

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

Raymond W. Riley et al.

Application No.: 15/968,243

Confirmation No.: 3580

Filed: May 1, 2018

Art Unit: 3784

For: Athletic Performance Sensing and/or Tracking
Systems and Methods

Examiner: S. M. Ganesan

AMENDMENT IN RESPONSE TO NON-FINAL OFFICE ACTION UNDER 37 C.F.R. § 1.111

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

Dear Commissioner:

INTRODUCTORY COMMENTS

In response to the Office Action dated December 2, 2019, please amend the above-identified U.S. patent application as follows:

Amendments to the Claims are reflected in the listing of claims which begins on page 2 of this paper.

Remarks/Arguments begin on page 7 of this paper.

AMENDMENTS TO THE CLAIMS

1. (Currently Amended) A method comprising:
establishing, by a ~~computing sensor~~ device, data communication with a piece of workout equipment;
transmitting, by the ~~computing sensor~~ device and to the piece of workout equipment, ~~one or more workout parameters~~ a first set of data for operating a first function of the piece of workout equipment; and
~~receiving~~transmitting, by the sensor device and ~~from~~to the piece of workout equipment and based on the one or more workout parameters, a first set of activity data corresponding to an activity performed by a user during a first time period, wherein the piece of workout equipment is configured to ;and
~~displaying, by a display of the computing device, the first set of activity data.~~
2. (Currently Amended) The method of claim 1, wherein the ~~computing device comprises a wearable device~~sensor device is external to the piece of work out equipment.
3. (Currently Amended) The method of claim 1, wherein the ~~computing device~~first function comprises ~~at least a first sensor to measure an activity performed by the user during a second time period~~adjusting one or more settings of the piece of workout equipment to correspond to predetermined workout.
4. (Currently Amended) The method of claim 1, wherein the first set of activity data corresponding to the activity performed by the user is transmitted in real-time.
5. (Currently Amended) The method of claim ~~3~~4, wherein adjusting the one or more settings of the piece of workout equipmenta first parameter of the ~~one or more workout parameters~~ comprises one of:
increasing a time period associated with at least one workout activity in a workout routine; or

decreasing the time period associated with at least one workout activity in the workout routine.

6. (Currently Amended) The method of claim ~~34~~, wherein ~~adjusting one or more settings of the piece of workout equipment a first parameter of the one or more workout parameters~~ comprises one of:

increasing a resistance level of the piece of workout equipment for at least one workout activity in a workout routine; or

decreasing the resistance level of the piece of workout equipment for at least one workout activity in the workout routine.

7. (Currently Amended) The method of claim ~~43~~, wherein ~~adjusting one or more settings of the piece of workout equipment a first parameter of the one or more workout parameters~~ comprises one of:

increasing a workout speed of the piece of workout equipment; or

decreasing the workout speed of the piece of workout equipment.

8. (Currently Amended) The method of claim ~~43~~, wherein ~~adjusting one or more settings of the piece of workout equipment a first parameter of the one or more workout parameters~~ comprises one of:

increasing an incline level of the piece of workout equipment; or

decreasing the incline level of the piece of workout equipment.

9. (Currently Amended) The method of claim 1, ~~further comprising~~ ~~wherein the first set of data comprises:~~

~~transmitting, by the computing device and to the piece of workout equipment, user identification information, and wherein the first function comprises user identification information associated with~~ activity data stored at the piece of workout equipment with the user.

10. (Currently Amended) The method of claim ~~34~~, wherein adjusting one or more settings of the piece of workout equipment further comprises:

~~transmitting, by the computing device and to the piece of workout equipment, workout identification information comprising a first set of equipment settings to control the piece of workout equipment;~~
establishing a target activity goal.

11. (Currently Amended) The method of claim 1, further comprising:

~~measuring, by the computing sensor device, a second set of activity data corresponding to an activity performed by the user during a second time period; and~~

~~transmitting, to the piece of workout equipment and based on the second set of activity data, updated equipment information to adjust one or more settings of the piece of workout equipment.~~

12. (Currently Amended) ~~An athletic activity tracking system wearable device~~ comprising:

~~one or more processors;~~

~~a piece of workout equipment comprising a display device; and~~

~~a first sensor to measure an athletic performance of a user;~~

~~memory storing computer readable instructions that, when executed, cause wherein the wearable device~~
first sensor is programmed and adapted to:

establish data communication with [[a]] the piece of workout equipment;

transmit, to the piece of workout equipment, a first set of data for operating a first function of the piece of workout equipment
~~one or more workout parameters;~~

~~receiving~~transmit, from to the piece of workout equipment and based on the one or more workout parameters, a first set of activity data corresponding to an activity performed by a user during a first time period, wherein the piece of workout equipment is configured to; and

~~display, via~~by the display device, the first set of activity data.

13. (Currently Amended) The ~~wearable device~~athletic activity tracking system of claim 12, wherein the first function comprises adjusting one or more settings of the piece of workout

~~equipment to correspond to predetermined workout activity data corresponding to the activity performed by the user is transmitted in real time.~~

14. (Currently Amended) The athletic activity tracking system wearable device of claim 132, wherein ~~adjusting the one or more settings of the piece of workout equipment a first parameter of the one or more workout parameters~~ comprises one of:

increasing a time period associated with at least one workout activity in a workout routine; or

decreasing the time period associated with at least one workout activity in the workout routine.

15. (Currently Amended) The athletic activity tracking system wearable device of claim 132, wherein ~~adjusting the one or more settings of the piece of workout equipment a first parameter of the one or more workout parameters~~ comprises one of:

increasing a resistance level of the piece of workout equipment for at least one workout activity in a workout routine; or

decreasing the resistance level of the piece of workout equipment for at least one workout activity in the workout routine.

16. (Currently Amended) The athletic activity tracking system wearable device of claim 132, wherein ~~adjusting the one or more settings of the piece of workout equipment a first parameter of the one or more workout parameters~~ comprises one of:

increasing a workout speed of the piece of workout equipment; or

decreasing the workout speed of the piece of workout equipment.

17. (Currently Amended) The athletic activity tracking system wearable device of claim 132, wherein ~~adjusting the one or more settings of the piece of workout equipment a first parameter of the one or more workout parameters~~ comprises one of:

increasing an incline level of the piece of workout equipment; or

decreasing the incline level of the piece of workout equipment.

18. (Currently Amended) The athletic activity tracking system ~~wearable device~~ of claim 12, wherein the first set of data comprise~~computer-readable instructions, when executed, cause the wearable device to:~~
transmit, to the piece of workout equipment, user identification information, and wherein the first function comprises ~~user identification information associating~~ activity data stored at the piece of workout equipment with the user.

19. (Currently Amended) The athletic activity tracking system ~~wearable device~~ of claim 13, wherein adjusting one or more settings of the piece of workout equipment ~~the computer-readable instructions, when executed, further causes the wearable first sensor device to:~~
transmit, to the piece of workout equipment, workout identification information ~~comprising a first set of equipment settings to control the piece of workout equipment~~ establish a target activity goal.

20. (Currently Amended) The athletic activity tracking system of claim 12, wherein the ~~computer-readable instructions, when executed, cause the wearable device~~ first sensor is further programmed and adapted to:
measure a second set of activity data corresponding to an activity performed by the user during a second time period; and
transmit, to the piece of workout equipment and based on the second set of activity data, updated equipment information to adjust one or more settings of the piece of workout equipment.

REMARKS

The following remarks are responsive to the Non-Final Office Action dated December 2, 2019 (“Action”). Claims 1-20 have been amended. No new matter has been added in this response. Reconsideration and allowance are respectfully requested.

Telephone Interview of 01/27/2020

Applicant would like to thank the Examiner for the courtesies extended during the January 27, 2020 telephonic interview with the undersigned. During the interview, Applicant’s representative and the Examiner discussed the features of the claimed embodiments and the alleged disclosure in Brown. The Examiner indicated that further consideration would be warranted with respect to the rejections in view of further argument from the Applicant.

Claim Rejections – 35 U.S.C. § 102

Claim(s) 1-20 are rejected under pre-AIA 35 U.S.C. 102(e) as being anticipated by Brown et al. (US 2006/0252602).

Comments regarding amended claim 1 and dependent claims:

Regarding claim 1, the amended claim recites “*transmitting, by the sensor device and to the piece of workout equipment, a first set of data for operating a first function of the piece of workout equipment*” and “*transmitting, by the sensor device and to the piece of workout equipment, a first set of activity data corresponding to an activity performed by a user during a first time period, wherein the piece of workout equipment is configured to display the first set of activity data.*”

Applicant submits that Brown fails to disclose the above-identified features of claim 1. Brown relates to “method, system and program for monitoring fitness activity in general and, in particular, to an improved method, system and program for managing fitness activity across diverse exercise machines.” (Brown, at Abstract). Brown describes an exercise machine 38 that includes a monitoring device that may include “a pulse monitor, a distance meter, a rate monitor, a time monitor a strain gauge, an accelerometer and/or any other sensor for measuring the physical activity/performance level of an user on the equipment.” (Brown, at ¶ 11). Brown also

describes that exercise machine 38 may transmit detected exercise data to computer system 10. (Brown, at ¶ 45, Fig. 2). However, absent from Brown is any disclosure that the above-identified sensors “transmit[]...to the piece of workout equipment, a first set of data for operating a first function of the piece of workout equipment.” Additionally, Brown fails to disclose or describe that these sensors “*transmit[], to the piece of workout equipment, a first set of activity data corresponding to an activity performed by a user during a first time period, wherein the piece of workout equipment is configured to display the first set of activity data.*” Thus, in view of the foregoing, Brown fails to disclose each and every feature recited in amended claim 1.

Accordingly, Applicant respectfully submits that claim 1 is in a condition for allowance. Dependent claims 2-11 depend on claim 1, and are allowable at least for the same reasons as claim 1 as well as in view of their individual recitations.

For example, claim 2 recites “wherein the sensor device is external to the piece of workout equipment.” As discussed above, Brown expressly teaches that exercise machine 38 includes a monitoring device that includes sensors such as “a pulse monitor, a distance meter, a rate monitor, a time monitor a strain gauge, an accelerometer and/or any other sensor for measuring the physical activity/performance level of an user on the equipment.” (Brown, at ¶ 11). Brown therefore fails to disclose the above-identified features of claim 2.

As another example, claim 3 recites “wherein the first function comprises adjusting one or more settings of the piece of workout equipment to correspond to predetermined workout.” As explained above, Brown fails to disclose “*transmitting, by the sensor device and to the piece of workout equipment, a first set of data for operating a first function of the piece of workout equipment.*” Additionally, absent from Brown is any disclosure that Brown’s monitoring device transmits, to workout equipment 38, a first set of data for “adjusting one or more settings of the piece of workout equipment to correspond to predetermined workout.” Accordingly, Brown fails to disclose the above-identified features of claim 3.

As yet another example, claim 5 recites “*wherein adjusting the one or more settings of the piece of workout equipment comprises one of: increasing a time period associated with at least one workout activity in a workout routine; or decreasing the time period associated with at*

least one workout activity in the workout routine.” In rejecting claim 5, the Office cites the discussion of detected exercise signals being transmitted from exercise machine 38 to computer system 10 in paragraph [0046] of Brown to show workout parameters for increasing or decreasing a time period associated with at least one workout activity in a workout routine. (Action, p 2; *see also* Brown at ¶¶ 45-46, Fig. 2). However, the cited disclosure of Brown describes data being transmitted from the exercise machine, rather than to the exercise machine. As previously explained, Brown fails to disclose “*transmitting, by the sensor device and to the piece of workout equipment, a first set of data for operating a first function of the piece of workout equipment.*” Additionally, absent from Brown is any disclosure that Brown’s monitoring device transmits, to workout equipment 38, a first set of data for “*adjusting the one or more settings of the piece of workout equipment comprises one of: increasing a time period associated with at least one workout activity in a workout routine; or decreasing the time period associated with at least one workout activity in the workout routine.*” Accordingly, Brown fails to disclose the above-identified features of claim 5.

Comments regarding Claim 12 and Dependent Claims:

Although not identical, independent claim 12 recites similar features to those discussed above and are allowable for the same or similar reasons as described above concerning claim 1. For example, claim 12 recites an athletic activity tracking system comprising “a piece of workout equipment comprising a display device” and “a first sensor to measure an athletic performance of a user.” Claim 12 further recites that the first sensor is programmed and adapted to “transmit, to the piece of workout equipment, a first set of data for operating a first function of the piece of workout equipment” and further to “transmit, to the piece of workout equipment, a first set of activity data corresponding to an activity performed by a user during a first time period, wherein the piece of workout equipment is configured to display, via the display device, the first set of activity data.” As explained above concerning claim 1, Brown fails to disclose such features.

Claims 13-20 all depend directly or indirectly from claim 12 and contain all the elements thereof. Thus, dependent claims 13-20 are allowable at least for the same reasons as claim 12, as well as in view of their individual recitations.

Conclusion

In view of the above amendment, applicant believes the pending application is in condition for allowance.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 19-0733, under Order No. 215127.02330/08-1071US12CON from which the undersigned is authorized to draw.

Dated: May 4, 2020

Respectfully submitted,

Electronic signature: /Azuka C. Dike/

Azuka C. Dike

Registration No.: 68,497

BANNER & WITCOFF, LTD.
71 South Wacker Drive
Suite 3600
Chicago, Illinois 60606
(312) 463-5000