

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 AFTER FINAL ACTION UNDER 37 C.F.R. § 1.116

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

Dear Commissioner:

INTRODUCTORY COMMENTS

In response to the Office Action dated August 3, 2020, 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 6 of this paper.

AMENDMENTS TO THE CLAIMS

1. (Previously Presented) A method comprising:
establishing, by a sensor device, data communication with a piece of workout equipment;
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.
2. (Previously Presented) The method of claim 1, wherein the sensor device is external to the piece of work out equipment.
3. (Previously Presented) The method of claim 1, wherein the first function comprises adjusting one or more settings of the piece of workout equipment to correspond to predetermined workout.
4. (Previously Presented) 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. (Previously Presented) The method of claim 3, 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.
6. (Previously Presented) The method of claim 3, wherein adjusting one or more settings of the piece of workout equipment 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. (Previously Presented) The method of claim 3, wherein adjusting one or more settings of the piece of workout equipment 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. (Previously Presented) The method of claim 3, wherein adjusting one or more settings of the piece of workout equipment 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. (Previously Presented) The method of claim 1, wherein the first set of data comprises user identification information, and wherein the first function comprises associating activity data stored at the piece of workout equipment with the user.

10. (Previously Presented) The method of claim 3, wherein adjusting one or more settings of the piece of workout equipment further comprises:

establishing a target activity goal.

11. (Previously Presented) The method of claim 1, further comprising:

measuring, by the 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 comprising:

a piece of workout equipment comprising a display device; and

a first sensor to measure an athletic performance of a user,

wherein the first sensor is programmed and adapted to:

establish data communication with 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; and

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.

13. (Previously Presented) The 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.

14. (Previously Presented) The athletic activity tracking system of claim 13, 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.

15. (Previously Presented) The athletic activity tracking system of claim 13, wherein adjusting the one or more settings of the piece of workout equipment 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. (Previously Presented) The athletic activity tracking system of claim 13, wherein adjusting the one or more settings of the piece of workout equipment one of:

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

decreasing the workout speed of the piece of workout equipment.

17. (Previously Presented) The athletic activity tracking system of claim 13, wherein adjusting the one or more settings of the piece of workout equipment 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. (Previously Presented) The athletic activity tracking system of claim 12, wherein the first set of data comprise user identification information, and wherein the first function comprises associating activity data stored at the piece of workout equipment with the user.

19. (Previously Presented) The athletic activity tracking system of claim 13, wherein adjusting one or more settings of the piece of workout equipment further causes the first sensor to:

establish a target activity goal.

20. (Previously Presented) The athletic activity tracking system of claim 12, wherein the 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 Final Office Action dated August 3, 2020 (“Action”). Claim 12 has been amended. No new matter has been added in this response. Reconsideration and allowance are respectfully requested.

Telephone Interview of 09/16/2020

Applicant would like to thank the Examiner for the courtesies extended during the September 16, 2020 telephonic interview with the undersigned. During the interview, Applicant’s representative and the Examiner discussed the Section 103 rejections, and the alleged disclosure of Brown, including its applicability to the pending claims. 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. § 103

Claims 1-11 are rejected under pre-AIA 35 U.S.C. 103(a) as being unpatentable over Brown et al. (US 2006/0252602) in view of Gravagne (US 2006/0189440).

Claims 12-20 are rejected under pre-AIA 35 U.S.C. 103(a) as being unpatentable over Brown et al. (US 2006/0252602) in view of Gravagne (US 2006/0189440).

A close inspection of Brown reveals differences between the Brown system and Applicant’s claims.

Claim 1 recites *inter alia*:

establishing, by a sensor device, data communication with a piece of workout equipment;

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

In rejecting claim, the Office equates Brown's system 10 with the claimed "*sensor device*", and Brown's exercise machine 38 with the claimed "*piece of workout equipment*." (Action, pp. 2-3). In particular, to show the feature of "*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*," the Office relies upon Figure 5 of Brown and the step of "receiv[ing] personal data and program selection" (i.e., step 128), as well as Brown's discussion of "receiving personal fitness profile 50 from sensor device 10." (Action at p. 3).

Paragraph [080] of Brown describes step 128 of Figure 5, and states that the exercise machine 38 determines "whether or not personal data and program selection are received." (Brown, at ¶80). Brown describes that personal data (i.e., personal data 54) is stored at computer system 10 and includes information such as "weight, height, age, percentage body fat, bone density, metabolism, health problems, prescriptions, diet, and other health related factors." (Brown, ¶ 53). Brown also describes that personal data 54 may include user's output preferences, such as "particular font size, colors, output device, graphical application, etc." (Brown, at ¶ 54). Although Brown describes that personal data may be sent to display 40 using an XML file (Brown, at ¶¶71-72), Brown does not teach that personal data 54 includes "a first set of activity data corresponding to an activity performed by a user during a first time period," as required in claim 1. Further, Brown's reference to personal data 54 being transmitted as an XML file, while consistent with the format in which data is stored at and transmitted by system 10 (*see* Brown, at ¶¶ 37, 40), does not indicate or suggest that personal data 54 includes user activity data, let alone activity data corresponding to an activity performed by the user during a first time period. Rather, Brown describes that such files and file formats may be used to control the operation of the exercise machine (i.e., machine control signals). (*See* Brown, at ¶ 43). Accordingly, Brown fails to disclose the claimed "*transmitting, by the sensor device and to the piece of workout equipment, a first set of activity data...*"

Additionally, to show the claimed "*transmitting, by the sensor device and to the piece of workout equipment, a first set of activity data*", the Office contends that step 128 of Figure 5 "includes [exercise machine 38] receiving personal fitness profile from sensor device 10." (Action, p. 3). Applicant disagrees. Although Brown describes that a fitness profile 50 is stored

in a data storage medium 51 of the computer system 10 (*see* Brown, at ¶ 37), Brown does not describe that fitness profile 50 is sent to exercise machine 38. As shown in Figure 2 (annotated below), the computer system 10 only sends machine control signals to exercise machine 38.

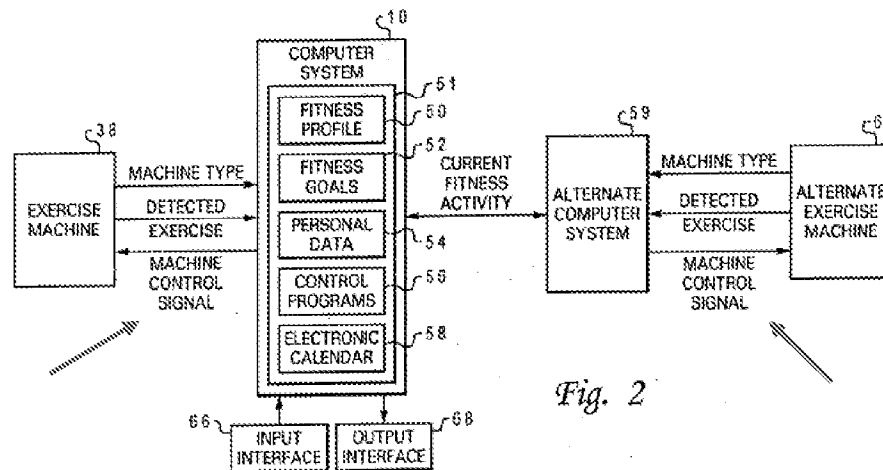


Fig. 2

Brown does not teach or suggest that such machine control signals comprise activity data. Rather, Brown expressly states that these machine control signals are used to control the movement/function of exercise machine 38. (*See* Brown, at ¶¶ 62, 70, claim 11). Also, Brown teaches that a user's fitness activity is monitored at the user's computer system—not the exercise equipment—and as shown in Figure 2 (reproduced above), the user's current fitness activity is sent to an "alternate computer system 59", not to exercise machine 38 or alternate exercise machine 61. (*See* Brown, at ¶ 64). Similarly, Figure 3 of Brown does not support that system 10 transmits activity data to exercise machine 38. Rather, Figure 3 merely shows that a communication medium is used to exchange information (i.e., machine control signals) between system 10 and the exercise machine. (*See* Brown, at ¶¶ 17, 38-40, 70). Gravagne does not cure the above-noted deficiencies of Brown; nor does the Action rely on Gravagne to teach such features. (Action, pp. 2-4). Therefore, Brown either alone, or in combination with Gravagne, fails to disclose the above-discussed features of 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.

Although different, independent claims 12 (system) recites similar features to those discussed above and are allowable for the same or similar reasons as described above concerning claim 1. Dependent claims 13-20 depend on claim 12, and are allowable at least for the same reasons as claim 12.

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: September 30, 2020

Respectfully submitted,

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