirement set forth during the interview on ____ the restriction requirement and election have been incorporated into this action.
3. ☒ The claim is allowed.
4. ☒ Acceptable drawings:
- (a) ☒ The drawings filed on 31 December 2024 are accepted by the Examiner.
- (b) ☐ Drawing Figures filed on ____ and drawing Figures filed on ____ are accepted by the Examiner.
5. ☒ The claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f) is acknowledged.

Certified copies:

- a) ☒ All b) ☐ Some *c) ☐ None of the:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____ .
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
- * Certified copies not received: ____ .

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirement for corrected drawings noted in item 6 below. Failure to timely comply will result in ABANDONMENT of this application. **THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.** See 37 CFR 1.85(c). **NOTE: This notice does not set or reset the time period for paying the issue fee.**

6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date ____ .

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).

Attachment(s)

- | | |
|---|---|
| 1. ☒ Notice of References Cited (PTO-892) | 4. ☐ Examiner's Amendment/Comment |
| 2. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Receipt Date ____ | 5. ☐ Examiner's Statement of Reasons for Allowance |
| 3. ☐ Interview Summary (PTO-413),
Paper No./Mail Date ____ | 6. ☐ Other ____ . |

NOTE: ____

/JACK REICKEL/
Examiner, Art Unit 2914

EXAMINER'S COMMENT

The request filed on 31 December 2024 for a Continued Prosecution Application (CPA) under 37 CFR 1.53(d) based on parent Application No. 29/813,174 is acceptable and a CPA has been established. Accordingly, any/all outstanding objections and/or rejections are moot. The amendment(s) of 31 December 2024 are acknowledged and accepted. An action on the CPA follows.

This application contains the following embodiments:

Embodiment 1: FIG. 1

Embodiment 2: FIG. 2

Embodiment 3: FIG. 3

The above-identified embodiments are considered by the examiner to present overall appearances that are basically the same. Furthermore, the differences between the appearances of the embodiments are considered minor and patentably indistinct, or are shown to be obvious in view of analogous prior art cited. Accordingly, they are deemed to be obvious variations and are being retained and examined in the same application.

This application is in condition for allowance.

References cited and not applied are considered pertinent to the appearance of the claimed design.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JACK REICKEL whose telephone number is (571)272-7708. The examiner can normally be reached 9:00a - 5:00p ET.

Examiner interviews are available via telephone, in-person, and video conferencing using a USPTO supplied web-based collaboration tool. To schedule an interview, applicant is encouraged to use the USPTO Automated Interview Request (AIR) at <http://www.uspto.gov/interviewpractice>.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, AMY WIERENGA can be reached on (571) 270-0216. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2914

Information regarding the status of published or unpublished applications may be obtained from Patent Center. Unpublished application information in Patent Center is available to registered users. To file and manage patent submissions in Patent Center, visit: <https://patentcenter.uspto.gov>. Visit <https://www.uspto.gov/patents/apply/patent-center> for more information about Patent Center and <https://www.uspto.gov/patents/docx> for information about filing in DOCX format. For additional questions, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/JACK REICKEL/

Examiner, Art Unit 2914

DISPLAY SCREEN OR PORTION THEREOF WITH GRAPHICAL USER INTERFACE

PREAMBLE

Be it known that Lina Tao, Anqi Liu, Fei Ye, Yufeng Huang have invented a new, original and ornamental design for a display screen or portion thereof with graphical user interface of which the following is the specification, reference being made to the accompanying drawings, forming a part thereof.

CROSS REFERENCE TO RELATED APPLICATION

This application claims priority to CN Application No. 202130254352.0, filed April 29, 2021, the entire contents of which is incorporated herein by reference.

DESCRIPTION OF THE FIGURES

FIGURE 1 is a front view of a first embodiment of a display screen or portion thereof with a graphical user interface showing our new design;

FIGURE 2 is a front view of a second embodiment of a display screen or portion thereof with a graphical user interface showing our new design; and

FIGURE 3 is a front view of a third embodiment of a display screen or portion thereof with a graphical user interface showing our new design.

The dash-dot broken lines in the drawings illustrate the display screen or portion thereof and form no part of the claimed design.

WE CLAIM:

The ornamental design for a display screen or portion thereof with a graphical user interface, as shown and described.

AMENDMENTS TO THE SPECIFICATION:

Please amend the specification as follows:

DISPLAY SCREEN OR PORTION THEREOF WITH GRAPHICAL USER INTERFACE

PREAMBLE

Be it known that Lina Tao, Anqi Liu, Fei Ye, Yufeng Huang have invented a new, original and ornamental design for a display screen or portion thereof with graphical user interface of which the following is the specification, reference being made to the accompanying drawings, forming a part thereof.

CROSS REFERENCE TO RELATED APPLICATION

This application claims priority to CN Application No. 202130254352.0, filed April 29, 2021, the entire contents of which is incorporated herein by reference.

DESCRIPTION OF THE FIGURES

FIGURE 1 is a front view of a first embodiment of a display screen or portion thereof with a graphical user interface showing our new design; and

FIGURE 2 is a front view of a second embodiment of a display screen or portion thereof with a graphical user interface showing our new design; and

FIGURE 3 is a front view of a third embodiment of a display screen or portion thereof with a graphical user interface showing our new design.

The dash-dot broken lines in the drawings illustrate the display screen or portion thereof and form no part of the claimed design. ~~The dash-dash broken lines in the drawings illustrate portions of the graphical user interface that form no part of the claimed design.~~

WE CLAIM:

The ornamental design for a display screen or portion thereof with a graphical user interface, as shown and described.

REMARKS

By the Amendment, Applicants have amended the specification and drawings. In particular, previously submitted Figs. 1-2 have been revised to claim the icons within small circles, and previously cancelled Fig. 3 has been added and revised to claim the icons within small circles.

Applicant earnestly solicits an early and favorable examination on the merits. The Examiner is invited to contact the undersigned if any further information is required.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By: /Donghua Deng/
Donghua Deng
Reg. No. 70,622

DD:sjg
901 North Glebe Road, 11th Floor
Arlington, VA 22203-1808
Telephone: (703) 816-4130
Facsimile: (703) 816-4100
Email: DDENG@nixonvan.com

Attachment: Clean Specification

AMENDMENTS TO THE DRAWINGS

The attached sheets of drawings, including Figures 1-3, replace the previously submitted drawings including Figs. 1-2. In these sheets, previously submitted Figs. 1-2 are revised to claim the icons within small circles, and previously cancelled Fig. 3 is added and revised to claim the icons within small circles.

Attachment: Replacement Sheets

1/3

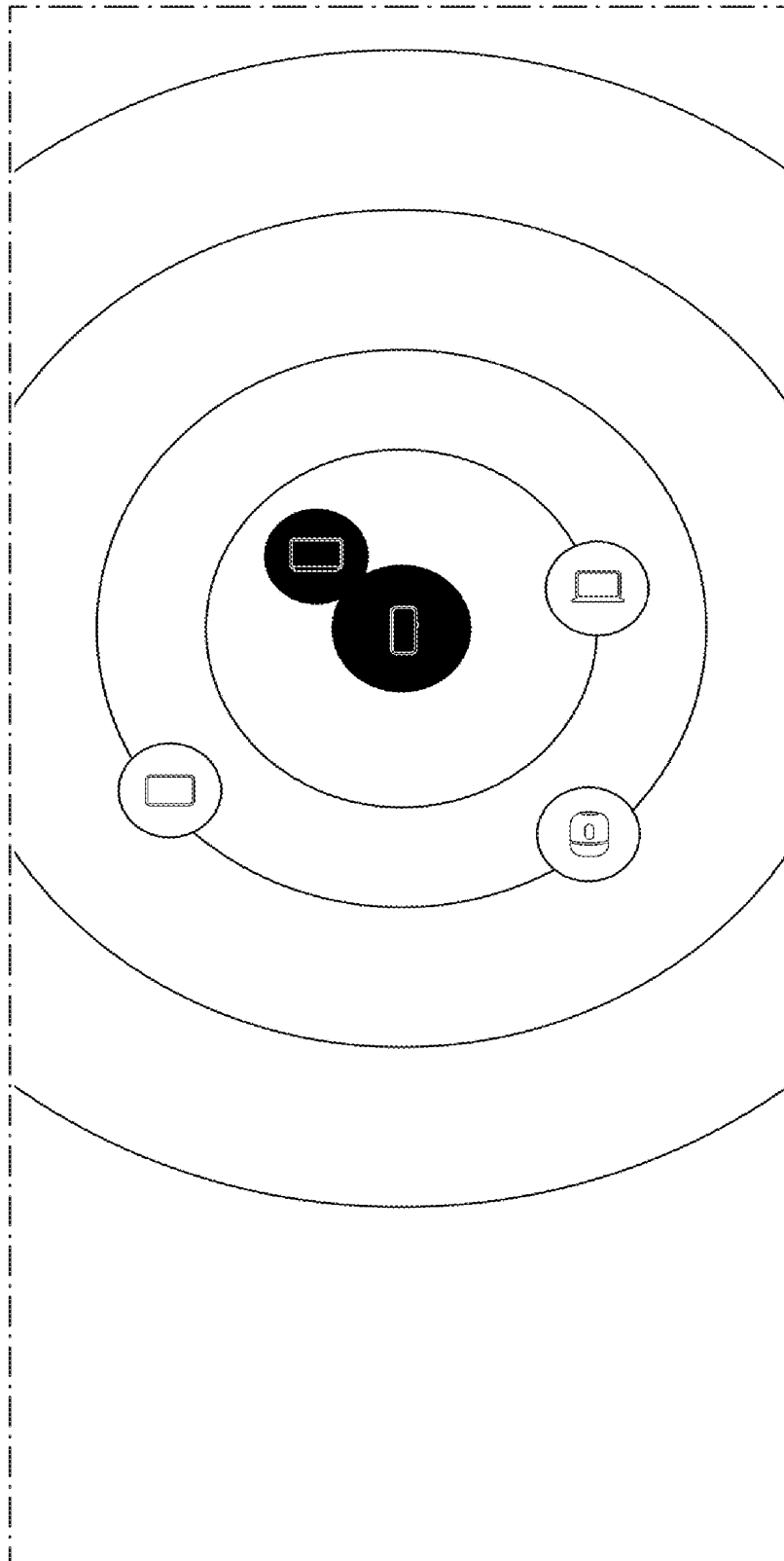


FIG. 1

2/ 3

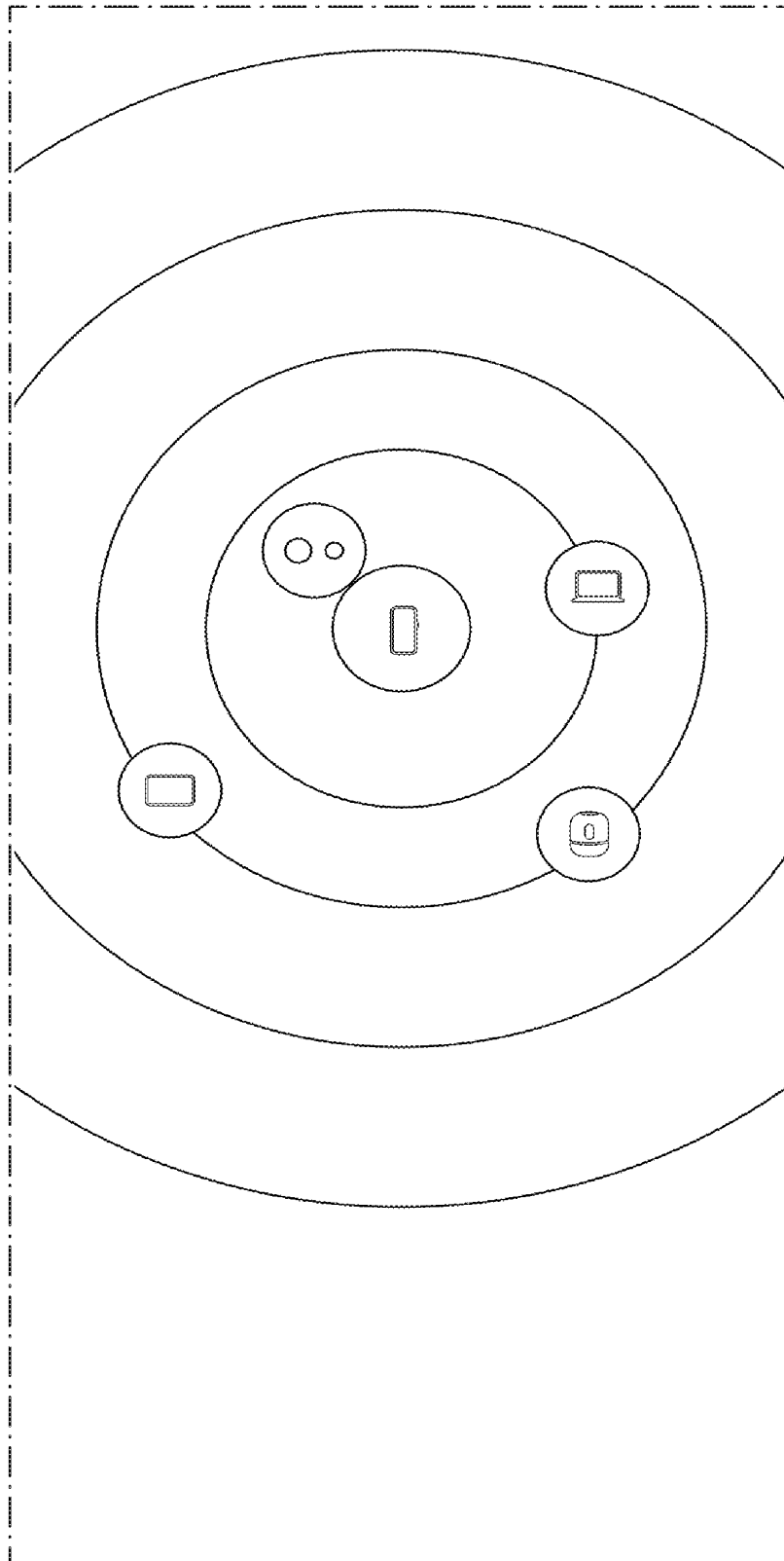


FIG. 2

3/ 3

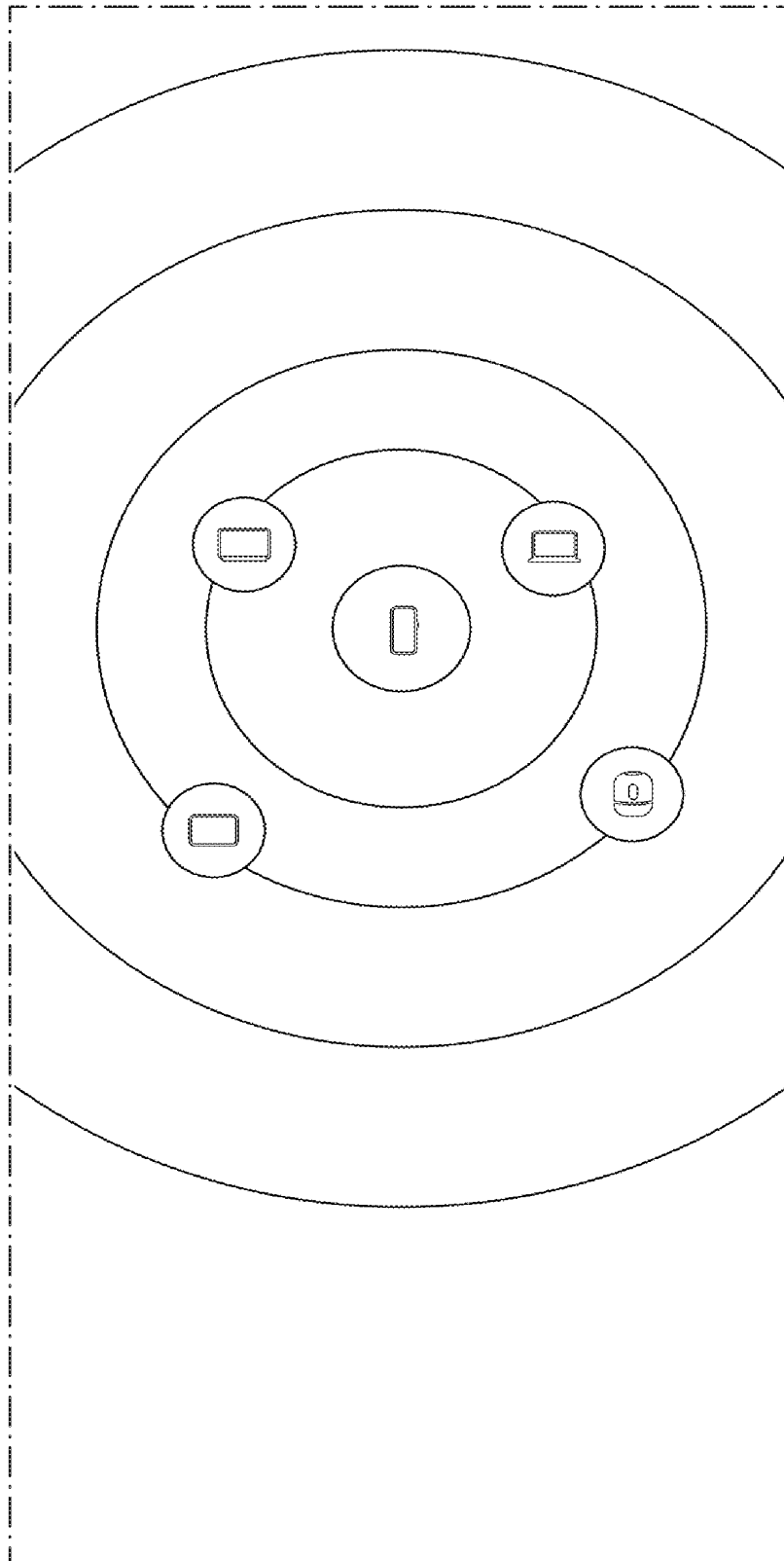


FIG. 3

FOR DESIGN APPLICATIONS ONLY: CONTINUED PROSECUTION APPLICATION (CPA) REQUEST TRANSMITTAL

(Only for Continuation or Divisional applications under 37 CFR 1.53(d))

CHECK BOX, if applicable:

☐

DUPLICATE

Address to:

**Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450**

Attorney Docket No.
of Prior Application

6990-0388

First Named Inventor

Lina TAO

Examiner Name

JACK HALES REICKEL

Art Unit

2914

Priority Mail Express® Label No.

This is a request for a ☒ continuation or ☐ Divisional application under 37 CFR 1.53(d),
(continued prosecution application (CPA)) of prior application number 29/813,174

filed on 10/27/2021, entitled DISPLAY SCREEN OR PORTION THEREOF WITH GRAPHICAL USER INTERFACE

NOTES

A CPA may **only** be filed in a **design** application but not in an international design application. A CPA **cannot** be filed in a utility or plant application. See "Elimination of Continued Prosecution Application Practice as to Utility and Plant Applications; Final Rule," 68 FR 32376 (May 30, 2003). Applicant may consider filing a Request for Continued Examination (RCE) under 37 CFR 1.114 in utility or plant applications. See MPEP 706.07(h) and form PTO/SB/30.

Filing Qualifications: The prior application identified above must be a design application that is complete as defined by 37 CFR 1.51(b).

C-I-P NOT PERMITTED: A continuation-in-part application cannot be filed as a CPA under 37 CFR 1.53(d), but must be filed under 37 CFR 1.53(b).

EXPRESS ABANDONMENT OF PRIOR APPLICATION: The filing of this CPA is a request to expressly abandon the prior application as of the filing date of the request for a CPA. 37 CFR 1.53(b) must be used to file a continuation, divisional, or continuation-in-part of an application that is not to be abandoned.

ACCESS TO PRIOR APPLICATION: The filing of this CPA will be construed to include a waiver of confidentiality by the applicant under 35 U.S.C. 122 to the extent that any member of the public who is entitled under the provisions of 37 CFR 1.14 to access to, copies of, or information concerning, the prior application may be given similar access to, copies of, or similar information concerning, the other application or applications in the file.

35 U.S.C. 120 STATEMENT: In a CPA, no reference to the prior application is needed in the Application Data Sheet (ADS). A request for a CPA is the specific reference required by 35 U.S.C. 120 and to every application assigned the application number identified in such request, 37 CFR 1.78(d)(4).

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

1. ☐ Enter the unentered amendment previously filed on _____ under 37 CFR 1.116 in the prior design application.
2. ☒ A preliminary amendment is enclosed.
3. This application is filed by fewer than all the inventor(s) named in the prior application, 37 CFR 1.53(d)(4).
 - a. ☐ **DELETE** the following inventor(s) named in the prior design application:

 - b. ☐ The inventor(s) to be deleted are set forth on a separate sheet attached hereto.
4. ☐ A new power of attorney (PTO/AIA/82) is enclosed.
5. Information Disclosure Statement (IDS) is enclosed;
 - a. ☐ PTO/SB/08, PTO-1449 or equivalent
 - b. ☐ Copies of IDS Citations

Page 1 of 2

A Federal agency may not conduct or sponsor, and a person is not required to respond to, nor shall a person be subject to a penalty for failure to comply with an information collection subject to the requirements of the Paperwork Reduction Act of 1995, unless the information collection has a currently valid OMB Control Number. The OMB Control Number for this information collection is 0651-0032. Public burden for this form is estimated to average 24 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the information collection. Send comments regarding this burden estimate or any other aspect of this information collection, including suggestions for reducing this burden to the Chief Administrative Officer, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450 or email InformationCollection@uspto.gov. **DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.** If filing this completed form by mail, send to: **Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.

Under the Paperwork Reduction Act of 1995 no persons are required to respond to a collection of information unless it displays a valid OMB control number.

6. ☐ Small entity status: Applicant claims small entity status. See 37 CFR 1.27.
7. The Director is hereby authorized to credit overpayments or change the following fees to Deposit Account No. 14-1140:
- a. ☒ Fees required under 37 CFR 1.16.
- b. ☐ Fees required under 37 CFR 1.17.
- c. ☐ Fees required under 37 CFR 1.18.
8. ☐ A check in the amount of \$ _____ is enclosed.
9. ☐ Payment by credit card. Form PTO-2038 is attached.
10. ☒ Payment made via USPTO patent electronic filing system.
11. ☐ Applicant requests suspension of action under 37 CFR 1.103(b) for a period of _____ months (not to exceed 3 months) and the fee under 37 CFR 1.17(i) is enclosed.
12. ☐ New Attorney Docket Number, if desired _____
[Prior application Attorney Docket Number will carry over to this CPA unless a new Attorney Docket Number has been provided herein.]
13. a. ☐ Receipt For Facsimile Transmitted CPA (PTO/SB/29A)
- b. ☐ Return Receipt Postcard (Should be specifically itemized. See MPEP 503)
14. ☐ Other:

NOTE: The prior application's correspondence address will carry over to this CPA UNLESS a new correspondence address is provided below.

14. NEW CORRESPONDENCE ADDRESS

☐ The address associated with Customer Number:

OR ☐ New correspondence address below

Name			
Address			
City		State	
Zip Code		Country	Email

15. SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Signature	/Donghua Deng/
Name (Print/Type)	Donghua Deng
Registration No. (Attorney/Agent)	70622
Date	12/31/2024
Telephone Number	703-816-4130

Privacy Act Statement

The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. The United States Patent and Trademark Office (USPTO) collects the information in this record under authority of 35 U.S.C. 2. The USPTO's system of records is used to manage all applicant and owner information including name, citizenship, residence, post office address, and other information with respect to inventors and their legal representatives pertaining to the applicant's/owner's activities in connection with the invention for which a patent is sought or has been granted. The applicable Privacy Act System of Records Notice for the information collected in this form is COMMERCE/PAT-TM-7 Patent Application Files, available in the Federal Register at 78 FR 19243 (March 29, 2013). <https://www.govinfo.gov/content/pkg/FR-2013-03-29/pdf/2013-07341.pdf>

Routine uses of the information in this record may include disclosure to:

- 1) law enforcement, in the event that the system of records indicates a violation or potential violation of law;
- 2) a federal, state, local, or international agency, in response to its request;
- 3) a contractor of the USPTO having need for the information in order to perform a contract;
- 4) the Department of Justice for determination of whether the Freedom of Information Act (FOIA) requires disclosure of the record;
- 5) a Member of Congress submitting a request involving an individual to whom the record pertains, when the individual has requested the Member's assistance with respect to the subject matter of the record;
- 6) a court, magistrate, or administrative tribunal, in the course of presenting evidence, including disclosures to opposing counsel in the course of settlement negotiations;
- 7) the Administrator, General Services Administration (GSA), or their designee, during an inspection of records conducted by GSA under authority of 44 U.S.C. 2904 and 2906, in accordance with the GSA regulations and any other relevant (i.e., GSA or Commerce) directive, where such disclosure shall not be used to make determinations about individuals;
- 8) another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c));
- 9) the Office of Personnel Management (OPM) for personnel research purposes; and
- 10) the Office of Management and Budget (OMB) for legislative coordination and clearance.

If you do not furnish the information requested on this form, the USPTO may not be able to process and/or examine your submission, which may result in termination of proceedings, abandonment of the application, and/or expiration of the patent.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named Inventor:

Atty. Docket No.: DD-6990-0388

Lina TAO

Confirmation No.: 5388

Appln. No.: 29/813,174

Group Art Unit: 2914

Filed: October 27, 2021

Examiner: REICKEL, JACK HALES

For: DISPLAY SCREEN OR PORTION THEREOF WITH GRAPHICAL USER
INTERFACE (As previously amended)

* * * * *

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

December 31, 2024

Honorable Commissioner:

PRELIMINARY AMENDMENT

In response to the Advisory Action dated December 27, 2024 and the Final Office Action dated October 1, 2024, please amend the application as follows:

<i>Examiner-Initiated Interview Summary</i>	Application No. 29/813,174	Applicant(s) TAO et al.		
	Examiner JACK REICKEL	Art Unit 2914	AIA (First Inventor to File) Status Yes	Page 1 of 1

All Participants (applicant, applicants representative, PTO personnel)	Title	Type
JACK REICKEL	Primary Examiner	Telephonic
DONGHUA DENG	Agent	

Date of Interview: 16 December 2024

Issues Discussed:

35 U.S.C. 103

Discussed obviousness of the amended claim. No agreement was reached. Applicant may file an appeal brief or a continued prosecution application.

/JACK REICKEL/ Examiner, Art Unit 2914	
Applicant is reminded that a complete written statement as to the substance of the interview must be made of record in the application file. It is the applicants responsibility to provide the written statement, unless the interview was initiated by the Examiner and the Examiner has indicated that a written summary will be provided. See MPEP 713.04 Please further see: MPEP 713.04 Title 37 Code of Federal Regulations (CFR) § 1.133 Interviews, paragraph (b) 37 CFR § 1.2 Business to be transacted in writing	

Applicant recordation instructions: It is not necessary for applicant to provide a separate record of the substance of interview.

Examiner recordation instructions: Examiners must summarize the substance of any interview of record. A complete and proper recordation of the substance of an interview should include the items listed in MPEP 713.04 for complete and proper recordation including the identification of the general thrust of each argument or issue discussed, a general indication of any other pertinent matters discussed regarding patentability and the general results or outcome of the interview, to include an indication as to whether or not agreement was reached on the issues raised.



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
29/813,174	10/27/2021	Lina TAO	DD-6990-0388	5388
163801	7590	12/27/2024		
NIXON & VANDERHYE PC / Huawei			EXAMINER	
901 NORTH GLEBE ROAD, 11TH FLOOR			REICKEL, JACK HALES	
ARLINGTON, VA 22203				
			ART UNIT	PAPER NUMBER
			2914	
			NOTIFICATION DATE	DELIVERY MODE
			12/27/2024	ELECTRONIC

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

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

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

aipatent@huawei.com
pair_nixon@firsttofile.com
ptomail@nixonvan.com

Advisory Action Before the Filing of an Appeal Brief	Application No. 29/813,174	Applicant(s) TAO et al.	
	Examiner JACK REICKEL	Art Unit 2914	AIA (FITF) Status Yes

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

THE REPLY FILED 11 December 2024 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

NO NOTICE OF APPEAL FILED

1. ☒ The reply was filed after a final rejection. No Notice of Appeal has been filed. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114 if this is a utility or plant application. Note that RCEs are not permitted in design applications. The reply must be filed within one of the following time periods:

a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.

b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action; or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

c) ☐ A prior Advisory Action was mailed more than 3 months after the mailing date of the final rejection in response to a first after-final reply filed within 2 months of the mailing date of the final rejection. The current period for reply expires _____ months from the mailing date of the prior Advisory Action or SIX MONTHS from the mailing date of the final rejection, whichever is earlier.

Examiner Note: If box 1 is checked, check either box (a), (b) or (c). ONLY CHECK BOX (b) WHEN THIS ADVISORY ACTION IS THE FIRST RESPONSE TO APPLICANTS FIRST AFTER-FINAL REPLY WHICH WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. ONLY CHECK BOX (c) IN THE LIMITED SITUATION SET FORTH UNDER BOX (c). See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) or (c) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendments filed after a final rejection, but prior to the date of filing a brief, will not be entered because

a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);

b) ☐ They raise the issue of new matter (see NOTE below);

c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or

d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____ (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5. ☐ Applicant's reply has overcome the following rejection(s): _____

6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. ☒ For purposes of appeal, the proposed amendment(s): (a) ☐ will not be entered; or (b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ A declaration(s)/affidavit(s) under **37 CFR 1.130(b)** was/were filed on _____

9. ☐ The affidavit or other evidence filed after final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

10. ☐ The affidavit or other evidence filed after the date of filing the Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

11. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

12. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
Following the amendment canceling one embodiment, the claimed design is still shown to be obvious in view of the applied prior art.

13. ☐ Note the attached Information *Disclosure Statement(s)*. (PTO/SB/08) Paper No(s). _____

14. ☒ Other: The after-final amendment is acceptable but does not overcome the outstanding final rejection under 35 U.S.C. 103.

STATUS OF CLAIMS

15. The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____

Claim(s) objected to: _____

Claim(s) rejected: 1

Claim(s) withdrawn from consideration: _____

/JACK REICKEL/ Examiner, Art Unit 2914	
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RESPONSE UNDER RULE 116
EXPEDITED HANDLING PROCEDURES

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named Inventor:	Atty. Docket No.: DD-6990-0388
Lina TAO	Confirmation No.: 5388
Appln. No.: 29/813,174	Group Art Unit: 2914
Filed: October 27, 2021	Examiner: REICKEL, JACK HALES
For: DISPLAY SCREEN OR PORTION THEREOF WITH GRAPHICAL USER INTERFACE (As previously amended)	

* * * * *

MAIL STOP AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

December 11, 2024

Honorable Commissioner:

AMENDMENT AFTER FINAL REJECTION

AND

INTERVIEW SUMMARY

Responsive to the Final Official Action dated October 1, 2024), please amend the
above-identified application as follows:

An AFCP 2.0 request is submitted herewith.

OK TO ENTER: /J.R./

AFCP 2.0 Decision

Application No.

29/813,174

Applicant(s)

TAO et al.

Examiner

JACK REICKEL

Art Unit

2914

AIA (FITF) Status

Yes

This is in response to the After Final Consideration Pilot request filed 11 December 2024.

1. **Improper Request** – The AFCP 2.0 request is improper for the following reason(s) and the after final amendment submitted with the request will be treated under pre-pilot procedure.

- ☐ An AFCP 2.0 request form PTO/SB/434 (or equivalent document) was not submitted.
- ☐ A non-broadening amendment to at least one independent claim was not submitted.
- ☐ The request is not the first proper AFCP 2.0 request submitted in response to the most recent final rejection.
- ☐ Other: _____

2. **Proper Request**

- A. After final amendment submitted with the request will not be treated under AFCP 2.0.

The after final amendment cannot be reviewed and a search conducted within the guidelines of the pilot program.

- ☐ The after final amendment will be treated under pre-pilot procedure.

- B. Updated search and/or completed additional consideration.

The examiner performed an updated search and/or completed additional consideration of the after final amendment within the time authorized for the pilot program. The result(s) of the updated search and/or completed additional consideration are:

- ☐ 1. All of the rejections in the most recent final Office action are overcome and a Notice of Allowance is issued herewith.
- ☒ 2. The after final amendment would not overcome all of the rejections in the most recent final Office action. See attached interview summary for further details.
- ☐ 3. The after final amendment was reviewed, and it raises a new issue(s). See attached interview summary for further details.
- ☐ 4. The after final amendment raises new issues, but would overcome all of the rejections in the most recent final Office action. A decision on determining allowability could not be made within the guidelines of the pilot. See attached interview summary for further details, including any newly discovered prior art.
- ☐ 5. Other: _____

Examiner Note: Please attach an interview summary when necessary as described above.

AMENDMENTS TO THE SPECIFICATION:

Please amend the specification as below:

DISPLAY SCREEN OR PORTION THEREOF WITH GRAPHICAL USER INTERFACE

PREAMBLE

Be it known that Lina Tao, Anqi Liu, Fei Ye, Yufeng Huang have invented a new, original and ornamental design for a display screen or portion thereof with graphical user interface of which the following is the specification, reference being made to the accompanying drawings, forming a part thereof.

CROSS REFERENCE TO RELATED APPLICATION

This application claims priority to CN Application No. 202130254352.0, filed April 29, 2021, the entire contents of which is incorporated herein by reference.

DESCRIPTION OF THE FIGURES

FIGURE 1 is a front view of a first embodiment of a display screen or portion thereof with a graphical user interface showing our new design; ~~and~~

FIGURE 2 is a front view of a second embodiment of a display screen or portion thereof with a graphical user interface showing our new design; ~~and~~

~~FIGURE 3 is a front view of a third embodiment of a display screen or portion thereof with a graphical user interface showing our new design.~~

The dash-dot broken lines in the drawings illustrate the display screen or portion thereof and form no part of the claimed design. The dash-dash broken lines in the drawings illustrate portions of the graphical user interface that form no part of the claimed design.

WE CLAIM:

The ornamental design for a display screen or portion thereof with a graphical user interface, as shown and described.

AMENDMENTS TO THE DRAWINGS

The attached sheets of drawings, including Figures 1-2, replace the previously submitted sheets of drawings including Figures 1-3. In these sheets, previously presented Figure 3 is cancelled.

Attachment: Replacement Sheets

REMARKS

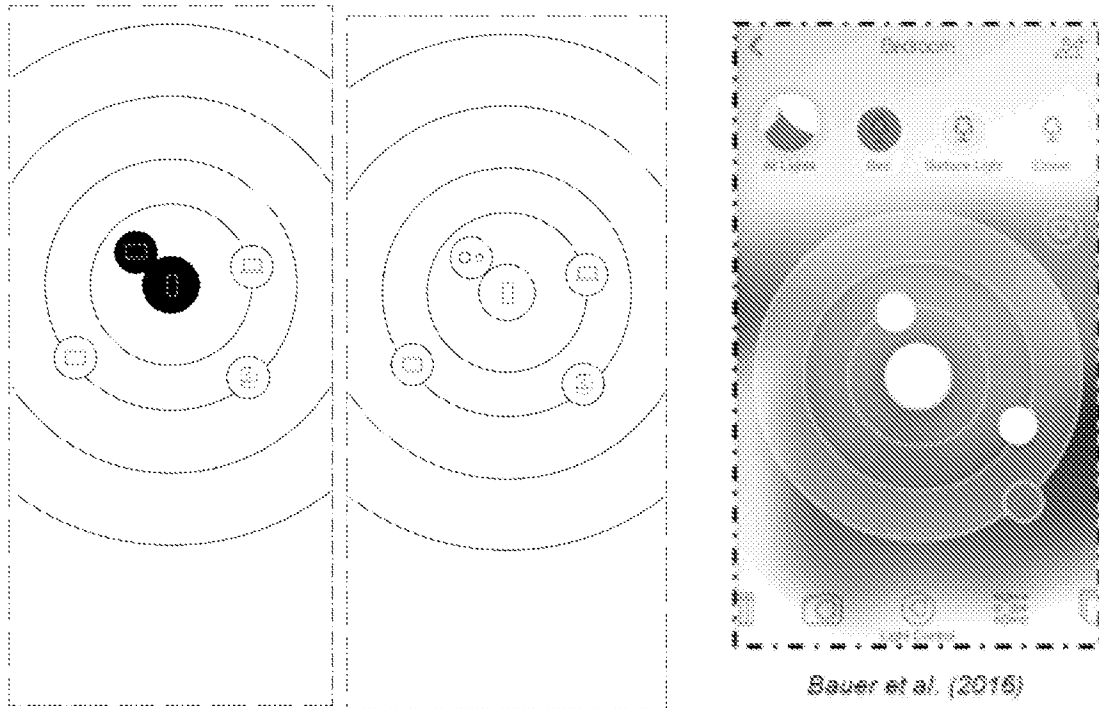
Reconsideration in view of the above amendment and the following remarks is respectfully requested.

Applicants thank the Examiner for the courtesies extended to Applicants' representative during the November 26, 2024 interview. During the interview, Applicant's representative and the Examiner have discussed possible amendments to the drawings to overcome the current art-based rejection.

The Final Office Action has rejected the claim under 35 U.S.C. §103 as allegedly being unpatentable over Bauer et al. (US Patent No. 7,66,289) and Wang et al. (US Patent No. D766,262) in view of Li et al. (US Patent No. D737,316). Applicant respectfully traverses this rejection.

Without prejudice or disclaimer, Applicant has cancelled Fig. 3, and hence Figs. 1-2 are pending for further examination.

The primary reference *Bauer* does not have design characteristics that are visually similar to those of any of the above embodiments of the claimed design, as explained below.



Figs. 1 and 2 of Claimed Design

The Final Office Action alleges that the claimed design differs from *Bauer* in that there are more rings and more circles. Indeed, in example embodiments of the claimed design, the graphical user interface includes five concentric rings with the same center and four small circles around the concentric rings, while the graphical user interface in *Bauer* includes four concentric rings and three small circles.

The Final Office Action alleges that the only difference separating the claim from *Bauer* is the difference in repeated elements: the number of concentric rings and the number of circles appearing on the rings. However, Applicant respectfully disagrees. In addition to the differences in the number of concentric rings and the number of circles, at least the positions of the small circles relative to the concentric rings are also different between the claimed design and *Bauer*. For example, in the claimed design, one small circle is touched with the innermost ring, and the other three small circles are on outer rings. In contrast, in *Bauer*, all the three small circles are on outer rings, and none of the three small circles is touched with the innermost ring.

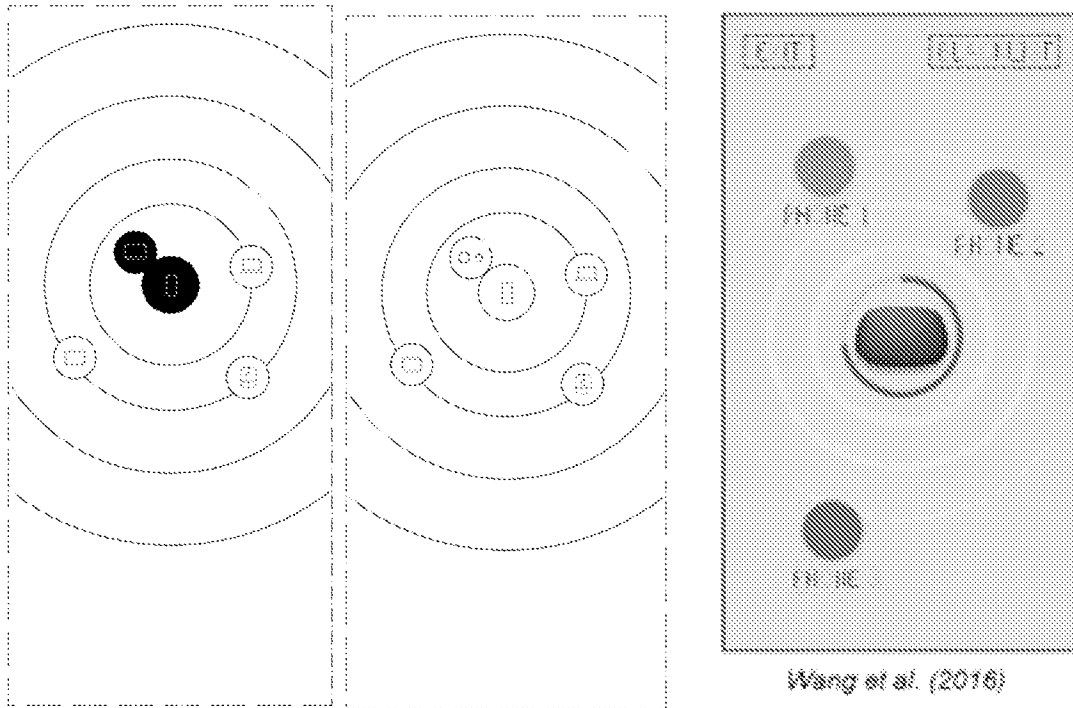
Due to at least the above differences, the primary reference *Bauer* does not have design characteristics that are visually similar to those of the claimed design, and more than *de minimis* changes to the primary reference would be required to produce the claimed invention.

According to USPTO's "Updated Guidance and Examination Instructions for Making a Determination of Obviousness in Design in light of *LKQ Corp. v. GM Global Technology Operations LLC*" issued May 22, 2024, although the primary reference needs not be "basically the same" as the claimed design, the primary reference needs to be something in existence, but not "something that might be brought into existence by selecting individual features from prior art and combining them, particularly where combining them would require modification of every individual feature." Emphasis added.

In this case, the alleged combination of *Bauer*, *Wang* and *Li* would require modification of every individual feature of the primary reference *Bauer*, for example, 1) modifying four concentric rings to five concentric rings; 2) modifying three small circles to four small circles; and 3) modifying the positions of the small circles relative to the concentric rings. Thus, the alleged combination of the applied references would require modification of every individual feature. That is, *Bauer* is not a proper primary reference.

Even if, for sake of arguments, that the *Bauer* is properly cited as a primary reference, the secondary references still fail to rectify all the deficiencies of the primary reference. For example, none of the secondary references teaches the claimed five full concentric rings that are evenly distributed, or the claimed positions of the small circles relative to the concentric rings.

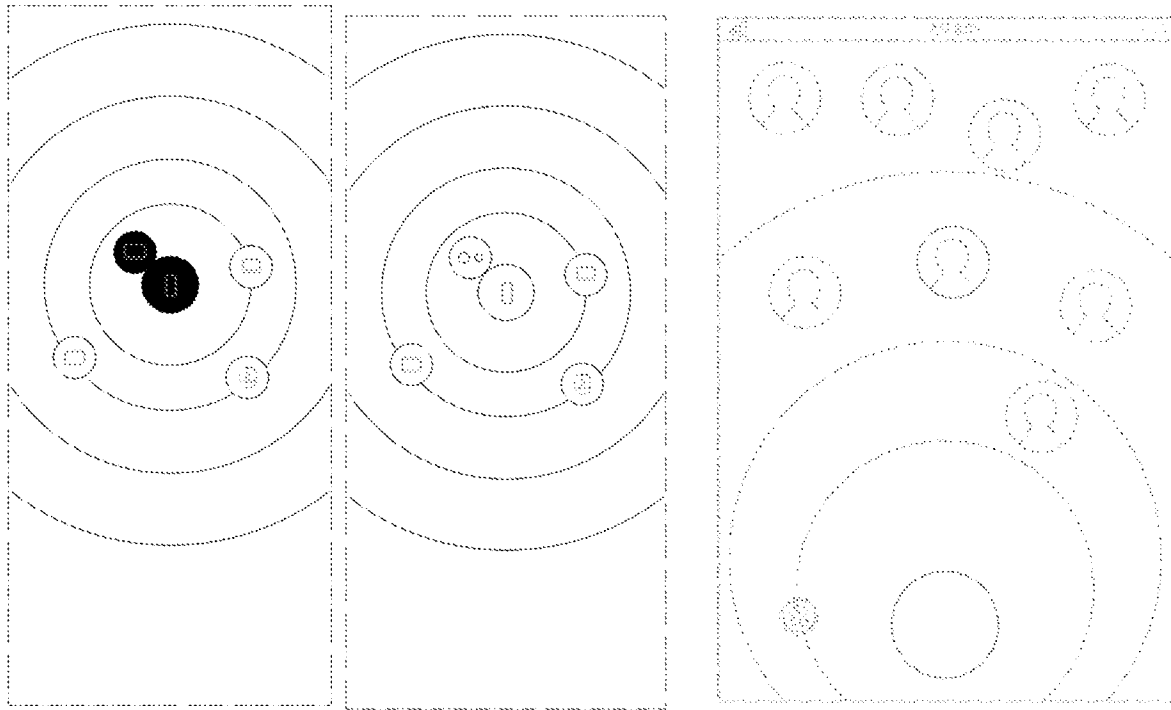
The Final Office Action alleges that *Wang* teaches a graphical user interface with more concentric rings. However, as reproduced below, *Wang*'s concentric rings are different from the concentric rings in the claimed design. For example, *Wang*'s innermost ring consists of a quarter white curved line and three-quarters black curved line. In contrast, the concentric rings in the claimed design are all full circles. In addition, *Wang*'s innermost ring is much bigger than that of the claimed design. Therefore, the alleged combination of *Bauer* and *Wang* still fails to teach the claimed five full concentric rings that are evenly distributed.



Figs. 1 and 2 of Claimed Design

The Final Office Action also alleges that “(t)he design disclosed by Wang et al. is visually similar to the claimed design in that each show a display screen or portion thereof with graphical user interface including a centered series of concentric rings, with smaller circles along some of the rings.” However, Applicant respectfully disagrees. As discussed above, *Wang*’s concentric rings are different from the concentric rings in the claimed design. In addition, the positions of the small circles in *Wang* are also different from those of the small circles in the claimed design. For example, one of the small circles in the claimed design is touched with the innermost ring, while none of the small circles in *Wang* is touched with the innermost ring. Due to at least the identified differences, *Wang* does not have design characteristics which are visually similar to the claimed design.

Further, the Final Office Action alleges that “Li teaches a graphical user interface with more smaller circles arranged within concentric rings.” Emphasis added. However, Applicant respectfully disagrees.



Figs. 1 and 2 of Claimed Design

Li et al. (2015)

As shown above, *Li*'s large rings are not concentric rings as these large rings do not share the same center. As shown in the figure of *Li* reproduced above, each of the inner large rings is not positioned in the center of the outer rings. Thus, these large rings do not have the same center. That is, these large rings are not concentric rings. Therefore, *Li* fails to teach concentric rings, let alone "more smaller circles arranged within concentric rings."

Furthermore, the Final Office Action alleges that Applicant argues differences between specific embodiments and the applied prior art, focusing on the small differences between the embodiments. In this amendment, Applicant has argued the differences between the applied references and design elements common to all the embodiments of the claimed design.

In view of the above, the differences between the claimed design and the cited references are such that the claimed invention as a whole would not have been obvious. Thus, the claimed design is patentable over the applied references for at least the above reasons. Withdrawal of the rejection under 35 U.S.C. 103 is respectfully requested.

Applicant confirms that Applicant does not intend to limit the appearance of the claimed design to the appearance of black ink lines on white paper.

By responding in the foregoing remarks only to particular positions asserted in the office action, Applicant does not necessarily acquiesce in other positions that have not been explicitly addressed. In addition, Applicant's arguments for the patentability should not be understood as implying that no other reasons for patentability exist.

Prompt and favorable consideration on the merits is earnestly solicited.

The Commissioner is hereby authorized to charge any deficiency, or credit any overpayment, in the fee(s) filed, or asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Account No. 14-1140, referencing Attorney Docket No. 6990-0388.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By: /Donghua Deng/
Donghua Deng
Reg. No. 70,622

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Email: DDENG@nixonvan.com

1/2

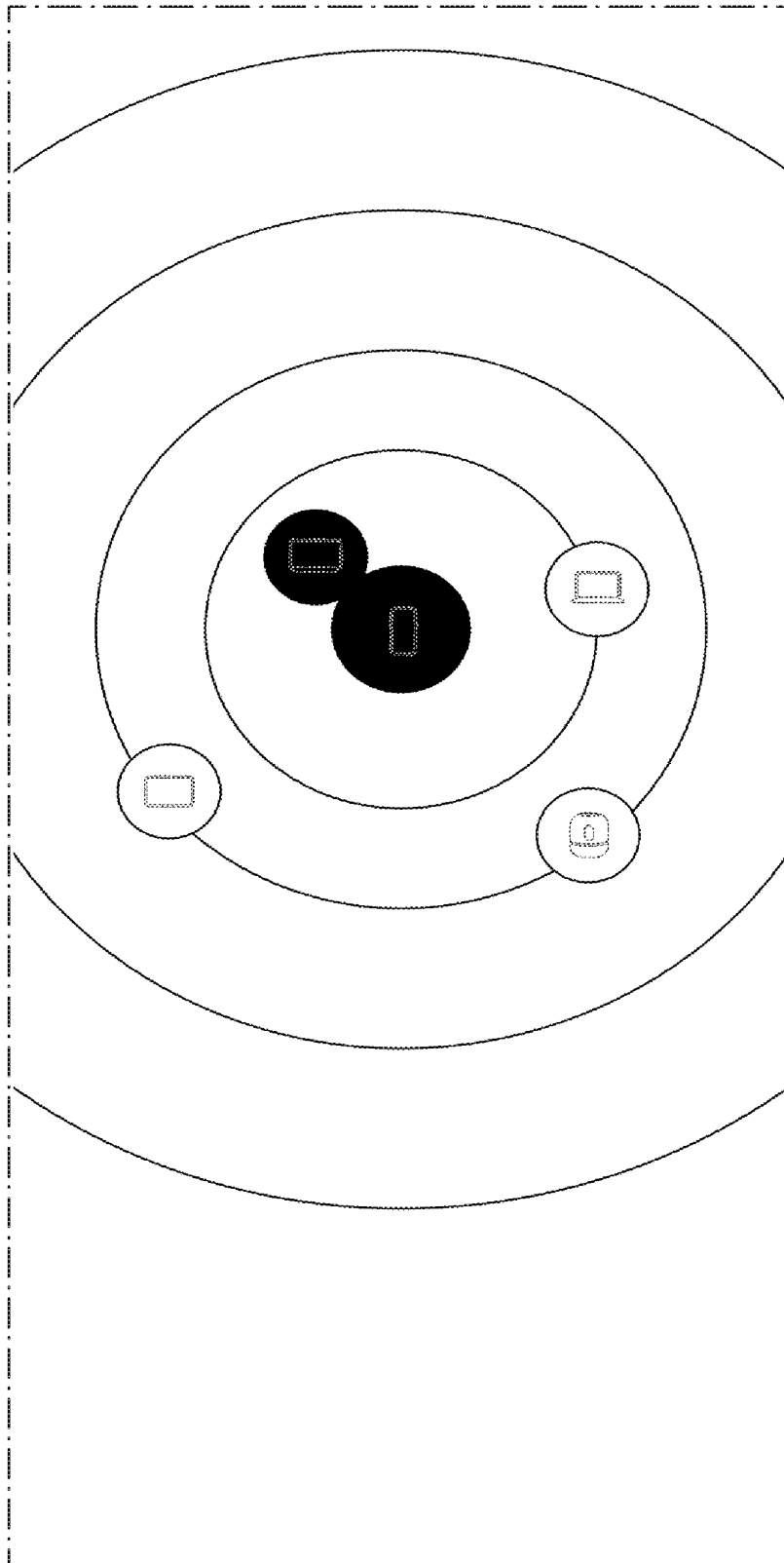


FIG. 1

2/2

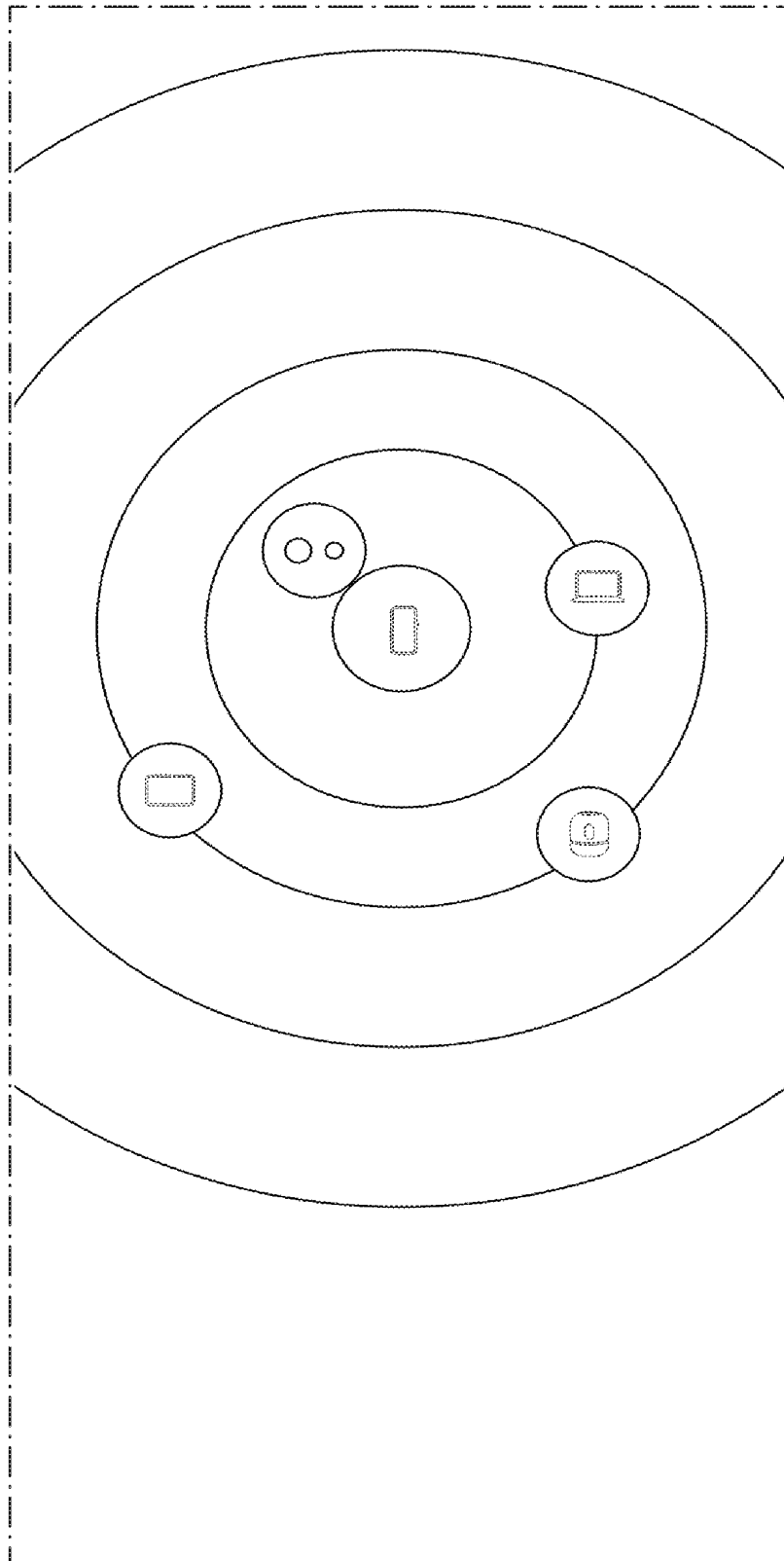


FIG. 2

RESPONSE UNDER RULE 116
EXPEDITED HANDLING PROCEDURES

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named Inventor:	Atty. Docket No.: DD-6990-0388
Lina TAO	Confirmation No.: 5388
Appln. No.: 29/813,174	Group Art Unit: 2914
Filed: October 27, 2021	Examiner: REICKEL, JACK HALES
For: DISPLAY SCREEN OR PORTION THEREOF WITH GRAPHICAL USER INTERFACE (As previously amended)	

* * * * *

MAIL STOP AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

December 11, 2024

Honorable Commissioner:

AMENDMENT AFTER FINAL REJECTION

AND

INTERVIEW SUMMARY

Responsive to the Final Official Action dated October 1, 2024), please amend the
above-identified application as follows:

An AFCP 2.0 request is submitted herewith.

CERTIFICATION AND REQUEST FOR CONSIDERATION UNDER THE AFTER FINAL CONSIDERATION PILOT PROGRAM 2.0

Practitioner Docket No.: DD-6990-0388	Application No.: 29/813,174	Filing Date: October 27, 2021
First Named Inventor: Lina TAO	Title: GRAPHICAL USER INTERFACE	

APPLICANT HEREBY CERTIFIES THE FOLLOWING AND REQUESTS CONSIDERATION UNDER THE AFTER FINAL CONSIDERATION PILOT PROGRAM 2.0 (AFCP 2.0) OF THE ACCOMPANYING RESPONSE UNDER 37 CFR 1.116.

1. The above-identified application is (i) an original utility, plant, or design nonprovisional application filed under 35 U.S.C. 111(a) [a continuing application (e.g., a continuation or divisional application) is filed under 35 U.S.C. 111(a) and is eligible under (i)], or (ii) an international application that has entered the national stage in compliance with 35 U.S.C. 371(c).
2. The above-identified application contains an outstanding final rejection.
3. Submitted herewith is a response under 37 CFR 1.116 to the outstanding final rejection. The response includes an amendment to at least one independent claim, and the amendment does not broaden the scope of the independent claim in any aspect.
4. This certification and request for consideration under AFCP 2.0 is the only AFCP 2.0 certification and request filed in response to the outstanding final rejection.
5. Applicant is willing and available to participate in any interview requested by the examiner concerning the present response.
6. This certification and request is being filed electronically using the Office's electronic filing system (EFS-Web).
7. Any fees that would be necessary consistent with current practice concerning responses after final rejection under 37 CFR 1.116, e.g., extension of time fees, are being concurrently filed herewith. [There is no additional fee required to request consideration under AFCP 2.0.]
8. By filing this certification and request, applicant acknowledges the following:
 - Reissue applications and reexamination proceedings are not eligible to participate in AFCP 2.0.
 - The examiner will verify that the AFCP 2.0 submission is compliant, i.e., that the requirements of the program have been met (see items 1 to 7 above). For compliant submissions:
 - The examiner will review the response under 37 CFR 1.116 to determine if additional search and/or consideration (i) is necessitated by the amendment and (ii) could be completed within the time allotted under AFCP 2.0. If additional search and/or consideration is required but cannot be completed within the allotted time, the examiner will process the submission consistent with current practice concerning responses after final rejection under 37 CFR 1.116, e.g., by mailing an advisory action.
 - If the examiner determines that the amendment does not necessitate additional search and/or consideration, or if the examiner determines that additional search and/or consideration is required and could be completed within the allotted time, then the examiner will consider whether the amendment places the application in condition for allowance (after completing the additional search and/or consideration, if required). If the examiner determines that the amendment does not place the application in condition for allowance, then the examiner will contact the applicant and request an interview.
 - The interview will be conducted by the examiner, and if the examiner does not have negotiation authority, a primary examiner and/or supervisory patent examiner will also participate.
 - If the applicant declines the interview, or if the interview cannot be scheduled within ten (10) calendar days from the date that the examiner first contacts the applicant, then the examiner will proceed consistent with current practice concerning responses after final rejection under 37 CFR 1.116.

Signature /Donghua Deng/	Date December 11, 2024	Practitioner Registration No. 70,622
Name (Print/Typed) Donghua Deng	Telephone Number 703-816-4130	

Note: This form must be signed in accordance with 37 CFR 1.33. See 37 CFR 1.4(d) for signature requirements and certifications. Submit multiple forms if more than one signature is required, see below*.

☒ * Total of 3 forms are submitted.



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United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
29/813,174	10/27/2021	Lina TAO	DD-6990-0388	5388
163801	7590	12/02/2024		
NIXON & VANDERHYE PC / Huawei			EXAMINER	
901 NORTH GLEBE ROAD, 11TH FLOOR			REICKEL, JACK HALES	
ARLINGTON, VA 22203				
			ART UNIT	PAPER NUMBER
			2914	
			NOTIFICATION DATE	DELIVERY MODE
			12/02/2024	ELECTRONIC

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

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

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

aipatent@huawei.com
pair_nixon@firsttofile.com
ptomail@nixonvan.com

<i>Applicant-Initiated Interview Summary</i>	Application No. 29/813,174	Applicant(s) TAO et al.		
	Examiner JACK REICKEL	Art Unit 2914	AIA (First Inventor to File) Status Yes	Page 1 of 1

All Participants (applicant, applicants representative, PTO personnel)	Title	Type
JACK REICKEL	Primary Examiner	Telephonic
DONGHUA DENG	Attorney of Record	

Date of Interview: 26 November 2024

Issues Discussed:

35 U.S.C. 103

Discussed outstanding final rejection under 35 U.S.C. 103. Agreement was reached that the filing of a CPA along with amending the drawings to convert the broken line icons to solid line would overcome the outstanding prior art rejection. Applicant may file a formal written response to try to bring the application into condition for allowance.

/JACK REICKEL/ Examiner, Art Unit 2914	
Applicant is reminded that a complete written statement as to the substance of the interview must be made of record in the application file. It is the applicants responsibility to provide the written statement, unless the interview was initiated by the Examiner and the Examiner has indicated that a written summary will be provided. See MPEP 713.04 Please further see: MPEP 713.04 Title 37 Code of Federal Regulations (CFR) § 1.133 Interviews, paragraph (b) 37 CFR § 1.2 Business to be transacted in writing	

Applicant recordation instructions: The formal written reply to the last Office action must include the substance of the interview. (See MPEP section 713.04). If a reply to the last Office action has already been filed, applicant is given a non-extendable period of the longer of one month or thirty days from this interview date, or the mailing date of this interview summary form, whichever is later, to file a statement of the substance of the interview.

Examiner recordation instructions: Examiners must summarize the substance of any interview of record. A complete and proper recordation of the substance of an interview should include the items listed in MPEP 713.04 for complete and proper recordation including the identification of the general thrust of each argument or issue discussed, a general indication of any other pertinent matters discussed regarding patentability and the general results or outcome of the interview, to include an indication as to whether or not agreement was reached on the issues raised.



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
29/813,174	10/27/2021	Lina TAO	DD-6990-0388	5388
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ARLINGTON, VA 22203				
			ART UNIT	PAPER NUMBER
			2914	
			NOTIFICATION DATE	DELIVERY MODE
			10/01/2024	ELECTRONIC

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

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

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

aipatent@huawei.com
pair_nixon@firsttofile.com
ptomail@nixonvan.com

Office Action Summary	Application No. 29/813,174	Applicant(s) TAO et al.	
	Examiner JACK REICKEL	Art Unit 2914	AIA (FITF) Status Yes

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

Period for Reply

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

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

Status

- 1) ☒ Responsive to communication(s) filed on 24 June 2024.
☐ A declaration(s)/affidavit(s) under **37 CFR 1.130(b)** was/were filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ An election was made by the applicant in response to a restriction requirement set forth during the interview on ____; the restriction requirement and election have been incorporated into this action.
- 4) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims*

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

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

Application Papers

- 10) ☐ The specification is objected to by the Examiner.
- 11) ☒ The drawing(s) filed on 27 March 2024 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

Priority under 35 U.S.C. § 119

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

Certified copies:

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

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

Attachment(s)

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

DETAILED ACTION

General Information

Applicant's election without traverse of Group III in the reply filed on 27 March 2024 is acknowledged. Groups I–II withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being for the nonelected design. Election was made without traverse in the reply filed on 27 March 2024.

The arguments presented have been carefully considered, but are not persuasive that the rejection of the claim under 35 U.S.C. 103 should be withdrawn.

Claim Rejection - 35 U.S.C. 103

The claim is again and FINALLY rejected under 35 U.S.C. 103 as being unpatentable over U.S. Patent D766,289 to Bauer et al. and U.S. Patent D766,262 to Wang et al. in view of one another and U.S. Patent D737,316 to Li et al.

If the differences between the claimed invention and the prior art are such that the claimed invention as a whole would have been obvious before the effective filing date of the claimed invention to a designer having ordinary skill in the art to which the claimed invention pertains, the invention is not patentable.

The design disclosed by Bauer et al. is visually similar to the claimed design in that each show a display screen or portion thereof with graphical user interface including a centered series of concentric rings, with smaller circles along some of the rings.

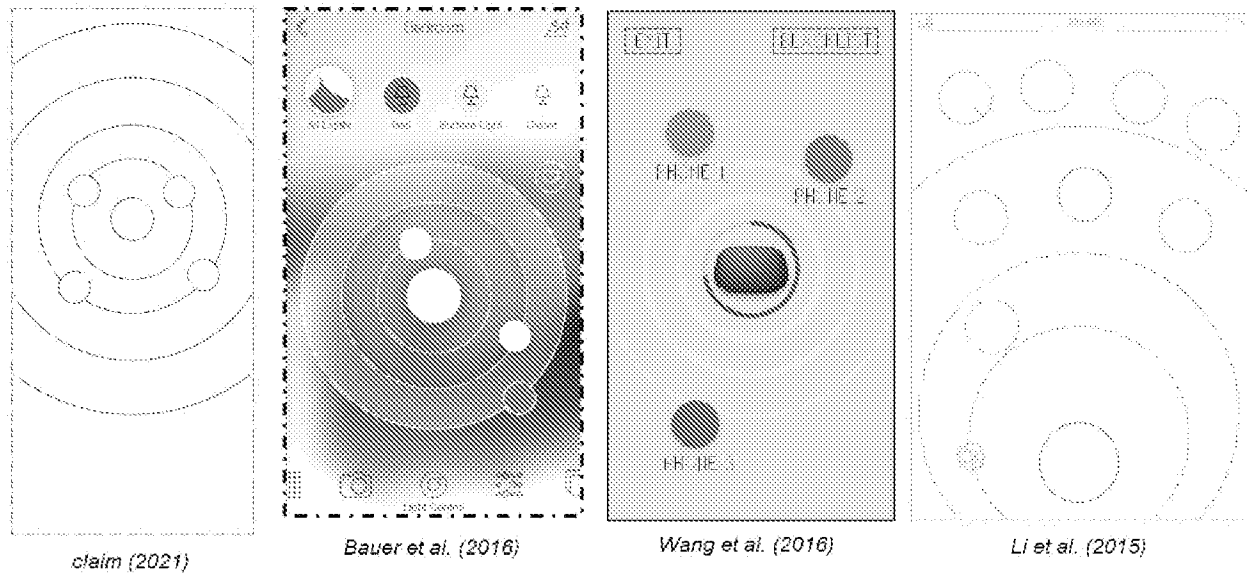
The claimed design differs from Bauer et al. in that there are more rings and circles.

Wang et al. teaches a graphical user interface with more concentric rings, and Li et al. teaches a graphical user interface with more smaller circles arranged within a series of larger encircling rings.

The design disclosed by Wang et al. is visually similar to the claimed design in that each show a display screen or portion thereof with graphical user interface including a centered series of concentric rings, with smaller circles along some of the rings.

The claimed design differs from Wang et al. in that the innermost feature is also a ring and there are more small circular features.

Bauer et al. and Li et al. each teach a graphical user interface with the innermost element in a series of larger encircling rings being a smaller ring, and Li et al. teaches a graphical user interface with more smaller circles arranged within a series of larger encircling rings.



It would have been obvious to a designer of ordinary skill before the effective filing date of the present claimed invention to make a design like Bauer et al. with more rings and circles, as is shown to be known and obvious to designers skilled in the art in the field of endeavor of the ornamental design for display screens with graphical user interfaces by Wang et al. and Li et al.

It would have been obvious to a designer of ordinary skill before the effective filing date of the present claimed invention to make a design like Wang et al. with the innermost feature in the series of concentric rings being another ring, and including more circles along the ring, as is shown to be known and obvious to designers skilled in the art in the field of endeavor of the ornamental design for display screens with graphical user interfaces by Wang et al. and Li et al.

Li et al. is visually similar to the claimed design, to Bauer et al., and to Wang et al., in that all are designs in the same field of endeavor of the ornamental design for display screens with graphical user

Art Unit: 2914

interfaces showing a series of scaling encircling rings that contain an arrangement of smaller circles within. A designer in the same field of endeavor, making the same kind of design, would see that it is obvious how common design choices made in each of these references would be applicable to one another and to the creation of other such visually similar designs.

The difference in quantity of a repeated element is considered an obvious difference that implies no invention (*Novak v. Graysons Inc.* 49 USPQ 487 (1941)). In this instance, the only difference separating the claim from Bauer et al. is the difference in repeated elements: the number of concentric rings and the number of circles appearing on the rings. The modification of a graphical user interface design to include a greater number of a simple repeated element is a modification known to be common in the field of endeavor of the ornamental design for display screens with graphical user interfaces.

The substitution of one graphical shape for another is an obvious difference that implies no invention. Designers skilled in the art in the field of endeavor of the ornamental design for display screens with graphical user interfaces are aware and capable of replacing a single graphical shape with another single graphical shape. The modification of Wang et al. in changing the central shape from a rounded trapezoid to a circle(/ring) is a modification that is common, known, and obvious to any skilled in that art, in that field of endeavor.

Applicant argues differences between specific embodiments and the applied prior art, focusing on the small differences between the embodiments, such as how Embodiment 1 includes a circle touching the innermost ring, and the applied prior art does not. However, on 27 March 2024, applicant elected the instant group of patentably indistinct embodiments without traverse. No argument asserting patentability between the embodiments will be considered, since the embodiments have been determined to comprise a single inventive concept. Accordingly, the differences between Embodiment 1 and the other embodiments cannot be what differentiates the claimed design from the applied prior art.

Applicant argues that the claimed design shows black in solid black lines and contrasts these with the lines of the applied references. In affording the applicant the broadest reasonable claim construction, the examiner understands the black lines on the white [paper] background to be the manner of showing

Art Unit: 2914

the claimed design in drawing figures as prescribed by the U.S. Patent Office, and that the appearance of the claimed design is not restricted to nor defined by the appearance of black ink lines on white paper. If the claim is intended to be so restricted in the appearance of its claim, that specific appearance of black ink lines on white paper background is shown to be obvious in the field of endeavor by Li et al. among others, as this is the specific appearance the U.S. Patent Office recommends in MPEP 1503.02 and 37 CFR 1.84 and 1.152.

The differences between the claimed invention and the prior art are such that the claimed invention as a whole would have been obvious before the effective filing date of the claimed invention to a person having ordinary skill in the art to which the claimed invention pertains. The applied references are visually similar to the claimed design, and a skilled designer in the field of endeavor of the ornamental design for display screens with graphical user interfaces including a series of encircling rings and arranged circles would find the modification of the primary reference(s) to be obvious, because the claimed design does not progress the field of endeavor with any invention, and instead is only common, known, obvious means of variation away from the art prior to the effective filing.

Conclusion

The claim is finally rejected under 35 U.S.C. 103.

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

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

References cited and not applied are considered pertinent to the appearance of the claimed design.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JACK REICKEL whose telephone number is (571)272-7708. The examiner can normally be reached 9:00a - 5:00p ET.

Examiner interviews are available via telephone, in-person, and video conferencing using a USPTO supplied web-based collaboration tool. To schedule an interview, applicant is encouraged to use the USPTO Automated Interview Request (AIR) at <http://www.uspto.gov/interviewpractice>.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, AMY WIERENGA can be reached on (571) 270-0216. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of published or unpublished applications may be obtained from Patent Center. Unpublished application information in Patent Center is available to registered users. To file and manage patent submissions in Patent Center, visit: <https://patentcenter.uspto.gov>. Visit <https://www.uspto.gov/patents/apply/patent-center> for more information about Patent Center and <https://www.uspto.gov/patents/docx> for information about filing in DOCX format. For additional questions, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/JACK REICKEL/
Examiner, Art Unit 2914

REMARKS

Reconsideration in view of the following remarks is respectfully requested.

The Office Action has rejected the claim under 35 U.S.C. §103 as allegedly being unpatentable over Bauer et al. (US Patent No. 7,66,289) and Wang et al. (US Patent No. D766,262) in view of Li et al. (US Patent No. D737,316). Applicant respectfully traverses this rejection.

In order to support a holding of obviousness, a primary reference must be more than a design concept; it must have an appearance substantially the same as the claimed design. See *In re Harvey*, 12 F.3d 1061, 29 USPQ2d 1206 (Fed. Cir. 1993). See MPEP 1504.03.II. Absent such a reference, no holding of obviousness under 35 U.S.C. 103 can be made, whether based on a single reference alone or in view of modifications suggested by secondary prior art. *Id.*

In this case, the primary reference *Bauer* does not have an overall visual appearance that is substantially the same as any embodiment of the claimed design, as shown and explained below.

The Office Action alleges that the claimed design differs from *Bauer* in that there are more rings and more circles. In example embodiments of the claimed design, the graphical user interface includes five concentric rings with the same center and four small circles around the concentric rings. In contrast, the graphical user interface in *Bauer* includes four concentric rings and three small circles.

In addition, there are additional differences in the positions of the large rings and small circles between each embodiment in the claimed design and *Bauer* as detailed below, and hence none of the embodiments in the claimed design has an appearance substantially the same as the claimed design.

1) First embodiment in the claimed design:

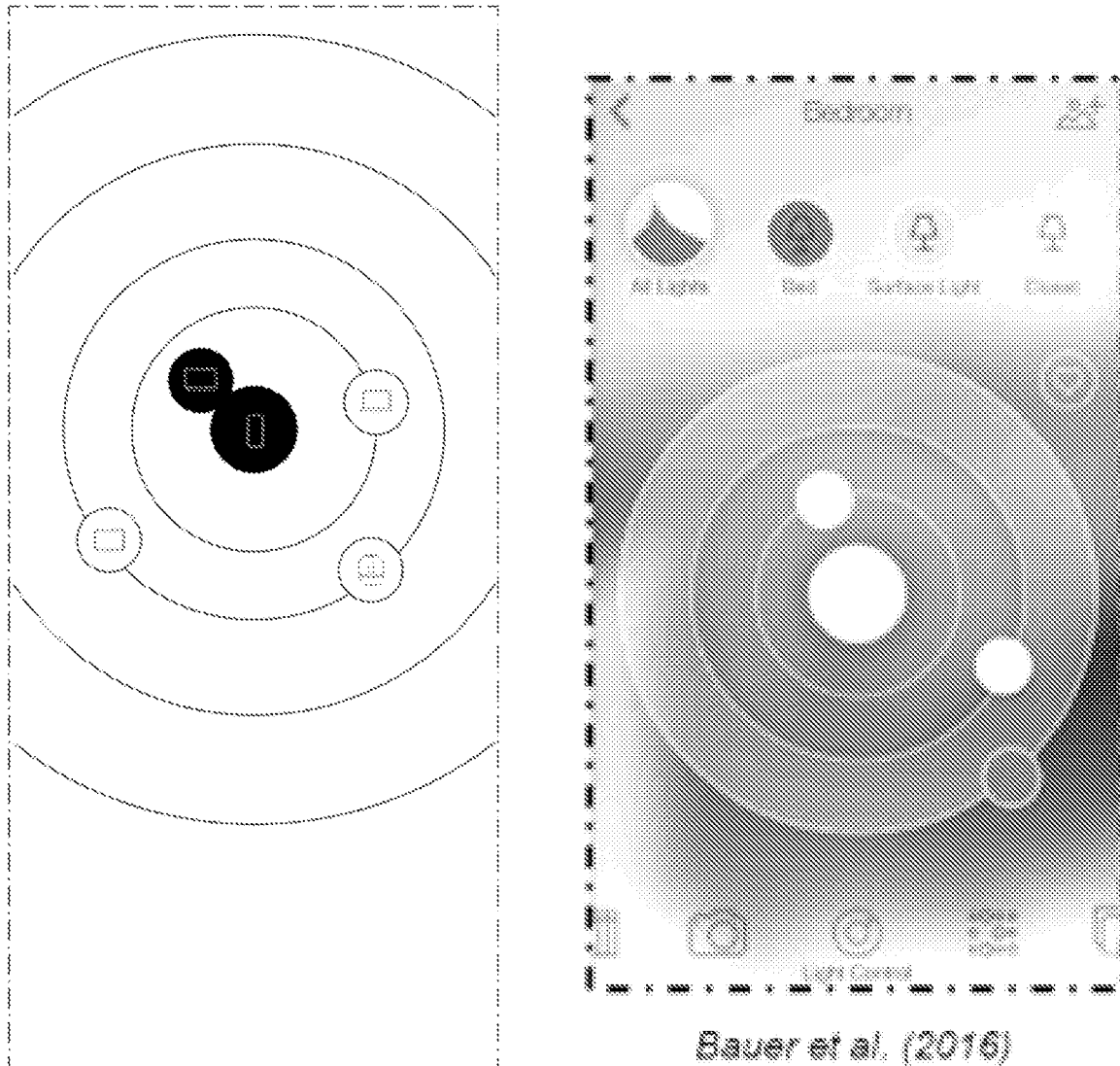


Fig. 1 of Claimed Design

As shown above, the positions of the three small circles in *Bauer* are different from those of the four small circles in the first embodiment of the claimed design. In the first embodiment of the claimed design, one small circle is touched with the innermost ring, and the other three small circles are on outer rings. In contrast, in *Bauer*, all the three small circles are on outer rings, and none of the three small circles is touched with the innermost ring.

2) Second embodiment in the claimed design:

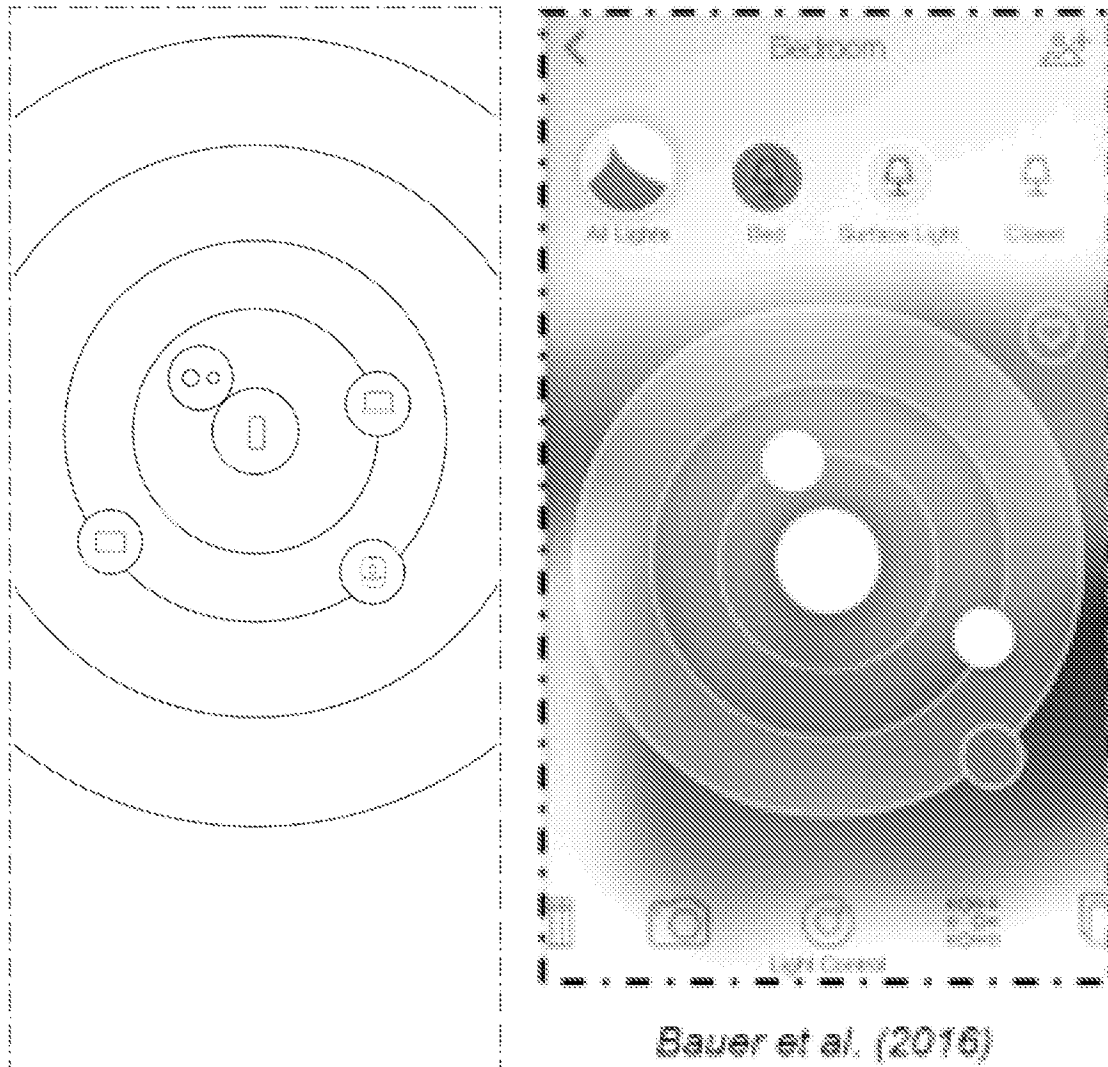


Fig. 2 of Claimed Design

Similarly, in the second embodiment of the claimed design, one small circle is touched with the innermost ring, and the other three small circles are on outer rings, while, in *Bauer*, all the three small circles are on outer rings, and none of the three small circles is touched with the innermost ring.

In addition, in this embodiment of the claimed design, the small circle touched with the innermost ring contains two hollow dots. In contrast, *Bauer* does not have any small circle containing hollow dots.

3) Third embodiment in the claimed design:

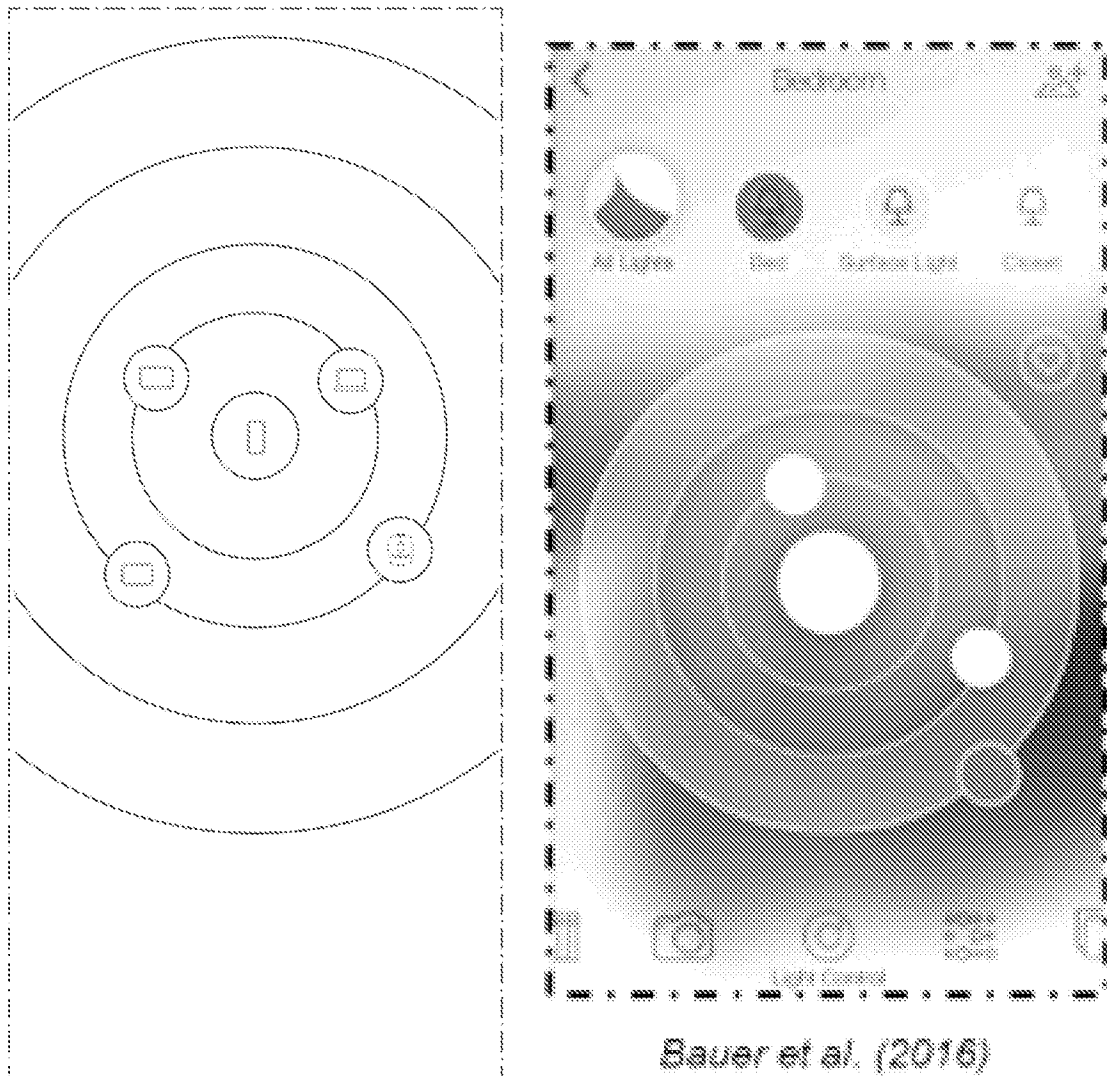


Fig. 3 of Claimed Design

As shown above, in the third embodiment of the claimed design, the five concentric rings are all solid black lines. In contrast, *Bauer*'s four concentric rings are white lines on a gray background except for the innermost ring, which is filled with white.

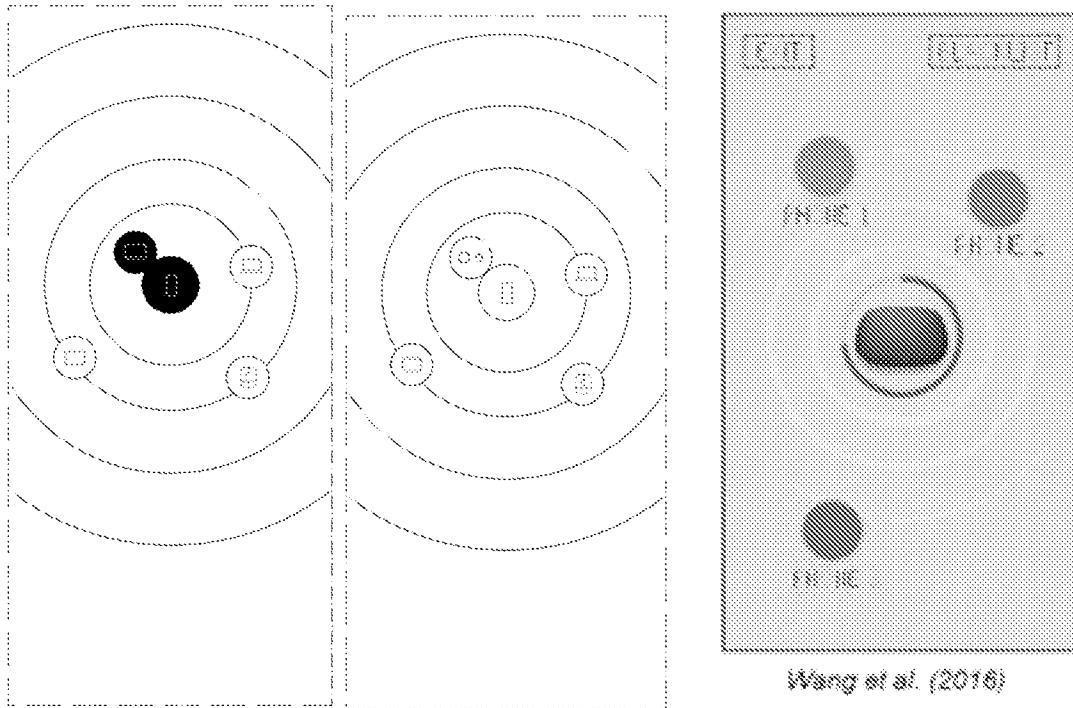
Due to at least the above differences, the primary reference *Bauer* does not have an appearance substantially the same as any embodiment in the claimed design, and more than *de minimis* changes to the primary reference would be required to produce the claimed invention.

As stated in MPEP 1504.03.II, as a whole, a design must be compared with something in existence, and not something brought into existence by selecting and combining features from prior art references. See *In re Jennings*, 182 F.2d 207, 86 USPQ 68 (CCPA 1950). The "something in existence" referred to in *Jennings* has been defined as "...a reference... the design characteristics of which are basically the same as the claimed design...." See *In re Rosen*, 673 F.2d 388, 391, 213 USPQ 347, 350 (CCPA 1982). That is, the claimed design must be compared with something in existence, and not something brought into existence by selecting and combining features from the applied references.

In this case, as discussed above, when the claimed design is compared with the primary reference *Bauer*, *Bauer* does not have design characteristics basically the same as the claimed design. As a result, "(a)bsent such a [primary] reference, no holding of obviousness under 35 U.S.C. 103 can be made, whether based on a single reference alone or in view of modifications suggested by secondary prior art." See MPEP 1504.03.II.

Even if, for sake of arguments, that the *Bauer* is properly cited as a primary reference, the secondary references still fail to rectify all the deficiencies of the primary reference.

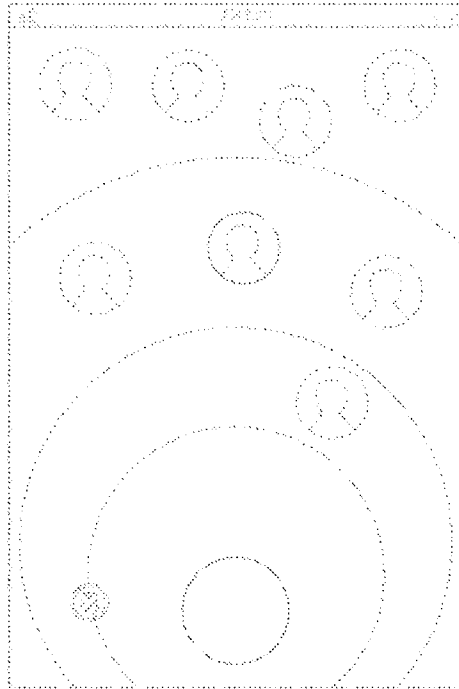
The Office Action alleges that *Wang* teaches a graphical user interface with more concentric rings. However, as reproduced below, *Wang*'s concentric rings are different from the concentric rings in the claimed design. For example, *Wang*'s innermost ring consists of a quarter white curved line and three-quarters black curved line. In contrast, the concentric rings in the claimed design are all full circles. In addition, *Wang*'s innermost ring is much bigger than that of the claimed design. Therefore, the alleged combination of *Bauer* and *Wang* still fails to teach the claimed five full concentric rings that are evenly distributed.



Figs. 1 and 2 of Claimed Design

The Office Action also alleges that “Wang has design characteristics which are basically the same as the claimed design in that each show a display screen or portion thereof including a centered series of concentric rings, with small circles along some of the rings.” However, Applicant respectfully disagrees. As discussed above, *Wang*’s concentric rings are different from the concentric rings in the claimed design. In addition, the positions of the small circles in *Wang* are also different from those of the small circles in the claimed design. For example, one of the small circles in the claimed design is touched with the innermost ring, while none of the small circles in *Wang* is touched with the innermost ring. Due to at least the identified differences, *Wang* does not have design characteristics which are basically the same as the claimed design.

Further, the Office Action alleges that “Li teaches a graphical user interface with more smaller circles arranged within concentric rings.” Emphasis added. However, Applicant respectfully disagrees.



Li et al. (2015)

As shown above, *Li*'s large rings are not concentric rings as these large rings do not share the same center. As shown in the figure of *Li* reproduced above, each of the inner large rings is not positioned in the center of the outer rings. Thus, these large rings do not have the same center. That is, these large rings are not concentric rings. Therefore, *Li* fails to teach concentric rings, let alone "more smaller circles arranged within concentric rings."

In view of the above, the claimed design is patentable over the applied references for at least the above reasons. Withdrawal of the rejection under 35 U.S.C. 103 is respectfully requested.

By responding in the foregoing remarks only to particular positions asserted in the office action, Applicant does not necessarily acquiesce in other positions that have not been explicitly addressed. In addition, Applicant's arguments for the patentability should not be understood as implying that no other reasons for patentability exist.

Prompt and favorable consideration on the merits is earnestly solicited.

The Commissioner is hereby authorized to charge any deficiency, or credit any overpayment, in the fee(s) filed, or asserted to be filed, or which should have been filed herewith

Lina TAO
Appl. No. 29/813,174

Atty Docket No.: DD-6990-0388

(or with any paper hereafter filed in this application by this firm) to our Account No. 14-1140,
referencing Attorney Docket No. 6990-0388.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By: /Donghua Deng/
Donghua Deng
Reg. No. 70,622

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901 North Glebe Road, 11th Floor
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named Inventor:

Atty. Docket No.: DD-6990-0388

Lina TAO

Confirmation No.: 5388

Appln. No.: 29/813,174

Group Art Unit: 2914

Filed: October 27, 2021

Examiner: REICKEL, JACK HALES

For: DISPLAY SCREEN OR PORTION THEREOF WITH GRAPHICAL USER
INTERFACE (As previously amended)

* * * * *

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

June 24, 2024

Honorable Commissioner:

REQUEST FOR RECONSIDERATION

Responsive to the Official Action dated April 5, 2024, please consider the following
remarks:



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
29/813,174	10/27/2021	Lina TAO	DD-6990-0388	5388
163801	7590	04/05/2024		
NIXON & VANDERHYE PC / Huawei			EXAMINER	
901 NORTH GLEBE ROAD, 11TH FLOOR			REICKEL, JACK HALES	
ARLINGTON, VA 22203				
			ART UNIT	PAPER NUMBER
			2914	
			NOTIFICATION DATE	DELIVERY MODE
			04/05/2024	ELECTRONIC

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

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

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

aipatent@huawei.com
pair_nixon@firsttofile.com
ptomail@nixonvan.com

DETAILED ACTION

General Information

Applicant's election without traverse of Group III in the reply filed on 27 March 2024 is acknowledged. Groups I–II withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being for the nonelected design. Election was made without traverse in the reply filed on 27 March 2024.

Claim Rejection - 35 U.S.C. 103

The claim is rejected under 35 U.S.C. 103 as being unpatentable over U.S. Patent D766,289 to Bauer et al. and U.S. Patent D766,262 to Wang et al. in view of one another and U.S. Patent D737,316 to Li et al.

Although the invention is not identically disclosed or described as set forth in 35 U.S.C. 102, if the differences between the claimed invention and the prior art are such that the claimed invention as a whole would have been obvious before the effective filing date of the claimed invention to a designer having ordinary skill in the art to which the claimed invention pertains, the invention is not patentable.

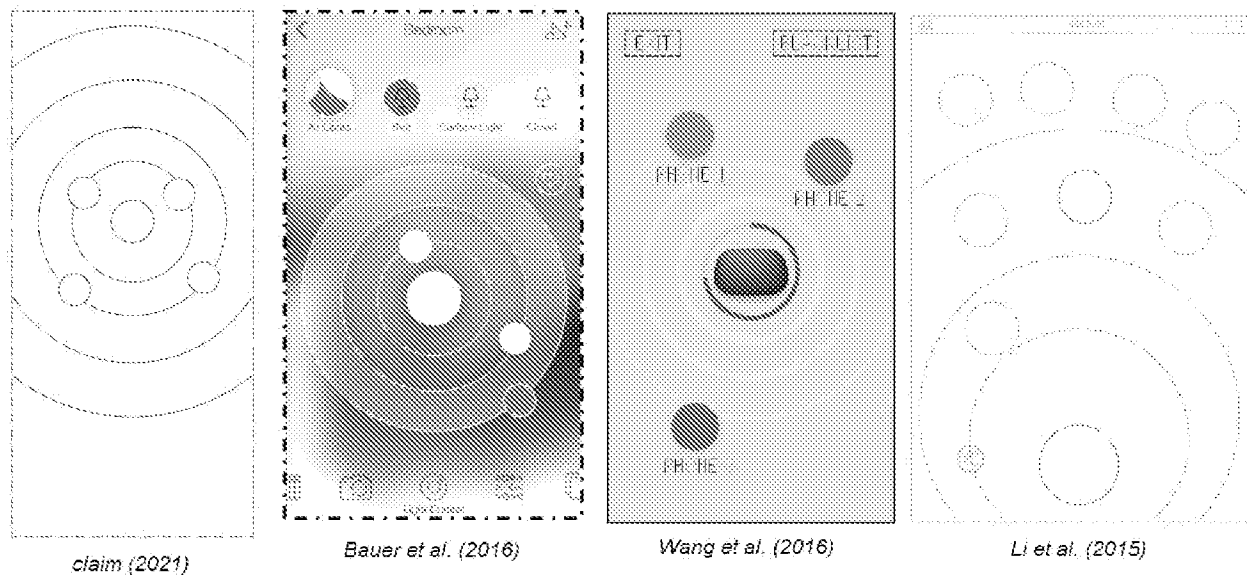
Bauer et al. has design characteristics which are basically the same as the claimed design in that each show a display screen or portion thereof with graphical user interface including a centered series of concentric rings, with smaller circles along some of the rings. The claimed design differs from Bauer et al. in that there are more rings and more circles.

Wang et al. teaches a graphical user interface with more concentric rings, and Li et al. teaches a graphical user interface with more smaller circles arranged within concentric rings.

Wang et al. has design characteristics which are basically the same as the claimed design in that each show a display screen or portion thereof including a centered series of concentric rings, with smaller circles along some of the rings. The claimed design differs from Wang et al. in that the innermost feature is also a ring and there are more small circular features.

Bauer et al. and Li et al. each teach a graphical user interface with the innermost element in a series of concentric rings being a smaller ring, and Li et al. teaches a graphical user interface with more smaller circles arranged within concentric rings.

It would have been obvious to a designer of ordinary skill in the art not later than the effective filing date of the present claimed invention to have created a design like Bauer et al. with more rings and more circles, as taught by Wang et al. and Li et al. It would have been obvious to a designer of ordinary skill in the art not later than the effective filing date of the present claimed invention to have created a design like Wang et al. with an innermost ring and more circles, as taught by Wang et al. and Li et al.



This modification of the primary reference in light of the secondary reference is proper because the applied references are so related that the appearance of features shown in one would suggest the application of those features to the other. See *In re Rosen*, 673 F.2d 388, 213 USPQ 347 (CCPA 1982); *In re Carter*, 673 F.2d 1378, 213 USPQ 625 (CCPA 1982), and *In re Glavas*, 230 F.2d 447, 109 USPQ 50 (CCPA 1956). In this instance, the appearance of a graphical user interface including centered concentric rings with smaller circular features of Bauer et al., Wang et al., and Li et al. would suggest their application to the graphical user interfaces including centered concentric rings with smaller circular features in Bauer et al. and Wang et al.

The differences between the claimed invention and the prior art are such that the claimed invention as a whole would have been obvious before the effective filing date of the claimed invention to a person having ordinary skill in the art to which the claimed invention pertains.

Case law has held that a designer skilled in the art is charged with knowledge of the related art; therefore, the combination of old elements, herein, would have been well within the level of ordinary skill. See *In re Antle*, 444 F.2d 1168, 170 USPQ 285 (CCPA 1971) and *In re Nalbandian*, 661 F.2d 1214, 211 USPQ 782 (CCPA 1981).

Conclusion

The claim stands rejected under 35 U.S.C. 103.

References cited and not applied are considered pertinent to the appearance of the claimed design.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JACK REICKEL whose telephone number is (571)272-7708. The examiner can normally be reached 9:00a - 5:00p ET.

Examiner interviews are available via telephone, in-person, and video conferencing using a USPTO supplied web-based collaboration tool. To schedule an interview, applicant is encouraged to use the USPTO Automated Interview Request (AIR) at <http://www.uspto.gov/interviewpractice>.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, AMY WIERENGA can be reached on (571) 270-0216. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of published or unpublished applications may be obtained from Patent Center. Unpublished application information in Patent Center is available to registered users. To file and manage patent submissions in Patent Center, visit: <https://patentcenter.uspto.gov>. Visit <https://www.uspto.gov/patents/apply/patent-center> for more information about Patent Center and <https://www.uspto.gov/patents/docx> for information about filing in DOCX format. For additional questions, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like

Art Unit: 2914

assistance from a USPTO Customer Service Representative, call 800-786-9199 (IN USA OR CANADA)

or 571-272-1000.

/JACK REICKEL/

Examiner, Art Unit 2914

AMENDMENTS TO THE SPECIFICATION:

Please amend the specification as below:

DISPLAY SCREEN OR PORTION THEREOF WITH GRAPHICAL USER INTERFACE

PREAMBLE

Be it known that Lina Tao, Anqi Liu, Fei Ye, Yufeng Huang have invented a new, original and ornamental design for a display screen or portion thereof with graphical user interface of which the following is the specification, reference being made to the accompanying drawings, forming a part thereof.

CROSS REFERENCE TO RELATED APPLICATION(S)

This application claims priority to CN Application No. 202130254352.0, filed April 29, 2021, the entire contents of which is incorporated herein by reference.

DESCRIPTION OF THE FIGURES

~~FIGURE 1 is a front view of a first embodiment of a display screen or portion thereof with animated graphical user interface showing a first image in the sequence showing our new design;~~

~~FIGURE 2 is a second image thereof;~~

~~FIGURE 3 is a third image thereof;~~

~~FIGURE 4 is a front view of a second embodiment of a display screen or portion thereof with animated graphical user interface showing a first image in the sequence showing our new design;~~

~~FIGURE 5 is a second image thereof;~~

~~FIGURE 6 is a third image thereof;~~

~~FIGURE 7 is a fourth image thereof;~~

~~FIGURE 8 is a fifth image thereof;~~

~~FIGURE 9 is a sixth image thereof;~~

DISPLAY SCREEN OR PORTION THEREOF WITH GRAPHICAL USER INTERFACE

PREAMBLE

Be it known that Lina Tao, Anqi Liu, Fei Ye, Yufeng Huang have invented a new, original and ornamental design for a display screen or portion thereof with graphical user interface of which the following is the specification, reference being made to the accompanying drawings, forming a part thereof.

CROSS REFERENCE TO RELATED APPLICATION

This application claims priority to CN Application No. 202130254352.0, filed April 29, 2021, the entire contents of which is incorporated herein by reference.

DESCRIPTION OF THE FIGURES

FIGURE 1 is a front view of a first embodiment of a display screen or portion thereof with a graphical user interface showing our new design;

FIGURE 2 is a front view of a second embodiment of a display screen or portion thereof with a graphical user interface showing our new design; and

FIGURE 3 is a front view of a third embodiment of a display screen or portion thereof with a graphical user interface showing our new design.

The dash-dot broken lines in the drawings illustrate the display screen or portion thereof and form no part of the claimed design. The dash-dash broken lines in the drawings illustrate portions of the graphical user interface that form no part of the claimed design.

WE CLAIM:

The ornamental design for a display screen or portion thereof with a graphical user interface, as shown and described.

REMARKS

Responsive to the Restriction Requirement, Applicants hereby elect Group III, Embodiments 4-6 corresponding to Figs. 13-15 for consideration. This election is made without traverse.

Original Figures 1-12 are cancelled. Applicants retain the right to file divisional applications directed to the non-elected subject matter.

Prompt and favorable consideration on the merits is earnestly solicited.

The Commissioner is hereby authorized to charge any deficiency, or credit any overpayment, in the fee(s) filed, or asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Account No. 14-1140, referencing Attorney Docket No. 6990-0388.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By: /Donghua Deng/
Donghua Deng
Reg. No. 70,622

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901 North Glebe Road, 11th Floor
Arlington, VA 22203-1808
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Facsimile: (703) 816-4100
Email: DDENG@nixonvan.com

Attachment: clean specification

AMENDMENTS TO THE DRAWINGS

Attached are three (3) sheets of replacement drawings including original Figs. 13-15.
Original Figs. 1-12 are cancelled.

Attachment: Replacement Sheets

1/ 3

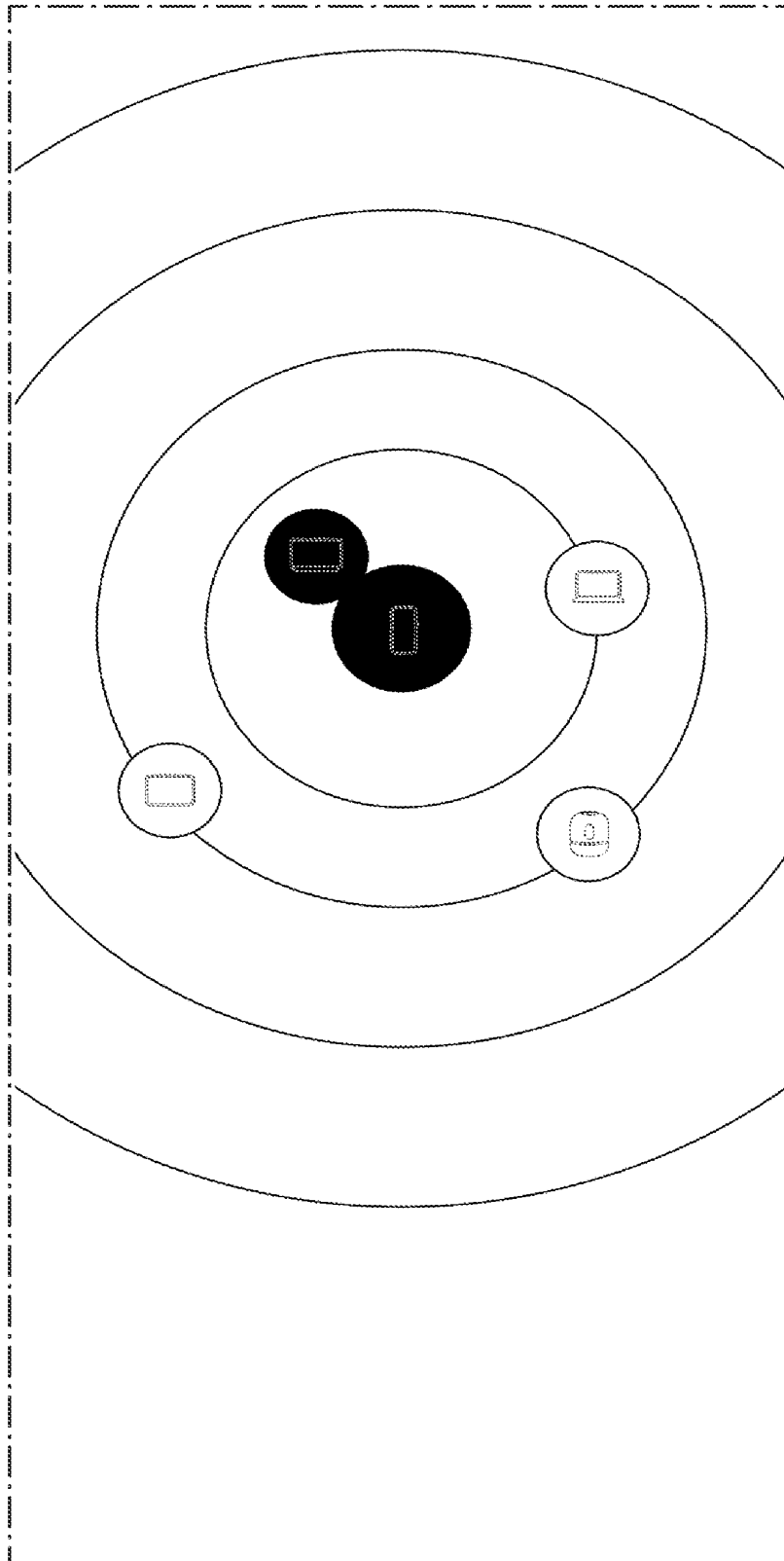


FIG. 1

2/3

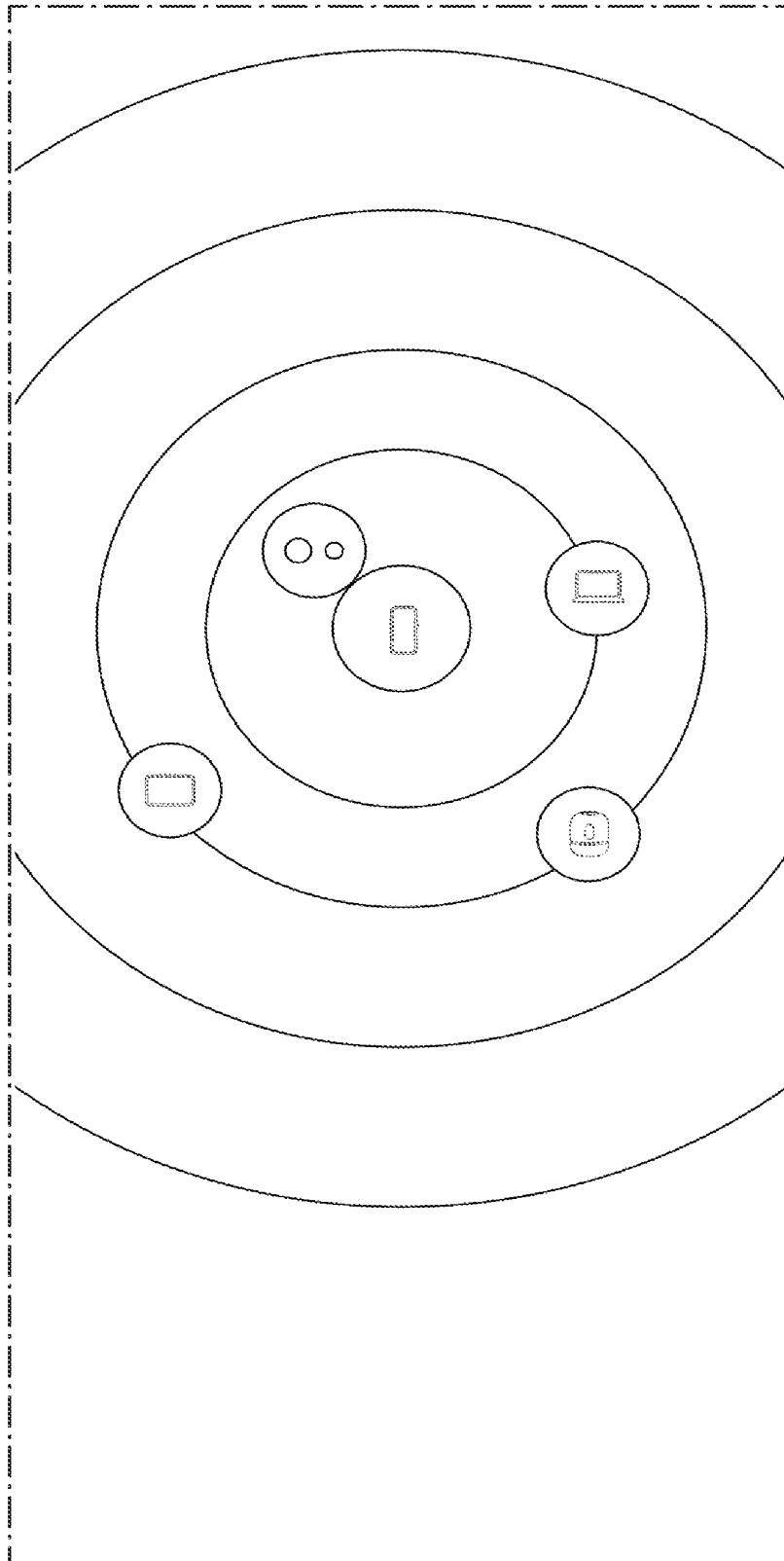


FIG. 2

3/3

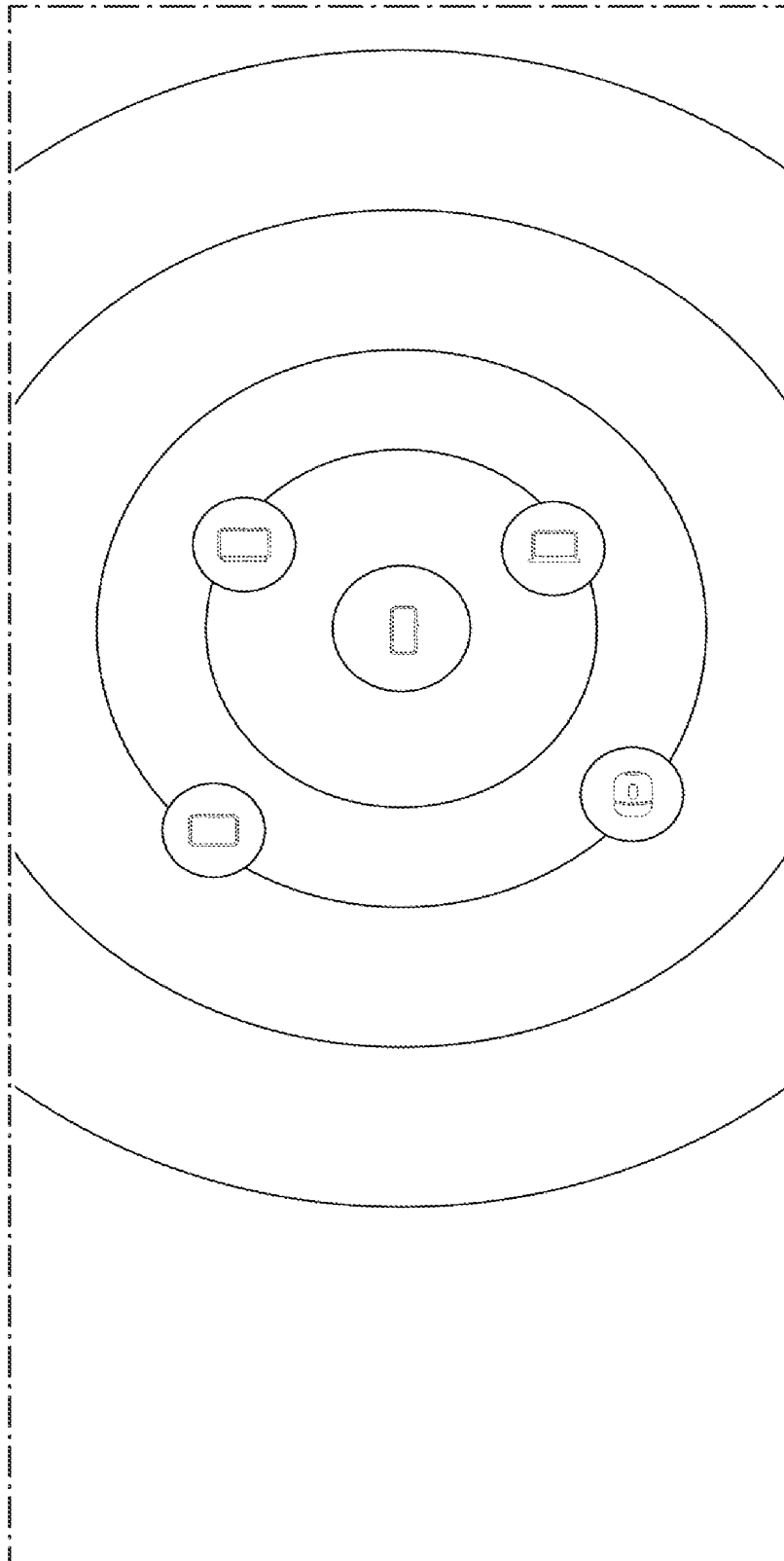


FIG. 3

~~FIGURE 10 is a front view of a third embodiment of a display screen or portion thereof with animated graphical user interface showing a first image in the sequence showing our new design;~~

~~FIGURE 11 is a second image thereof;~~

~~FIGURE 12 is a third image thereof;~~

FIGURE 13~~1~~ is a front view of a ~~fourth~~first embodiment of a display screen or portion thereof with a graphical user interface showing our new design;

FIGURE 14~~2~~ is a front view of a ~~fifth~~second embodiment of a display screen or portion thereof with a graphical user interface showing our new design; and

FIGURE 15~~3~~ is a front view of a ~~sixth~~third embodiment of a display screen or portion thereof with a graphical user interface showing our new design.

The dash-dot broken lines in the drawings illustrate the display screen or portion thereof and form no part of the claimed design. The dash-dash broken lines in the drawings illustrate portions of the graphical user interface that form no part of the claimed design.

~~In the first embodiment, the appearance of the animated graphical user interface sequentially transitions between the images shown in FIGURES 1-3. In the second embodiment, the appearance of the animated graphical user interface sequentially transitions between the images shown in FIGURES 4-9. In the third embodiment, the appearance of the animated graphical user interface sequentially transitions between the images shown in FIGURES 10-12. The process or period in which one image transitions to another forms no part of the claimed design;~~

WE CLAIM:

The ornamental design for a display screen or portion thereof with a graphical user interface, as shown and described.



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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
29/813,174	10/27/2021	Lina TAO	DD-6990-0388

CONFIRMATION NO. 5388

163801
NIXON & VANDERHYE PC / Huawei
901 NORTH GLEBE ROAD, 11TH FLOOR
ARLINGTON, VA 22203

INFORMAL NOTICE



Date Mailed: 10/29/2021

INFORMATIONAL NOTICE TO APPLICANT

Applicant is notified that the above-identified application contains the deficiencies noted below. No period for reply is set forth in this notice for correction of these deficiencies. However, if a deficiency relates to the inventor's oath or declaration, the applicant must file an oath or declaration in compliance with 37 CFR 1.63, or a substitute statement in compliance with 37 CFR 1.64, executed by or with respect to each actual inventor no later than the expiration of the time period set in the "Notice of Allowability" to avoid abandonment. See 37 CFR 1.53(f).

The item(s) indicated below are also required and should be submitted with any reply to this notice to avoid further processing delays.

- A properly executed inventor's oath or declaration has not been received for the following inventor(s):
Lina TAO
Anqi LIU
Fei YE
Yufeng HUANG

Questions about the contents of this notice and the requirements it sets forth should be directed to the Office of Data Management, Application Assistance Unit, at (571) 272-4000 or (571) 272-4200 or 1-888-786-0101.

/iduong/

GRAPHICAL USER INTERFACE

Be it known that Lina Tao, Anqi Liu, Fei Ye, Yufeng Huang have invented a new, original and ornamental design for a display screen or portion thereof with graphical user interface of which the following is the specification, reference being
5 made to the accompanying drawings, forming a part thereof.

CROSS REFERENCE TO RELATED APPLICATION(S)

This application claims priority to CN Application No. 202130254352.0, filed
10 April 29, 2021, the entire contents of which is incorporated herein by reference.

DESCRIPTION OF THE FIGURES

FIGURE 1 is a front view of a first embodiment of a display screen or portion thereof with animated graphical user interface showing a first image in the sequence
15 showing our new design;

FIGURE 2 is a second image thereof;

FIGURE 3 is a third image thereof;

FIGURE 4 is a front view of a second embodiment of a display screen or portion thereof with animated graphical user interface showing a first image in the sequence
20 showing our new design;

FIGURE 5 is a second image thereof;

FIGURE 6 is a third image thereof;

FIGURE 7 is a fourth image thereof;

FIGURE 8 is a fifth image thereof;

25 FIGURE 9 is a sixth image thereof;

FIGURE 10 is a front view of a third embodiment of a display screen or portion thereof with animated graphical user interface showing a first image in the sequence showing our new design;

FIGURE 11 is a second image thereof;

FIGURE 12 is a third image thereof;

FIGURE 13 is a front view of a fourth embodiment of a display screen or portion thereof with graphical user interface showing our new design;

FIGURE 14 is a front view of a fifth embodiment of a display screen or portion thereof with graphical user interface showing our new design; and

FIGURE 15 is a front view of a sixth embodiment of a display screen or portion thereof with graphical user interface showing our new design.

The dash-dot broken lines in the drawings illustrate the display screen or portion thereof and form no part of the claimed design. The dash-dash broken lines in the drawings illustrate portions of the graphical user interface that form no part of the claimed design.

In the first embodiment, the appearance of the animated graphical user interface sequentially transitions between the images shown in FIGURES 1-3. In the second embodiment, the appearance of the animated graphical user interface sequentially transitions between the images shown in FIGURES 4-9. In the third embodiment, the appearance of the animated graphical user interface sequentially transitions between the images shown in FIGURES 10-12. The process or period in which one image transitions to another forms no part of the claimed design.

WE CLAIM:

The ornamental design for a display screen or portion thereof with graphical user interface, as shown and described.

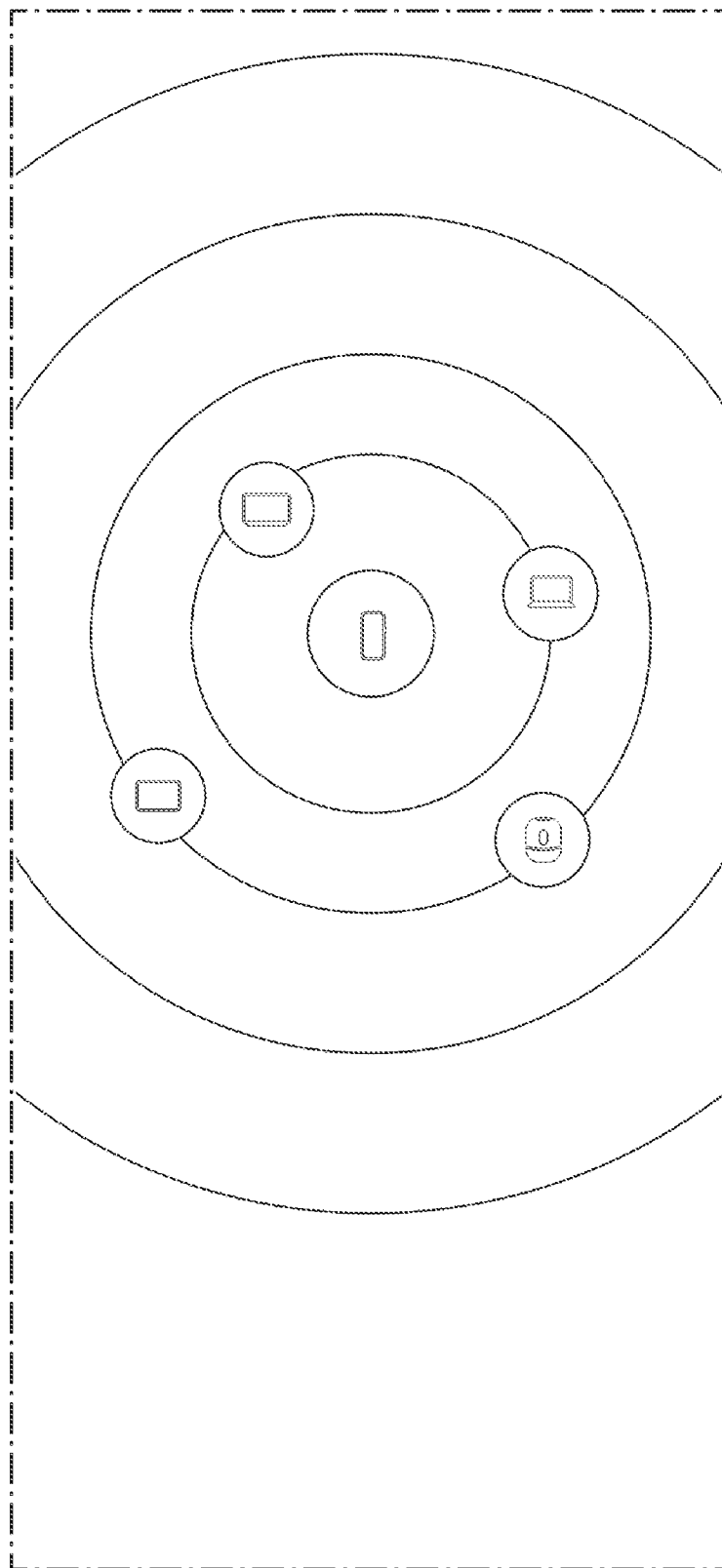


FIG. 1

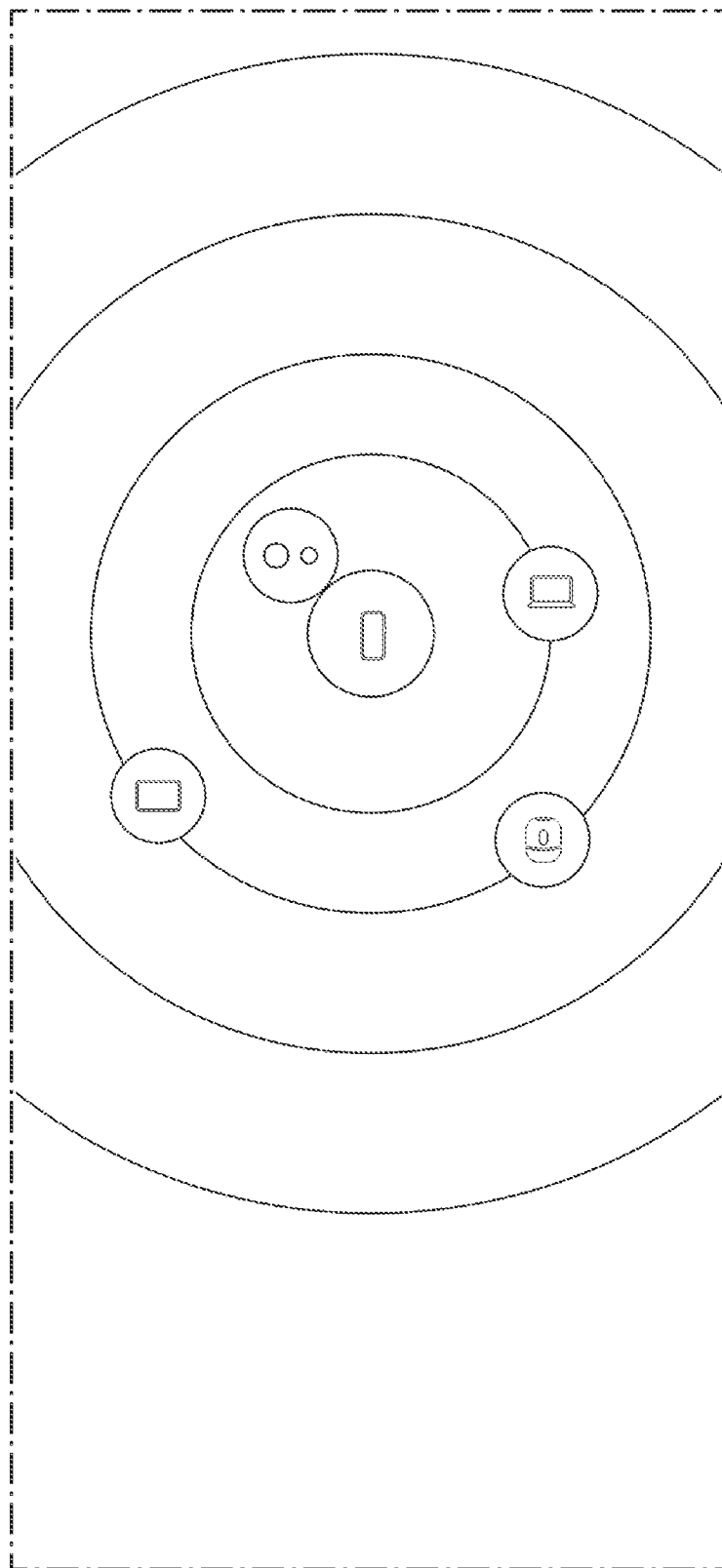


FIG. 2

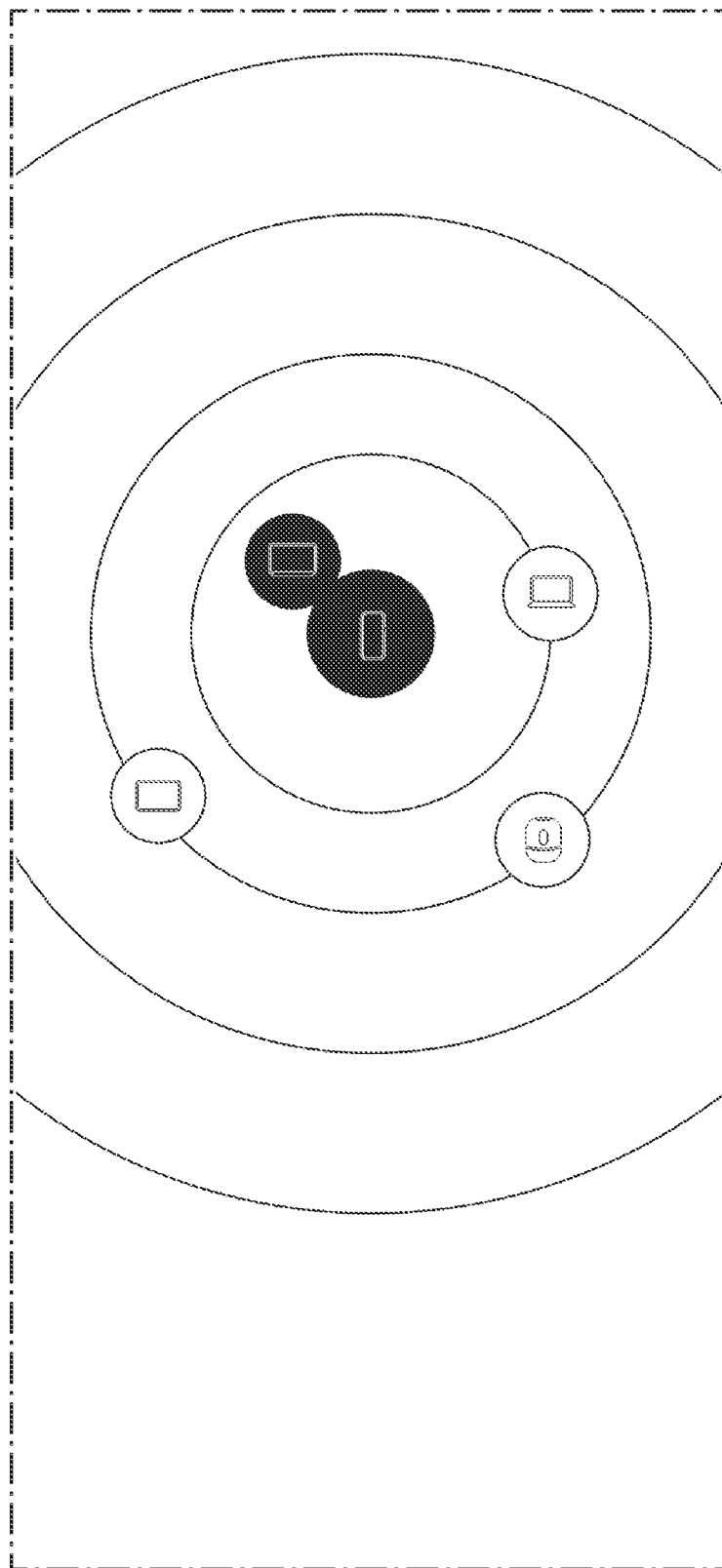
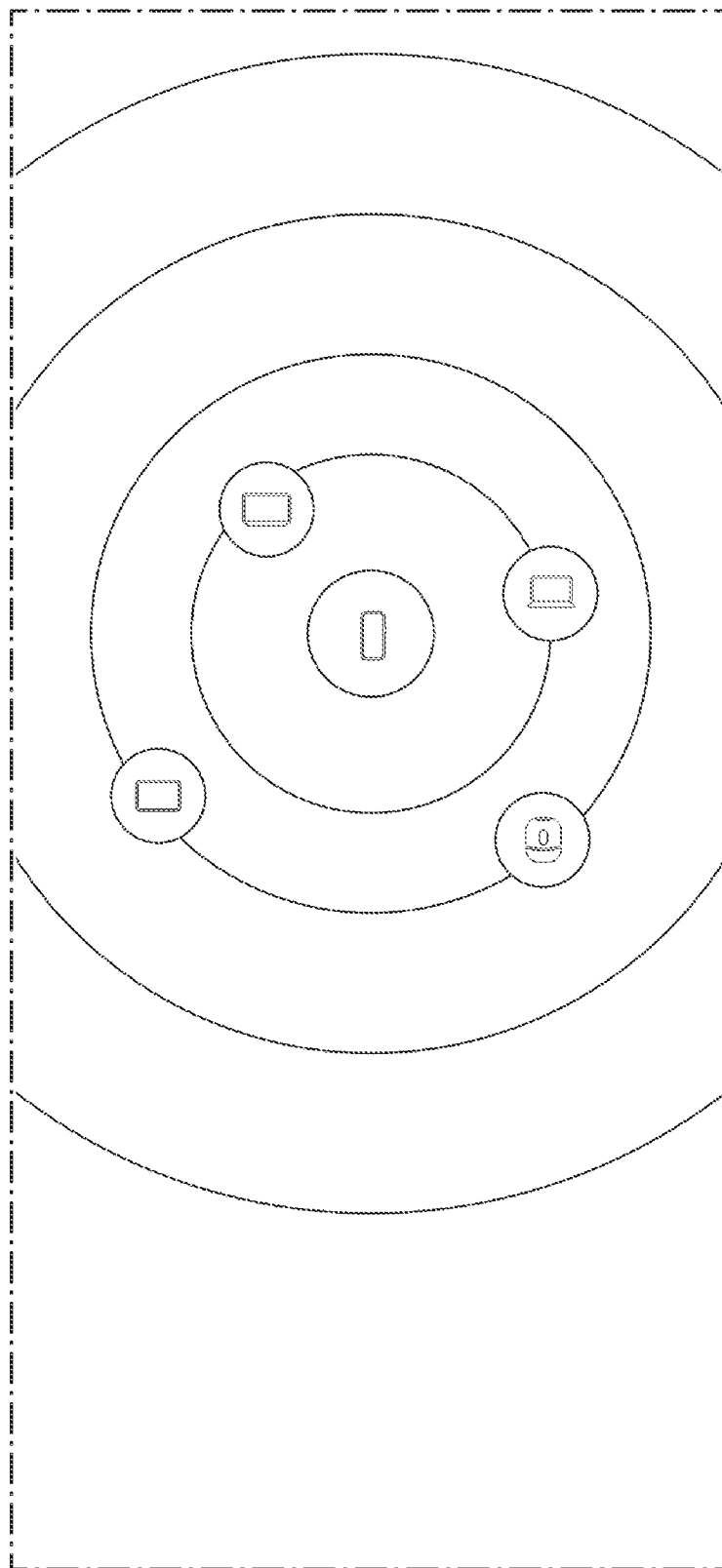
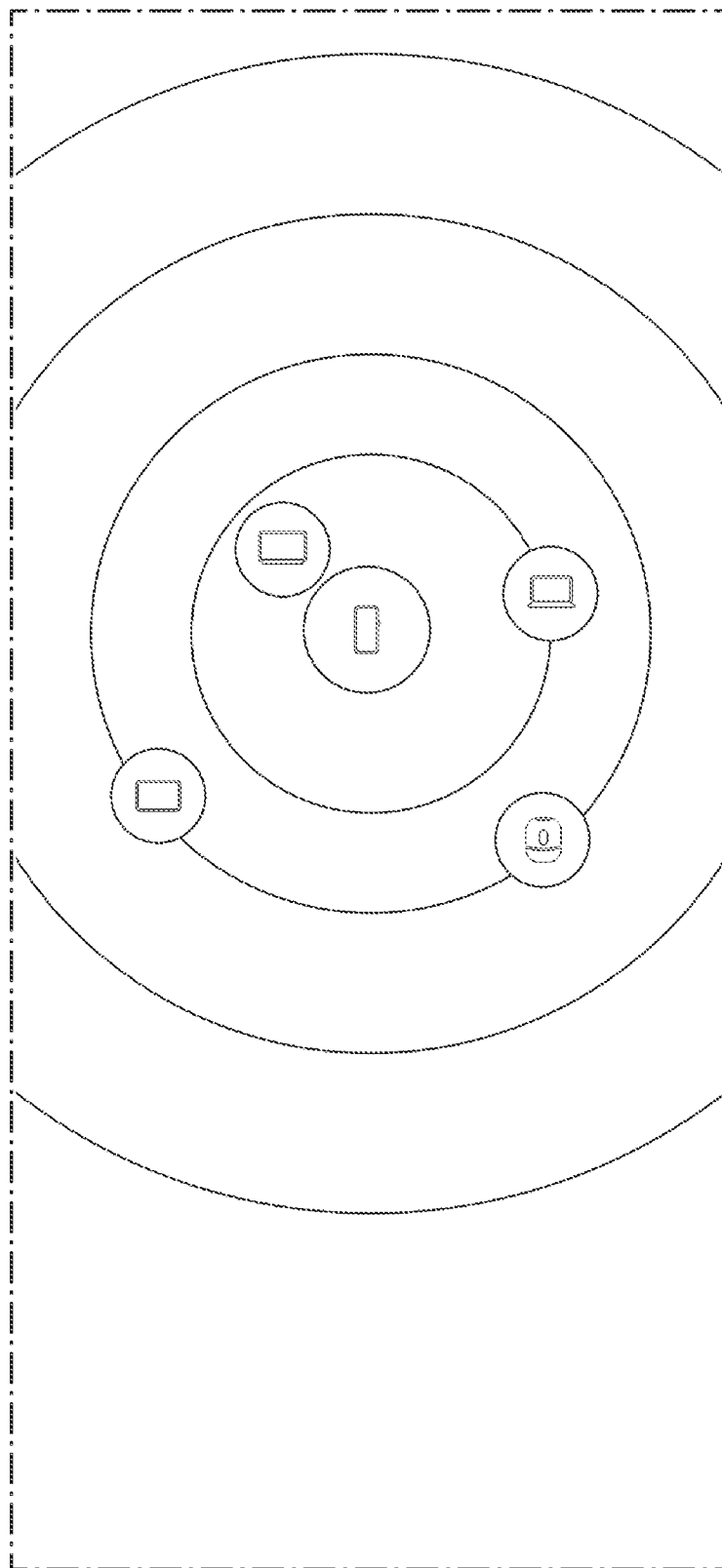


FIG. 3

**FIG. 4**

**FIG. 5**

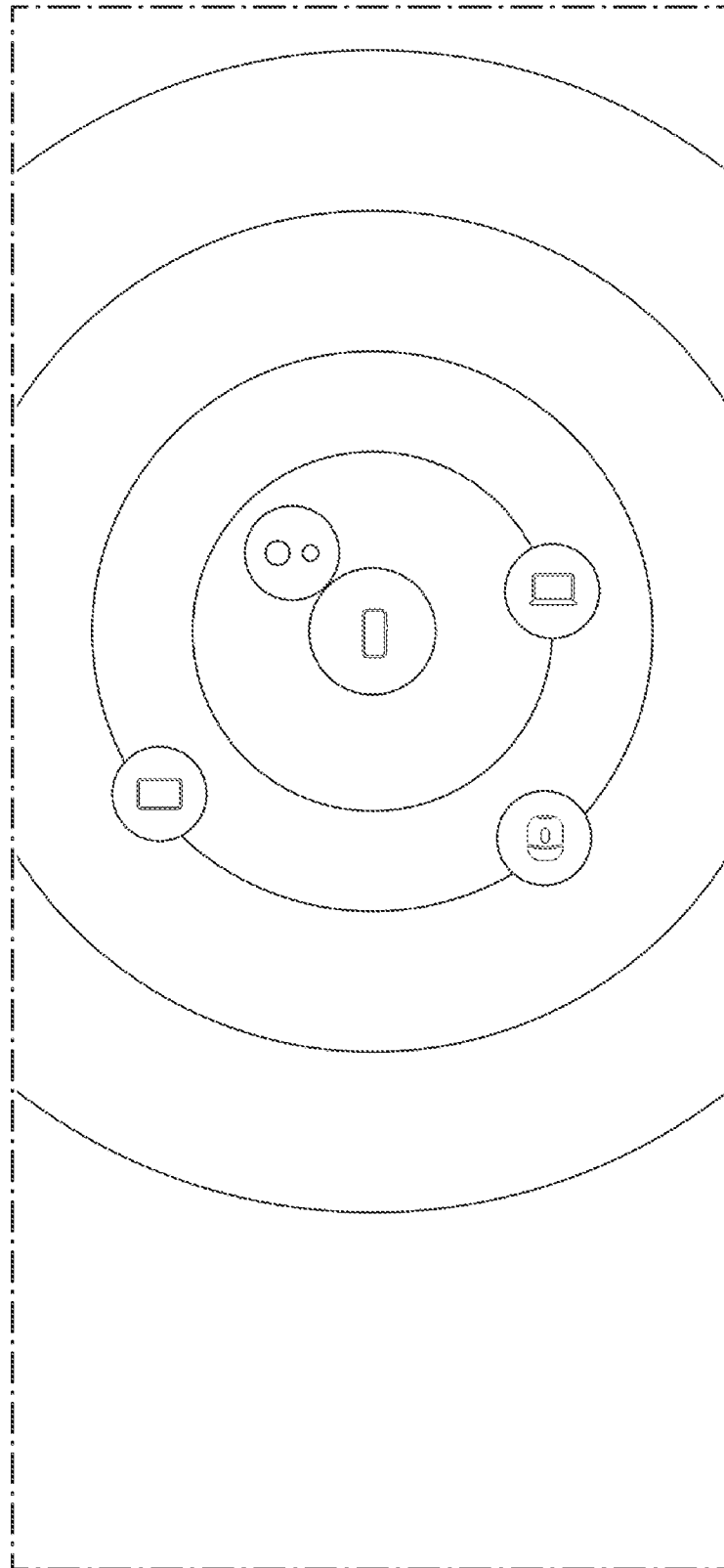
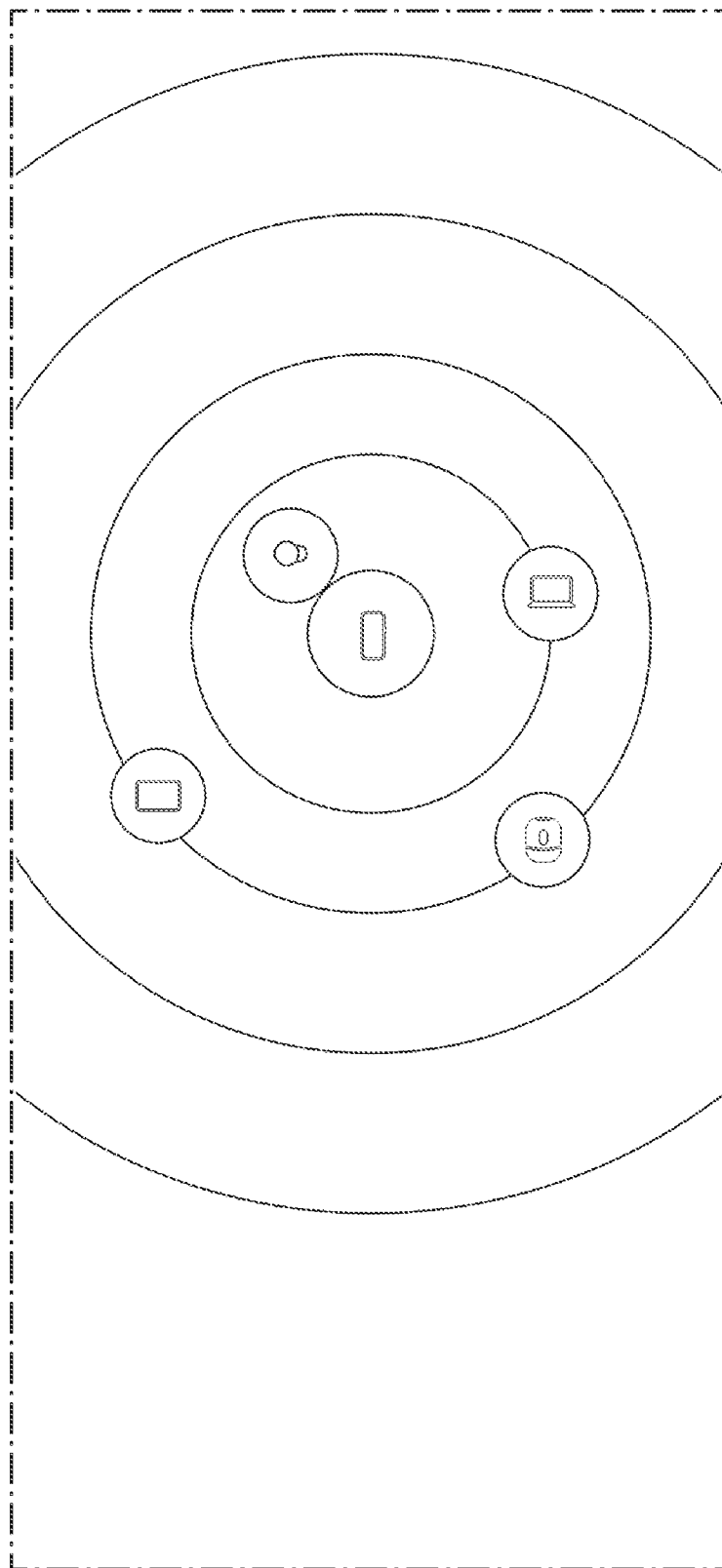


FIG. 6

**FIG. 7**

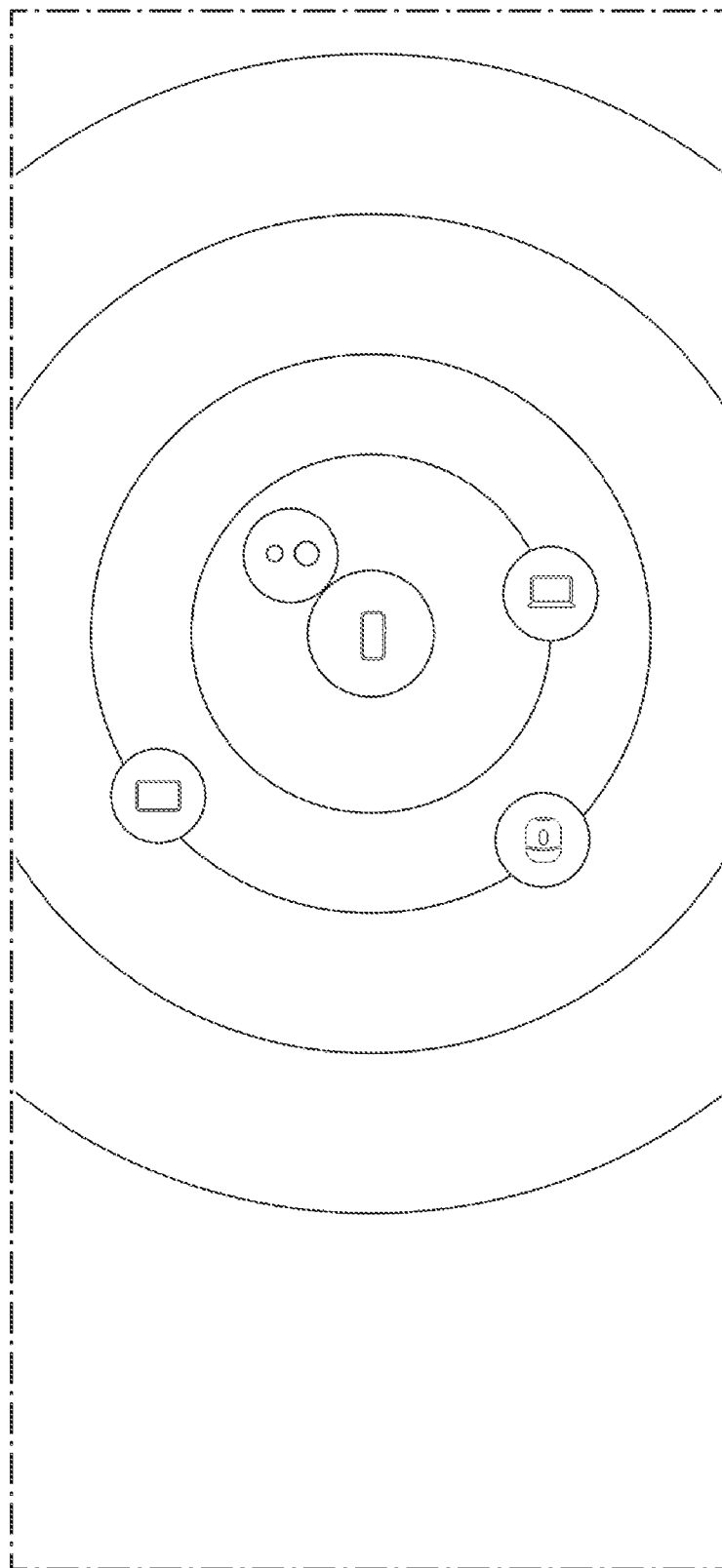


FIG. 8

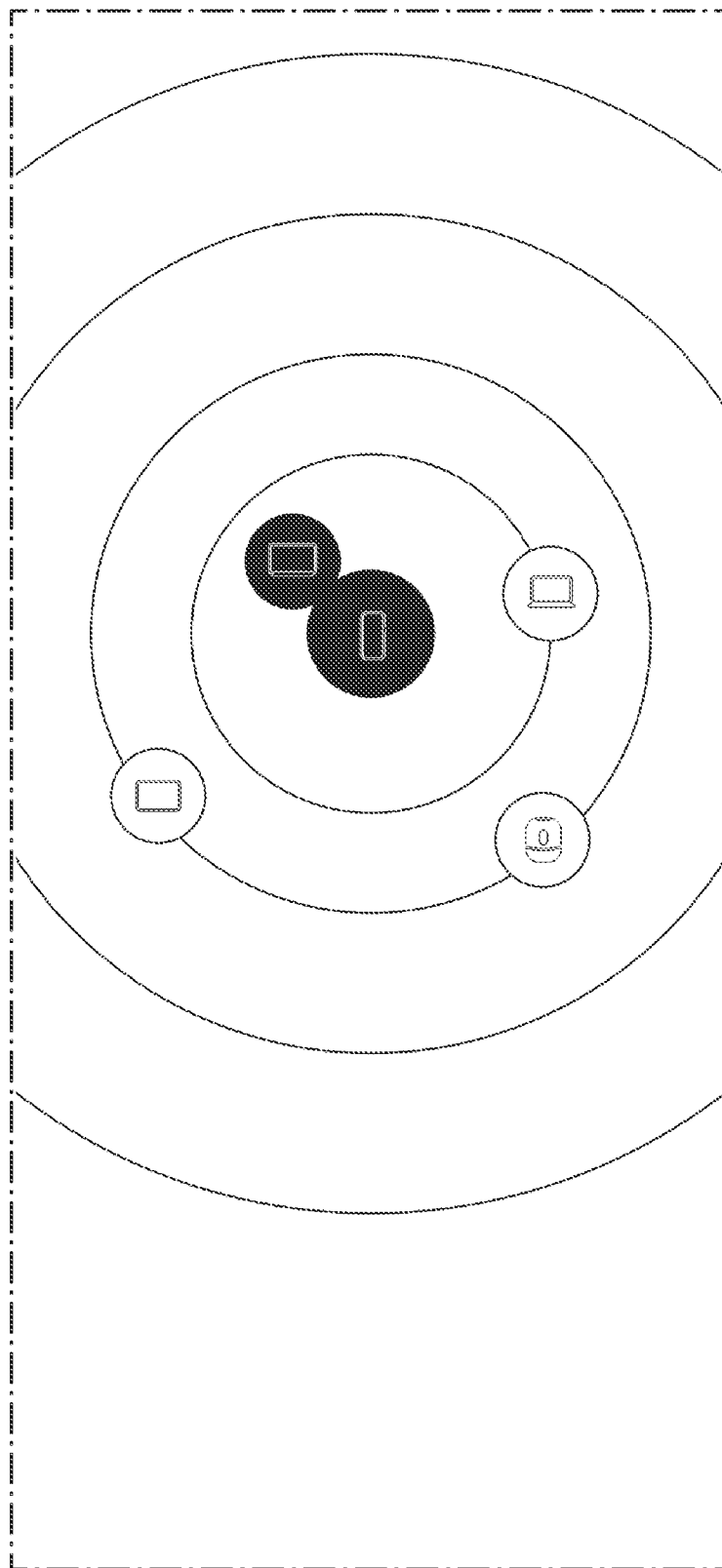


FIG. 9

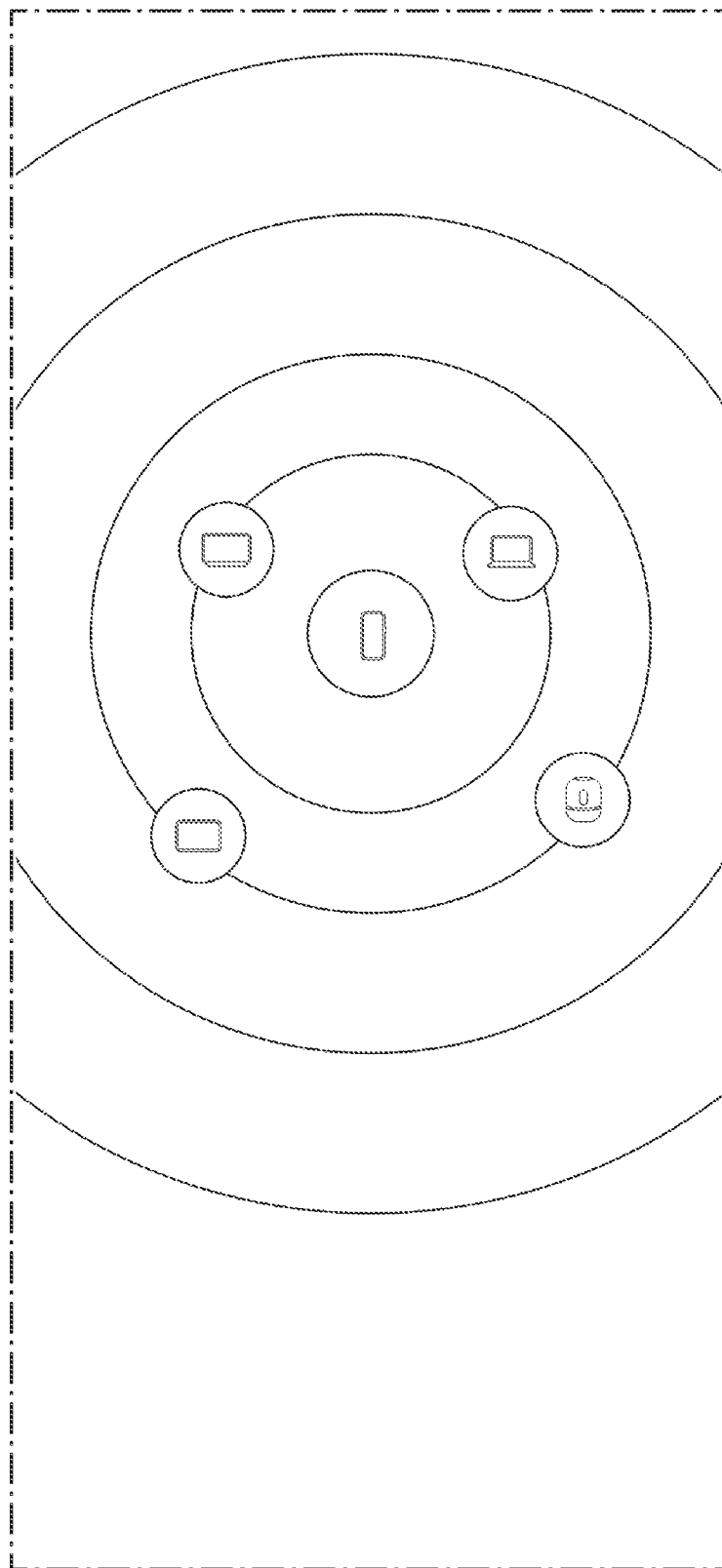


FIG. 10

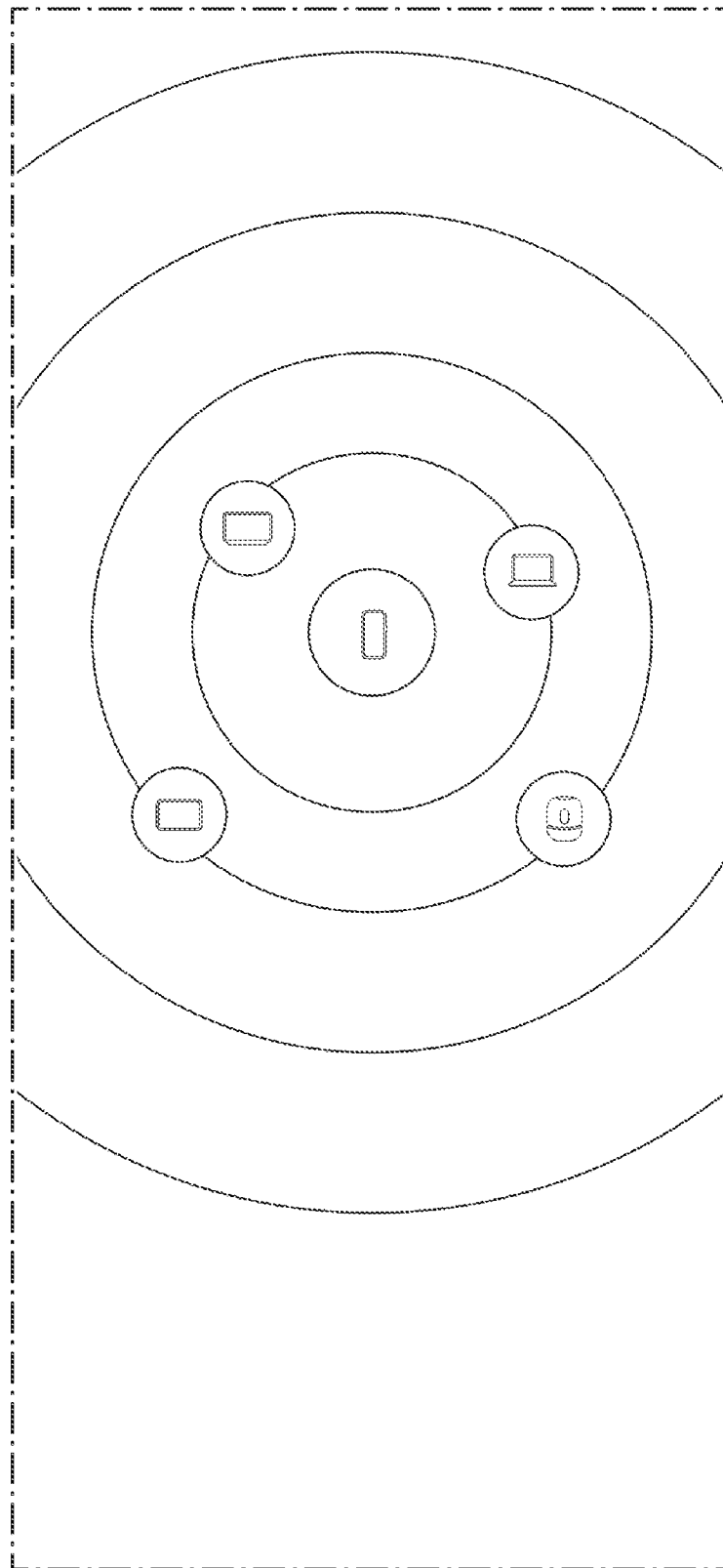


FIG. 11

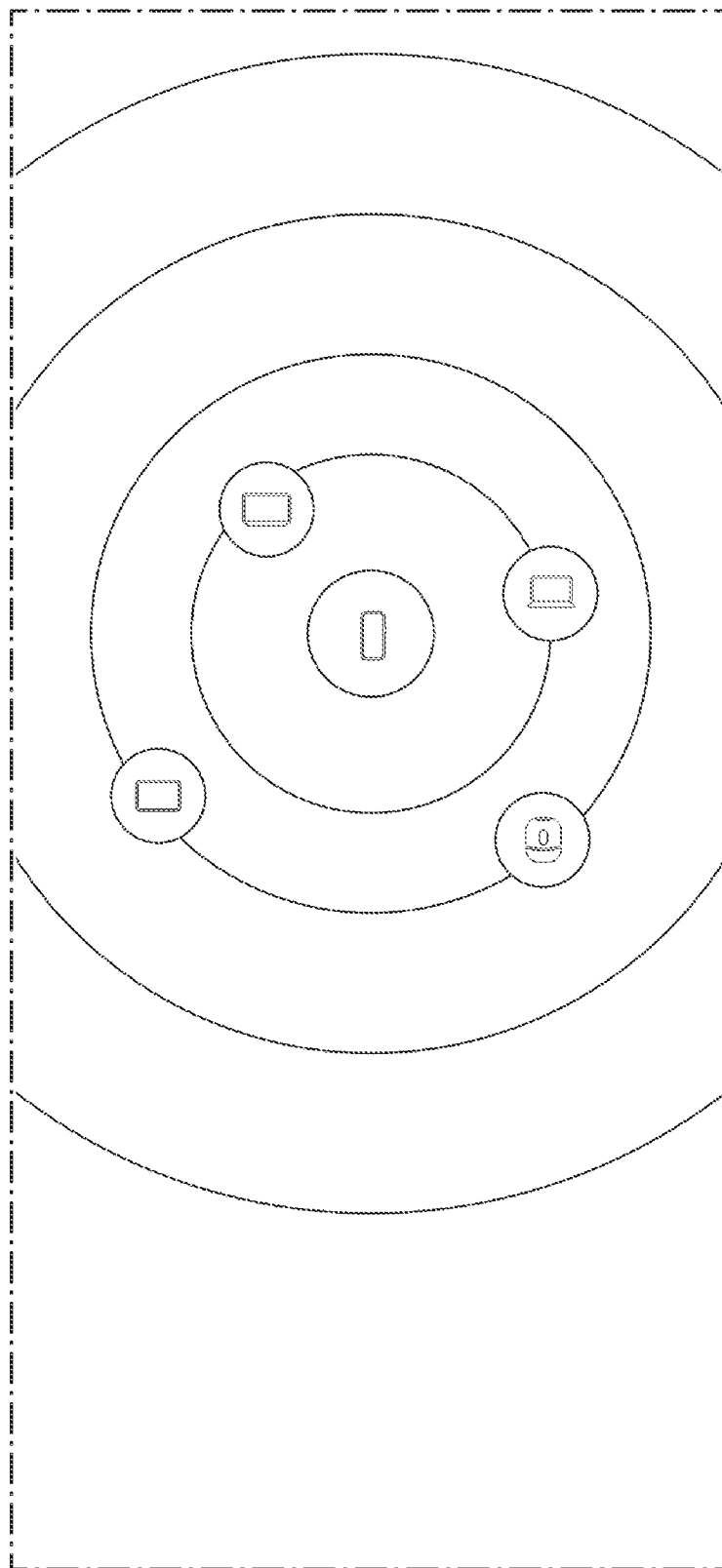


FIG. 12

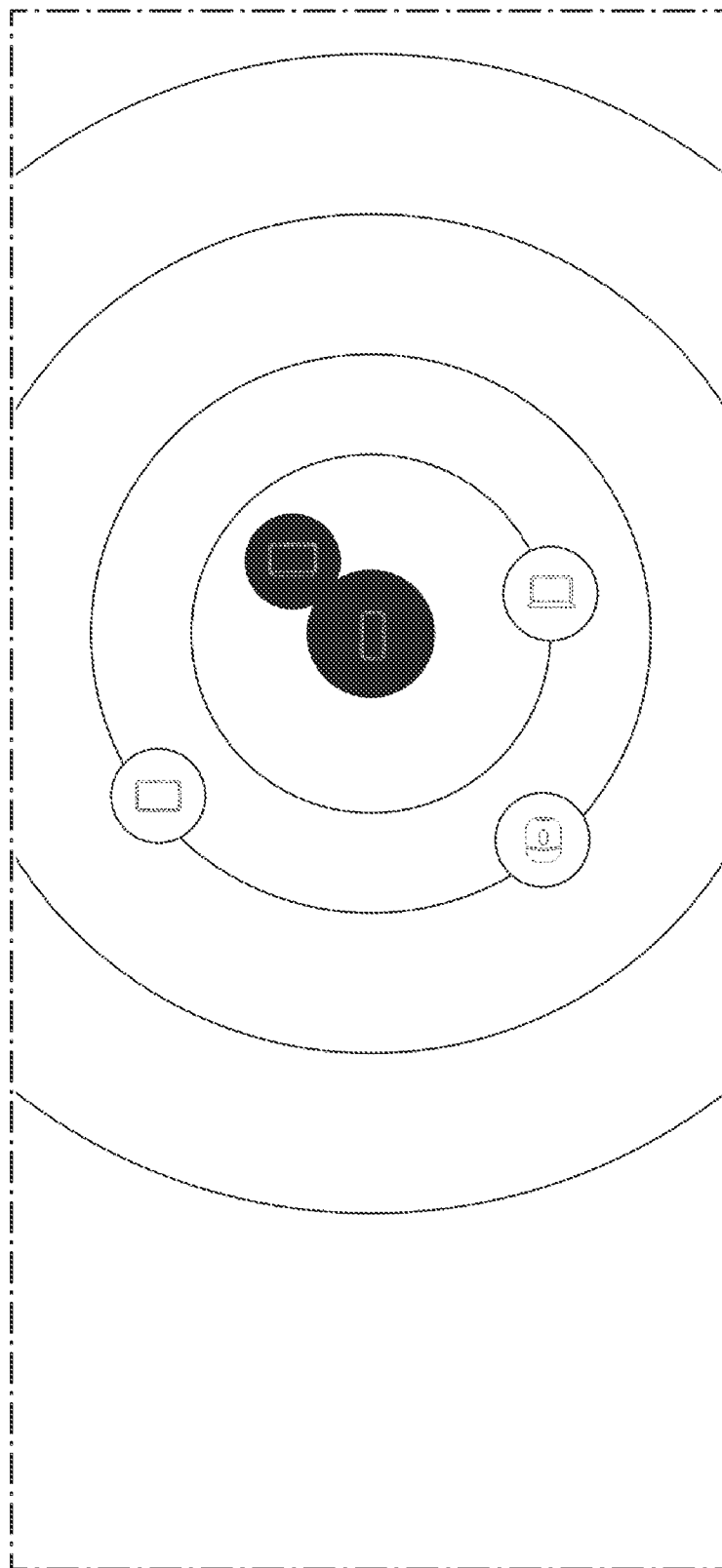
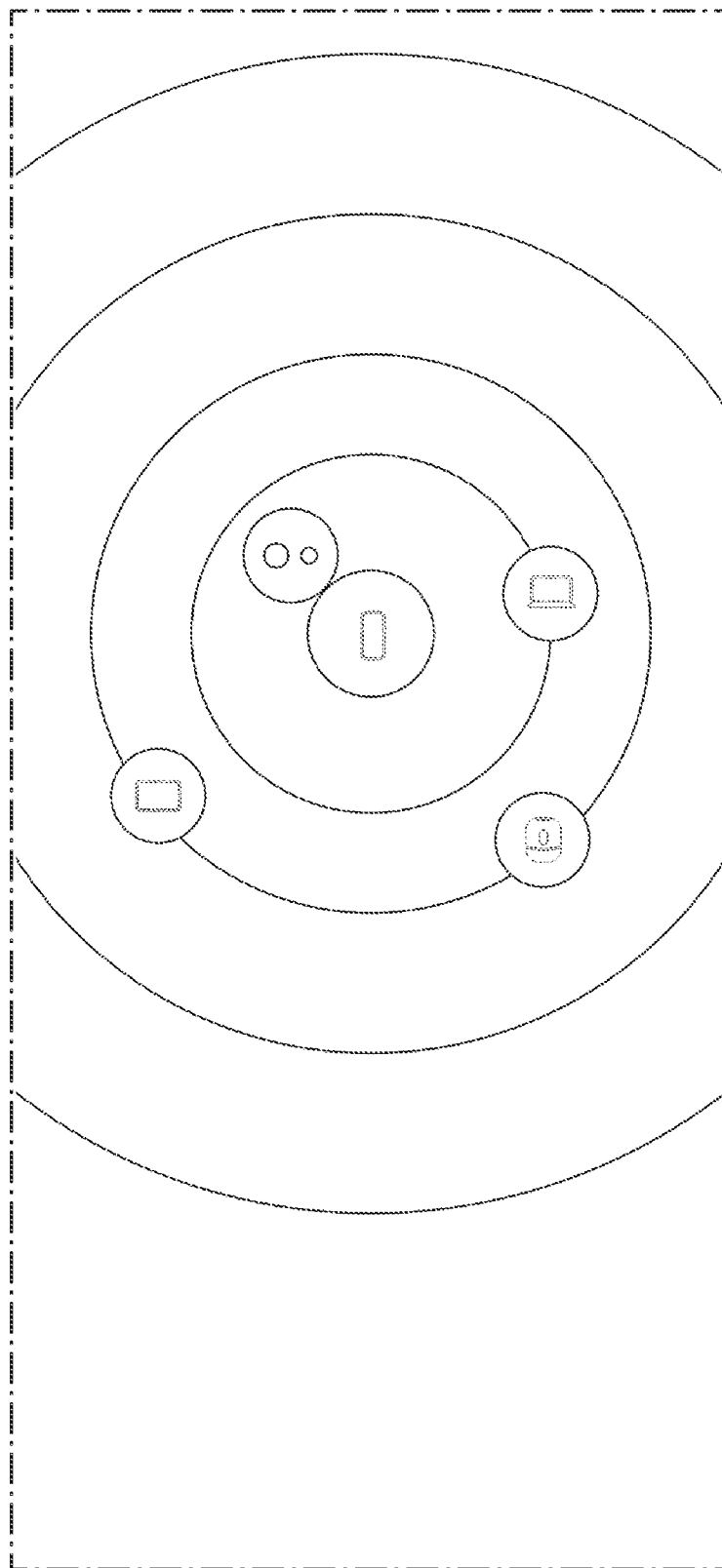


FIG. 13

**FIG. 14**

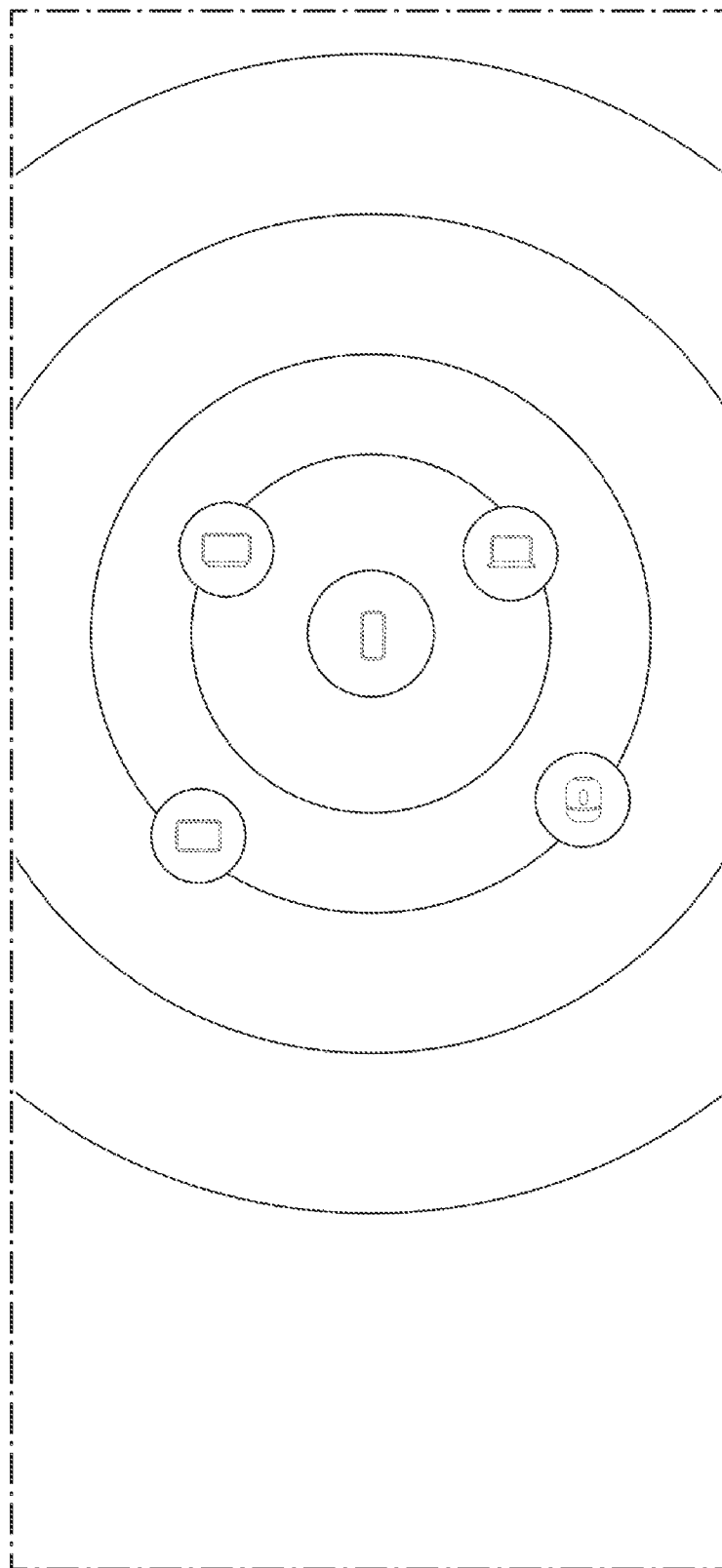


FIG. 15